



Final conclusion

Retroactive tax legislation is not acceptable.

However, back-dating only to the date of first announcement normally has not the character of retroactive legislation.

Exceptions should be allowed only for serious situations which are uncontroversial and easily identified.

Interpretative and validation statutes do not qualify for such exceptions.

Retroactive Legislation

Scott L. Hoffman



Retroactive Legislation:

Retroactive Legislation Daniel E. Troy, 1998 Essential to the rule of law is that the rules not be changed in the middle of the game This principle is embodied in the notion that legislation should apply prospectively Yet too often Congress has adopted unfair retroactive legislation with the blessing of the courts In this volume Dan Troy argues that political and procedural mechanisms are needed to protect settled investment backed expectations Troy traces the history of the presumption of prospectivity and surveys the Constitution's ex post facto bill of attainder contracts and takings clauses in documenting the courts failure to guard against retroactive legislation

A Treatise on the Operation and Construction of Retroactive Laws William Pratt Wade, 1880 *A Treatise on the Operation and Construction of Retroactive Laws* Wade, 1880

Time, Law, and Change Sofia Ranchordás, Yaniv Roznai, 2020-04-16 Offering a unique perspective on an overlooked subject the relationship between time change and lawmaking this edited collection brings together world leading experts to consider how time considerations and social political and technological change affect the legislative process the interpretation of laws the definition of the powers of the government and the ability of legal orders to promote innovation Divided into four parts each part considers a different form of interaction between time and law and change The first part offers legal theoretical and historical perspectives on the relationship between time and law and how time shaped law and influences legal interpretation and constitutional change The second part offers the reader an analysis of the different ways in which courts approach the impact of time on law as well as theoretical and empirical reflections upon the meaning of the principle of legal certainty legitimate expectations and the influence of law over time The third part of the book analyses how legislation and the legislative process addresses time and change and the various challenges they create to the legal order The fourth and final part addresses the complex relationship between fast paced technological change and the regulation of innovations

The Legal Essays of Michael Bayles W.L. Robison, 2002-06-30 The legal essays by Michael Bayles in this collection display his commitment to utilitarianism both as a moral theory and an analytical device A utilitarian must choose between the best of all possible alternatives and so must lay out the alternatives and thus their consequences carefully and completely As it happens there is no better way of understanding why something is as it is in the law and no better way to lay the foundations for criticism and improvement than to lay out what the alternatives are carefully distinguishing them their justifications and their implications for changing other areas of the law and for changing our relation to the law Bayles was a master at such work and each essay thus repays careful study for anyone concerned about the law The essays cover a wide variety of topics from contract law to the criminal law from torts to theory and form a natural set Laying out the alternatives in one area makes it much clearer how and why alternatives in other areas are acceptable or required Interconnections within the legal system as a whole not readily visible when studying one area of the law become obvious when several are laid out side by side using the analytical skill required by a good utilitarian

Retroactive Taxation United States.

Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution,1996 Law of Property Rights Protection
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of Key Issues Under Corporate Law, 1e Dr. K. R. Chandratre,2021-03-15 About the Book With the rapid change in statutory environment Corporate Law has also been evolving at faster pace from past several decades The complexities in the laws have also been rising which poses constant challenge to practising professionals There also exist a lot of issues which perhaps may not be addressed by legislation and delegated legislation some of which are addressed by the judiciary The present book is a Compendium of Key Issues under Corporate Laws covering a wide spectrum of subjects in Corporate Laws in five Volumes This book brings out issues in Corporate Law covering aspects that professionals face in practice It also brings out a lot of aspects that readers should be aware of Legislation and case laws from other jurisdictions have been analysed to provide insight into the issues Key Features Topic wise detailed analysis of various Corporate Law issues Various issues organised under topic heads addressing the key issues concerning the topic Detailed analysis of statutory provisions along with relevant judicial pronouncements and provisions of allied laws wherever applicable for each topic has been provided e g SEBI Act and various Regulations issued by the SEBI Analysis of certain landmark judicial pronouncements Comparative position of various topics between Companies Act 2013 and Companies Act 1956 Certain new concepts of Companies Act 2013 explained in detail Rules of interpretation of statutes have been discussed wherever necessary

Crimes Against Humanity in International Criminal Law M. Cherif Bassiouni,2023-08-28 This book Crimes Against Humanity in International Criminal Law by M Cherif Bassiouni provides an in depth analysis of the development and application of crimes against humanity within international law It explores the historical evolution from the Nuremberg Trials and the legislative history of international charters to modern day international criminal tribunals The author an experienced law professor and president of several human rights organizations aims to clarify the legal principles and philosophical underpinnings of international criminal law focusing on post World War II legal developments The book is intended for legal scholars practitioners and students interested in international criminal justice providing insights into the codification prosecution and future challenges of enforcing international human rights law **Texas Law Review** ,1927 A Bar

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concise introduction to the basics of Jewish law It gives a detailed analysis of contemporary public and private law in the State of Israel as well as Israel s legal culture its system of government and the roles of its democratic institutions the executive parliament and judiciary The book examines issues of Holocaust law and religion constitutionalization and equality It is the ultimate book for anyone interested in Israeli Law and its politics Authors Shimon Shetreet is the Greenblatt

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The Ex Post Facto Clause Wayne A. Logan, 2022 The Ex Post Facto Clause one of the few civil liberty protections found in the body of the US Constitution reflects the Framers acute concern over the tendency of legislatures to enact burdensome retroactive laws targeting unpopular individuals In *The Ex Post Facto Clause* Wayne A Logan provides the first book length examination of the history of the Clause and its potential for tempering the punitive impulses of modern American legislatures Drawing on Framing Era history seminal Supreme Court decisions and the global embrace of the values underlying the Ex Post Facto Clause Logan provides a blueprint for how the Clause can play a reinvigorated and more robust role in guarding against the penal populism besetting modern American legislatures

The Law and Business of International Project Finance Scott L. Hoffman, 2007-10-22 This 2007 third edition continues to be a comprehensive and authoritative guide to the business practice law and practical use of project finance It covers the complete project finance structure from conception to negotiation to debt closing and from project difficulties to successful restructuring The book continues to be accessible to those with little experience in project finance while maintaining the insight and detail of previous editions that has made it a valuable reference for the experienced lawyer manager banker contractor and government official This edition focuses on a real world practical approach to project finance without the overuse of case studies and economic theory Yet the contract forms detailed glossary index and project finance bibliography make it a complete text

Restoring Effective Enforcement of the Anti-trust Laws United States. Congress. House. Committee on the Judiciary. Subcommittee on Monopolies and Commercial Law, 1979

Comparative Tax Law Victor

Thuronyi, Kim Brooks, 2016-04-20 Although the details of tax law are literally endless differing not only from jurisdiction to jurisdiction but also from day to day structures and patterns exist across tax systems that can be understood with relative ease This book now in an updated new edition focuses on these essential patterns It provides an immensely useful introduction to the core common knowledge that any well informed tax lawyer or policy maker should have about comparative tax law in our times The busy reader will welcome the compact nature of this work which is shorter than the first edition and can be read in a weekend if one skips footnotes The authors elucidate the commonalities and differences across countries in areas including much of the detail new to the second edition general anti avoidance rules court decisions striking down tax laws as violating constitutional rules against retroactivity unequal treatment of equals confiscation and undue vagueness statutory interpretation inflation adjustment rules and the allowance for corporate equity value added tax systems concepts such as tax capital gain tax avoidance and partnership corporate shareholder tax systems the relationship between tax and financial accounting taxation of investment income tax authorities ability to obtain and process information about taxpayers and systems of appeals from tax assessments The information and analysis pull together valuable material which is scattered over a disparate literature much of it not available in English Especially considering the dynamic nature of tax law whose rate of change exceeds that of any other field of law the authors clear identification of the underlying patterns and fundamental structures that all tax systems have in common as well as where the differences lie guides the reader and offers resources for further research

Observing Law through Systems Theory Richard Nobles, David Schiff, 2012-12-07

This book uses Niklas Luhmann's systems theory to explore how the legal system operates as one of modern society's subsystems The authors demonstrate how this theory alters our understanding of some of the most important and controversial issues within law the nature of judicial communication and legal argument the claim that it can be right to disobey law the character of legal pluralism and globalisation time and its construction within law the significance of the rule of law and human rights and the role of appeals to and within law Systems theory enables the authors to demonstrate how the legal system observes its own operations through its own communications and how this contrasts with the manner in which law is observed by other systems such as the media and politics In this context the authors explore the constraints imposed by systems in particular the legal system upon the individuals who participate in them

Fair and Effective Enforcement of the Antitrust Laws, S. 1874 United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Antitrust and Monopoly, 1978

The Challenge of Same-Sex Marriage Mark Strasser, 1999-09-30

In November 1998 the Hawaii and Alaska electorates voted to amend their state constitutions so that same sex marriages would not have to be recognized Rather than end the controversy surrounding same sex marriages the passage of these amendments will only spur more litigation because the referenda themselves implicate constitutional guarantees and because amending a state constitution cannot lessen federal constitutional protections Since same sex marriages promote many of the same individual

and state interests that opposite sex marriages do states will be unable to justify their same sex marriage bans if those rationales are closely examined When challenged the recent constitutional amendments in Hawaii and Alaska may well be held unconstitutional by the state supreme courts on federal constitutional grounds although ultimately the United States Supreme Court will likely be asked to resolve the relevant issues Suppose that state same sex marriage bans are held not to violate federal constitutional guarantees but that one state nonetheless recognizes such unions The other states will be permitted to refuse to recognize marriages celebrated in that state only if certain conditions have been met Contrary view notwithstanding the law of nature exception will not apply in this case Further even the Defense of Marriage Act will likely not afford states the right to refuse to recognize any and all same sex marriages validly celebrated in sister states

Law in the Age of Pluralism Andrei Marmor, 2007-12-31 Law in the Age of Pluralism contains a collection of essays on the intersection of legal and political philosophy Written within the analytical tradition in jurisprudence the collection covers a wide range of topics such as the nature of law and legal theory the rule of law the values of democracy and constitutionalism moral aspects of legal interpretation the nature of rights economic equality and more The essays in this volume explore issues where law morality and politics meet and discuss some of the key challenges facing liberal democracies Marmor posits that a liberal state must first and foremost respect people's personal autonomy and their differing though reasonable conceptions of the good and the just This basic respect for pluralism is shown to entail a rather skeptical attitude towards grand theories of law and state such as contemporary constitutionalism or Dworkin's conception of law as integrity The values of pluralism and respect for autonomy however are also employed to justify some of the main aspects of a liberal state such as the value of democracy the rule of law and certain conceptions of equality The essays are organized in three groups the first considers the rule of law democracy and constitutionalism The second group consists of several essays on the nature of law legal theory and their relations to morality Finally the collection concludes with essays on the nature of rights the limits of rights discourse and the value of economic equality

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