

New Perspectives on **Property Law, Obligations and Restitution**

Edited by Alastair Hudson

New Perspectives On Property Law Obligations And Restitution

Alastair Hudson



New Perspectives On Property Law Obligations And Restitution:

New Perspectives on Property Law, Obligations and Restitution Alastair Hudson, 2004 The essays in this collection examine the conceptual notions of property and obligations in law Ideas of property and of obligations are central organising concepts within law but are nevertheless liable to fragmentation and esoteric development when applied in particular contexts In particular this collection focuses on the ways in which those concepts are applied to commercial law land law human rights law intellectual property law the law of restitution company law and legal theory This is a challenging and progressive collection of essays which cohere into an extensive examination

New Perspectives on Property Law Alistair Hudson, 2013-03-04 First published in 2003 Routledge is an imprint of Taylor Francis an informa company

New Perspectives on Property Law Alastair Hudson, 2012-10-02 The essays in this collection consider the fundamental concepts of property and obligations in law Ideas of property and of obligations are central organising concepts within law but are nevertheless liable to fragmentation and esoteric development when applied in particular contexts

Equity and Trusts Alastair Hudson, 2013 Alastair Hudson s Equity and Trusts is an ideal textbook for undergraduate courses on the law of trusts and equitable remedies It provides a clear current and comprehensive account of the subject through which the author s enthusiasm and expertise shine through helping to bring to life an area of the law which students often find challenging Fully updated and revised this Seventh Edition contains an analysis of Jones v Kernott and trusts of homes a new treatment of dishonest assistance and unconscionable receipt a full treatment of the law on super injunctions coverage of all of the trusts law cases precipitated by the collapse of Lehman Brothers a reflection on women and equity and the politics of trusts law a new treatment of the Hastings Bass princip and analysis of over 200 new cases and the Perpetuities and Accumulations Act 2009 Equity and Trusts remains the most comprehensive and up to date coverage of the law of Equity and Trusts while still a lively and thoughtful account of the issues raised by it This book has been cited as being authoritative in the courts of numerous countries The seventh edition is supported by a companion website which includes over 50 short podcast lectures by the author discussing and clarifying key topics from within the book which cover an entire course a set of brief video documentaries filmed on location which provide context and bring to life selected key topics a brief introductory video presentation from the author introducing the viewer to the subject of Equity and Trusts and to the book in particular

Principles of Equity and Trusts Alastair Hudson, 2021-11-24 This is the second edition of Principles of Equity and Trusts the concise new textbook from Alastair Hudson the author of the definitive classic Equity and Trusts Through clear and careful analysis the author explains what the law is its foundational principles and its social and economic effect By beginning with the core principles on which this field is based even the most complex academic debates concerning express resulting and constructive trusts the family home charities law and other equitable doctrines become comprehensible and interesting This book offers a fresh lively and often humorous account of Equity and Trusts Through easy to follow worked

examples and analysis of the case law Alastair helps you to answer problem questions and to prepare coursework The author shows how the law affects real people in real situations Each chapter begins with a clear and concise introduction to the core principles It contains numbered headings for ease of navigation and advice on studying this subject Students also have access to Professor Hudson's ever popular supporting website which has had hundreds of thousands of hits over the years It has over 50 brief podcasts on key issues which have been specially re-recorded to coincide with the publication of this book That website also contains detailed lectures a variety of videos explaining the law and guidance on tackling assessments Characterised by the passion and enthusiasm for his subject matter that make Alastair Hudson's classic textbook so popular **Principles of Equity and Trusts** is sure to be a winner with both academics and students alike **Equity & Trusts** Alastair Hudson, 2014-05-27 This new edition considers all of the academic commentary governing the area of equity and trusts in particular the emerging law of restitution and the raft of new case law over the 1990s It is suitable both as a scholarly reference and as a resource for students **The Law of Unjust Enrichment in China: Necessary or Not?** Siyi Lin, 2022-08-30 This book is the first book focusing on the Chinese law of unjust enrichment in English and introducing it to Western jurisdictions Unjust enrichment is currently one of the most controversial areas of law in many jurisdictions and rife with academic debate This book analyzes the historical evolution current doctrines and relationships of unjust enrichment with other areas of private law in China It also provides insights into judicial practice In May 2020 China promulgated its first ever Civil Code since the establishment of the People's Republic of China which is a milestone in the history of Chinese law Before the Civil Code there was only one legal provision regulating unjust enrichment which requires a person obtaining benefits without a legal basis to return such benefits However the new Civil Code contains a separate chapter regulating unjust enrichment This book analyzes and evaluates those new provisions in the Civil Code to provide a most up to date analysis of the Chinese law of unjust enrichment **Understanding Equity & Trusts** Alastair Hudson, 2016-07-28 **Understanding Equity & Trusts** provides a clear accessible and lively overview of the main themes in this dynamic area of the law An ideal first point of entry to the subject or revision tool this book will give you an invaluable grounding in all of the key principles of equity and the law of trusts If you need help with trusts law then this is the book for you This book covers all of the topics that a student reader will encounter in any trusts law or equity course The text deals with express trusts resulting and constructive trusts the duties of trustees breach of trust and tracing commercial uses of trusts charities equitable remedies and trusts of homes The law of trusts is built on simple basic principles The approach of this book is to lay foundations with an explanation of those principles before building towards the more complex issues which are the focus of examinations in this subject The lively text includes a large number of straightforward examples to make the discussion of the general law more accessible **Contract Law** Adam Kramer KC, 2010-01-02 This is a new type of book It provides an index of the most useful and important academic and other writings on contract law whether published in articles or journal

chapters or as books These writings with their full citation are gathered under familiar contract law subject headings and the most significant half of them are digested in a summary of a few lines each The book aims to cover all writings published in the English language about the Common Law of contracts and includes sections on contract theory and the history of contract law as well as sections for the more traditional substantive topics such as the interpretation of contracts penalty clauses remoteness of damage and anticipatory breach This work should prove an invaluable resource for practitioners academics and students increasing awareness of important writings and saving readers time by familiarising them with the work that has already been done in their particular fields

The Goals of Private Law Andrew Robertson, Hang Wu Tang, 2009-11-16 This collection contributes to a fundamentally important set of debates about the nature of private law The essays consider whether private law should be seen as having goals and if so whether those goals are particular to private as opposed to public law They consider the legitimacy of the pursuit of community welfare goals in private law and the place of instrumentalist thinking in private law scholarship They explore the relationship between the pursuit of policy goals and the other influences that shape private law such as the formal values of certainty consistency and coherence and the need to do justice to the parties to particular disputes The collection analyses the role that particular policy goals do and should play in particular private law doctrines and contributes to debate about the relationship between community welfare goals and considerations of interpersonal morality arising from the interactions between individuals The contributors are drawn from across the common law world and offer a diverse range of perspectives on the controversies under consideration

Gain-based Remedies for Breach of Contract Daniel Zatorski, 2023-02-15 This book focuses on an emerging problem in English contract law what should be done when a party has been unjustly enriched as the result of a breach of contract but there is no measurable loss suffered by said party Two rulings are at the heart of the book *Wrotham Park Estate v Parkside Homes* and *Attorney General v Blake* These two cases can be said to have established gain based remedies in English contract law However the principles that underpin these remedies are not entirely clear and are subject to debate This book analyses these principles through the lens of compensatory and restitutionary approaches Moreover it applies a comparative analysis of these approaches through the lens of the civil law jurisdiction in Poland Since the term compensation is not a universal concept the book distinguishes between two rationales in the compensatory analysis The first reparative compensation is defined as a form of monetary recompense for loss or damage actually suffered The second substitutive compensation represents a monetary equivalent to a right that a person has been deprived of or denied Both rationales require the application of a broad notion of loss in order to make gain based remedies workable in both English and Polish law In contrast restitution states that a person cannot be permitted to profit from their own wrongdoing Based on this principle the book argues that gain based remedies could be applied under Polish law through the rules of unjust enrichment However in order to do so a broader understanding of the subtraction prerequisite the enrichment being at the aggrieved

party's expense would have to be adopted. The book concludes that unjust enrichment is a more natural way of implementing gain-based remedies in civil law jurisdictions.

Fault Lines in Equity James Glister, Pauline Ridge, 2012-05-18 Equity, the body of law developed in the English Court of Chancery, has a long and distinguished history. In the twenty-first century, it continues to be an important regulator of both commercial and personal dealings as well as informing statutory regulation. Although much equitable doctrine is settled, there remain some intractable problems that bedevil lawyers across jurisdictions. The essays in this collection employ new historical, comparative, and theoretical perspectives to cast light on these fault lines in equitable doctrine and methodology. Leading scholars and practitioners from England, Australia, and New Zealand examine such contentious topics as personal and proprietary liability for breaches of equitable duties, including fiduciary duties; the creation of non-express trusts; equitable rights in insolvency; the fiduciary self-dealing rule; clogs on the equity of redemption; the distribution of assets on family breakdown; and the suitability of unjust enrichment analysis. The authors address specific doctrinal questions as well as the meta-issues of organisation and methodology, and their findings will be of value to academics and practitioners alike.

Modern Studies in Property Law - Volume 5 Martin Dixon, 2009-11-03 This book is a collection of papers given at the seventh biennial conference held at the University of Cambridge in March 2008 and is the fifth in the series *Modern Studies in Property Law*. The Property Law conference has become well known as a unique opportunity for property lawyers to meet and confer both formally and informally. This volume is a refereed and revised selection of the papers given there. It covers a broad range of topics of immediate importance, not only in domestic law but also on a worldwide scale.

The Protection of Property Rights Through Tort Law Victoria Evans, 2025-08-07 This book analyses the problems caused by relying on tort law mechanisms to protect tangible property interests in the common law and suggests a new way of thinking to rectify these issues. As English common law relies primarily on tort law for the protection of tangible property interests, property rights are protected by a group of claims that as a whole are informed by a set of concerns that have little to do with the vindication of property rights. The book demonstrates how tort law tends to focus on loss within the case law and argues that this fundamental mismatch wholly undermines the category of property rights, since the protection of property through tort is simultaneously too broad and too narrow. Discussing trespass to goods, trespass to land, private nuisance, conversion, and negligent property damage, the book advances a novel way of rethinking about the property-protecting torts, far better suited to their unique role within the law. Using cases throughout, the book will be of interest to students, scholars, and practitioners within the fields of property law, tort law, and private law in general.

Modern Studies in Property Law - Volume 4 Elizabeth Cooke, 2007-05-21 This book is a collection of papers given at the sixth biennial conference at the University of Reading held in March 2006 and is the fourth in the series *Modern Studies in Property Law*. The Reading conference has become well known as a unique opportunity for property lawyers to meet and confer both formally and informally. This volume is a refereed and revised selection of the papers given there. It covers a

broad range of topics of immediate importance not only in domestic law but also on a worldwide scale

Moffat's Trusts Law Jonathan Garton, Graham Moffat, Gerry Bean, Rebecca Probert, 2015-08-13 This latest edition of Moffat's Trusts Law has been fully revised and updated to cover recent statutory developments and explores the impact of a wealth of new cases including the Supreme Court decisions in *Pitt v Holt* 2013 *FHR European Ventures v Cedar Capital Partners* 2014 and *Williams v Central Bank of Nigeria* 2014 It has been restructured to incorporate a new chapter on the internationalisation of the trust which provides an understanding of the new directions being taken in the areas of trust law and equitable remedies Supplementary material includes an online chapter on occupational pension schemes With suggestions for further reading guiding the student to contemporary debates this leading textbook retains its hallmark combination of a contextualized approach and a commercial focus and remains the serious student's textbook of choice

Great Debates in Equity and Trusts Alastair Hudson, 2014-08-26 This textbook is an ambitious and engaging introduction to the more advanced writings on equity and trusts primarily designed to allow students to get under the skin of the topic and begin to build their critical thinking and analysis skills Each chapter is structured around key questions and debates that provoke deeper thought and ultimately a clearer understanding The aim of the book is therefore not to present a complete overview of theoretical issues in equity and trusts but rather to illustrate the current debates which are currently going on among those working in shaping the area The text features summaries of the views of notable experts on key topics and each chapter ends with a list of guided further reading

Research Handbook on the Sociology of Law Jiří Přibáň, 2020-12-25 This unique Research Handbook maps the historical theoretical and methodological concepts in sociology of law exploring the rich and complex nature of this area of research It argues that sociology of law flourishes due to its strong capacity for interdisciplinary engagement and links to other scientific concepts methodologies and research fields

Great Debates in Tort Law Jonathan Morgan, 2022-11-17 Exploring the key discussions and arguments in tort law this book enables students to get a deeper and more rounded understanding of the subject Part of the Great Debates series it is an engaging introduction to the more advanced legal concepts such as negligent breach of duty and vicarious liability Each chapter is structured around questions and debates that provoke deeper thought It features summaries of the views of notable experts on key topics and each chapter ends with a list of further reading This book is ideal for use by ambitious students alongside a main course textbook encouraging them to think critically analyse the topic and gain new insights The development of these skills and the discursive nature of the series with an emphasis on contentious topics means the book is also useful for students when preparing their dissertations Suitable for use on courses at all levels this book helps students to excel in coursework and exams

Contract Law Minimalism Jonathan Edward Morgan, 2013-11-07 Critically examines moral promissory economic and socio legal perspectives on contract law arguing that it should be formal and minimalistic by design

The book delves into New Perspectives On Property Law Obligations And Restitution. New Perspectives On Property Law Obligations And Restitution is an essential topic that needs to be grasped by everyone, from students and scholars to the general public. This book will furnish comprehensive and in-depth insights into New Perspectives On Property Law Obligations And Restitution, encompassing both the fundamentals and more intricate discussions.

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 - Chapter 3: New Perspectives On Property Law Obligations And Restitution in Everyday Life
 - Chapter 4: New Perspectives On Property Law Obligations And Restitution in Specific Contexts
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 5. In chapter 4, the author will scrutinize the relevance of New Perspectives On Property Law Obligations And Restitution in specific contexts. This chapter will explore how New Perspectives On Property Law Obligations And Restitution is applied in specialized fields, such as education, business, and technology.
 6. In chapter 5, the author will draw a conclusion about New Perspectives On Property Law Obligations And Restitution. The final chapter will summarize the key points that have been discussed throughout the book.
- The book is crafted in an easy-to-understand language and is complemented by engaging illustrations. It is highly recommended for anyone seeking to gain a comprehensive understanding of New Perspectives On Property Law Obligations And Restitution.

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Table of Contents New Perspectives On Property Law Obligations And Restitution

1. Understanding the eBook New Perspectives On Property Law Obligations And Restitution
 - The Rise of Digital Reading New Perspectives On Property Law Obligations And Restitution
 - Advantages of eBooks Over Traditional Books
2. Identifying New Perspectives On Property Law Obligations And Restitution
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an New Perspectives On Property Law Obligations And Restitution
 - User-Friendly Interface
4. Exploring eBook Recommendations from New Perspectives On Property Law Obligations And Restitution
 - Personalized Recommendations
 - New Perspectives On Property Law Obligations And Restitution User Reviews and Ratings
 - New Perspectives On Property Law Obligations And Restitution and Bestseller Lists
5. Accessing New Perspectives On Property Law Obligations And Restitution Free and Paid eBooks
 - New Perspectives On Property Law Obligations And Restitution Public Domain eBooks
 - New Perspectives On Property Law Obligations And Restitution eBook Subscription Services
 - New Perspectives On Property Law Obligations And Restitution Budget-Friendly Options
6. Navigating New Perspectives On Property Law Obligations And Restitution eBook Formats
 - ePub, PDF, MOBI, and More
 - New Perspectives On Property Law Obligations And Restitution Compatibility with Devices
 - New Perspectives On Property Law Obligations And Restitution Enhanced eBook Features
7. Enhancing Your Reading Experience

- Adjustable Fonts and Text Sizes of New Perspectives On Property Law Obligations And Restitution
 - Highlighting and Note-Taking New Perspectives On Property Law Obligations And Restitution
 - Interactive Elements New Perspectives On Property Law Obligations And Restitution
8. Staying Engaged with New Perspectives On Property Law Obligations And Restitution
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers New Perspectives On Property Law Obligations And Restitution
 9. Balancing eBooks and Physical Books New Perspectives On Property Law Obligations And Restitution
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection New Perspectives On Property Law Obligations And Restitution
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine New Perspectives On Property Law Obligations And Restitution
 - Setting Reading Goals New Perspectives On Property Law Obligations And Restitution
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of New Perspectives On Property Law Obligations And Restitution
 - Fact-Checking eBook Content of New Perspectives On Property Law Obligations And Restitution
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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