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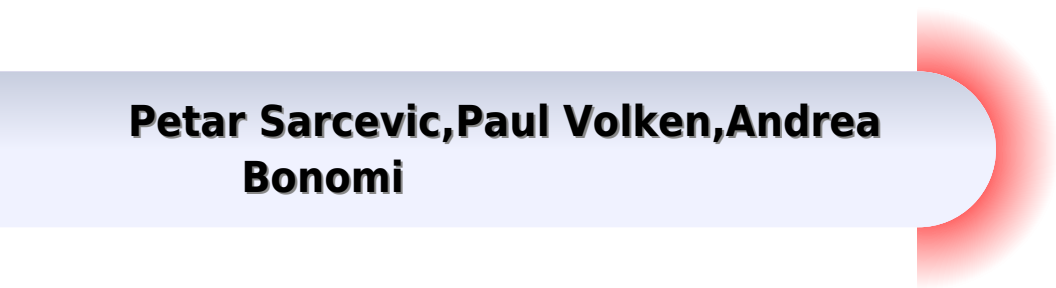
REFORM AND
DEVELOPMENT OF
PRIVATE
INTERNATIONAL
LAW

ESSAYS IN HONOUR OF
SIR PETER NORTH

EDITED BY
JAMES FAWCETT

Reform And Development Of Private International Law Essays In Honour Of Sir Peter North

**Petar Sarcevic, Paul Volken, Andrea
Bonomi**



Reform And Development Of Private International Law Essays In Honour Of Sir Peter North:

Reform and Development of Private International Law Peter Machin North, J. J. Fawcett, 2002 This collection of essays by his friends and colleagues honours Sir Peter North's remarkable career and outstanding contribution to private international law. It takes as its theme the reform and development of private international law reflecting the three different levels at which the development and reform of private international law takes place. Robin Morse discusses the creeping codification of private international law. Trevor Hartley draws attention to an area of private international law that relating to matrimonial property which is entirely judge made. Joost Blom shows how quickly the judges in this case in the Supreme Court of Canada can develop private international law once they set their mind to it. Sir Lawrence Collins discusses the concept of comity in modern private international law. Writers too have had their part to play in the development of private international law this is the subject of the contribution by Ole Lando. Kurt Siehr looks at the impact of international instruments on national private international law and the problems that this throws up. A number of contributors discuss various aspects of the ever growing Europeanization of private international law. Ian Fletcher focuses on the EC Regulation on Insolvency Proceedings and its impact upon established law and practice in England and Wales. Paul Beaumont examines questions of legal basis and external competence and the best way for the UK and Europe to be represented in issues of private international law globally as well as offering a technical analysis of the contract provision of the Brussels I Regulation. Hans Ulrich Jessurun d Oliveira examines the uneasy relationship between the European Union and private international law and the movement towards eroding the latter. Peter Nygh compares declining jurisdiction under the Brussels I Regulation and the preliminary draft Hague Judgments Convention. Other contributors have concentrated on aspects of the reform of private international law on a world wide basis. Jonathan Harris discusses the Hague Convention on the Law Applicable to Trusts and on their Recognition 1985 in his examination of the trust in private international law. Not surprisingly there is much discussion in this book of the ambitious project that has been absorbing the Hague Conference for nearly ten years namely a Hague Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters. David McClean discusses the history of the project and if it does fail a possible way forward. Ron Brand suggests a more modest goal at the Hague Conference namely a choice of court plus recognition convention. Whatever the fate of the Hague Judgments Convention the work undertaken at the Hague can still be used in the future. It can inform the discussion of what we should do in intellectual property cases in private international law which is the subject of James Fawcett's contribution.

2006 Petar Sarcevic, Paul Volken, Andrea Bonomi, 2009-04-27 Current Volume VIII 2006 of the Yearbook of Private International Law is arguably one of the most comprehensive collections of essays in English language of our time. It presents the reader with a broad overview on the status and trends of private international law from the United States to India from France to Tunisia from England to China from Latvia to Qatar from Sweden to Japan. All main areas of law are addressed among others marriage including same sex

marriage adoption and protection of children euthanasia and living wills inheritance contracts torts insolvency Each of the four traditional steps of the conflict process is taken into account adjudicatory jurisdiction international cooperation and procedure applicable law and its various incidents recognition of foreign judgments Practitioners will especially benefit from several contributions on international arbitration Beneficial for scholars lawyers judges notaries lawyers in law departments of international enterprises legal libraries working in the field of Private International Law , *Essays in International Litigation for Lord Collins* Jonathan Harris, Campbell McLachlan, Paul David Mora, 2022 This collection is in honour of the remarkable career of Lord Collins The book offers a set of unique insights into the conduct of cross border litigation the judicial role in international cases the shape of English private international law the conduct of international arbitration and the interface with public international law **Private International Law** Franco Ferrari, Diego P. Fernández Arroyo, 2019-12-27 Is Private International Law PIL still fit to serve its function in today's global environment In light of some calls for radical changes to its very foundations this timely book investigates the ability of PIL to handle contemporary and international problems and inspires genuine debate on the future of the field **A Guide to Global Private International Law** Paul Beaumont, Jayne Holliday, 2022-05-05 This book provides a substantial overview of the discipline of private international law viewed from a global perspective The guide is divided into 4 key sections Theory Institutional and Conceptual Framework Issues Civil and Commercial Law apart from Family Law Family Law Each chapter is written by a leading expert's The chapters address specific areas aspects of private international law and consider the existing global solutions and the possibilities of improving creating them Where appropriate the chapters are co-authored by experts from different legal perspectives in order to achieve as balanced a picture as possible The range of contributions includes authors from Europe North America Latin America Africa Asia and Oceania An essential resource for academics practitioners and students alike *The Many Lives of Transnational Law* Peer Zumbansen, 2020-04-02 Sixty years after Jessup's Transnational Law Lectures this collection traces the field's development and significance to the present day *The Oxford Handbook of Comparative Foreign Relations Law* Curtis A. Bradley, 2019-06-07 This Oxford Handbook ambitiously seeks to lay the groundwork for the relatively new field of comparative foreign relations law Comparative foreign relations law compares and contrasts how nations and also supranational entities for example the European Union structure their decisions about matters such as entering into and exiting from international agreements engaging with international institutions and using military force as well as how they incorporate treaties and customary international law into their domestic legal systems The legal materials that make up a nation's foreign relations law can include constitutional law statutory law administrative law and judicial precedent among other areas This book consists of 46 chapters written by leading authors from around the world Some of the chapters are empirically focused others are theoretical and still others contain in depth case studies In addition to being an invaluable resource for scholars working in this area the book should be of interest to a wide range of lawyers

judges and law students Foreign relations law issues are addressed regularly by lawyers working in foreign ministries and globalization has meant that domestic judges too are increasingly confronted by them In addition private lawyers who work on matters that extend beyond their home countries often are required to navigate issues of foreign relations law An increasing number of law school courses in comparative foreign relations law are also now being developed making this volume an important resource for students as well Comparative foreign relations law is a newly emerging field of study and teaching and this volume is likely to become a key reference work as the field continues to develop European Land Law Peter Sparkes, 2007-11-30 In his remarkable path breaking new book Peter Sparkes takes stock of the development of a distinctive body of European land law taking as his starting point the idea that methods of land holding permitted by a legal system both shape and reflect the attitudes of the land owners and society in general However it quickly becomes very difficult to test that idea when the society in question is governed by an internal market composed of 30 countries the EU 27 including Bulgaria and Romania and the EEA 3 whose property systems differ so markedly and which reflect such widely differing cultures Yet the internal market has already effected a gradual equalisation and standardisation across Europe as foreign capital spreads to create equality of yield We all become better off by joining a larger trading block but the social consequences will be profound Brits will need to emigrate to the continent to afford a home Bulgarians will need to make way for them along the Black Sea coast and title deeds will be reshuffled all over Europe on a giant Monopoly board writes the author in his preface before embarking on a dispassionate examination of the beginning of that process of profound change The opening chapters are devoted to an explanation of how the internal market has created a substantive European land law Chapter 3 examines the rise of a distinctive European land law and the development of conflicts principles applying to recovery of land Chapters 5 to 9 on the marketing and sale of land focus upon Community competence on consumer protection The decision to treat land as a product like any other in the Unfair Commercial Practices Directive will have wide ranging and far reaching implications and apart from marketing of land and of timeshares other chapters deal with conveyancing contracting and the emerging market in mortgage credit The book concludes with a miscellany of conflicts rules which are gradually coalescing and form the elements from which a substantive European land law can be forged A number of topics which it is not possible to cover in detail VAT other taxes environmental controls and agriculture are touched on briefly and the same is true of international aspects of trusts and succession **Rethinking Unjust**

Enrichment Warren Swain, Sagi Peari, 2024-01-07 This interdisciplinary volume brings together scholars from across the globe to challenge the dominant position of unjust enrichment and suggest more satisfactory alternatives Rethinking Unjust Enrichment includes a broad range of voices from the UK US Australia Canada China Singapore Germany Ireland New Zealand Hong Kong and South America The book includes voices of sceptics who think that the current unjust enrichment doctrine must be seriously qualified and others who think that it should be eliminated altogether The contributions cast

doubt on the various parameters of unjust enrichment from an analytical standpoint representing four interrelated perspectives history sociology doctrine and theory The four limb structure of the book provides readers with a clear understanding of the current problems of unjust enrichment at the deepest levels of its history sociological forces doctrinal fallacies and normative deficiencies This treatment of the subject serves as the basis for a comprehensive reform across jurisdictions Comprehensive and multi faceted Rethinking Unjust Enrichment is interesting to both sceptics and supporters of the unjust enrichment It facilitates a critical and constructive dialogue between the two

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