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Making Commercial Law Ross Cranston, 1997 This is a collection of essays written in honour of Roy Goode the Norton Rose Professor of English Law at Oxford and highly esteemed commercial law scholar The essayists are themselves a distinguished international group of the world's most distinguished commercial lawyers The topics covered include international contracts and sales credit and security and commercial arbitration This is a truly international collection which will be of great interest to scholars of commercial law world wide and to practitioners working in the areas of finance and international banking *Unfair Terms in Banking and Financial Contracts* Danny Busch, Matthias Lehmann, 2023 Providing an analysis of the impact of the Unfair Terms Directive on banking and finance contracts this book includes interpretation of its rules by the CJEU national courts and relevant ADR bodies across Europe Property Rights and Bijuralism Jan Jakob Bornheim, 2020-10-12 Using the Canadian experience as a model Jan Jakob Bornheim shows that the efficient interaction of common law and civil law can take place on both vertical and horizontal planes **Lessons of the Swaps Litigation** Peter Birks, Francis Rose, 2020-11-25 This is the first comprehensive review of the extent of remedies and impact of contractual agreements on restitution claims for void unenforceable and discharged contracts *Property and Trust Law in Lithuania* Andrius Smaliukas, 2021-09-20 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of property in Lithuania deals with the issues related to rights and interests in all kinds of property and assets immovable movable and personal property how property rights are acquired fiduciary mechanisms and security considerations Lawyers who handle transnational disputes and other matters concerning property will appreciate the explanation of specific terminology application and procedure An introduction outlining the essential legal cultural and historical considerations affecting property is followed by a discussion of the various types of property Further analysis describes how and to what extent legal subjects can have or obtain rights and interests in each type The coverage includes tangible and intangible property varying degrees of interest and the various ways in which property is transferred including the ramifications of appropriation expropriation and insolvency Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance The book includes ample references to doctrine and cases as well as to relevant international treaties and conventions Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for any practitioner faced with a property related matter Lawyers representing parties with interests in Lithuania will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative property law

Federalism and Legal Unification Daniel Halberstam, Mathias Reimann, 2013-11-21 How and to what degree do federations produce uniform law within their system This comparative empirical study addresses these questions comprehensively for the first time Originally produced under the auspices of the International Academy of Comparative Law

this volume examines legal unification in twenty federations around the world Each of the successive chapters presents the forces of unification through the lens of a particular federal system A comparative overview chapter provides a detailed analysis of the overall results with compelling visual illustrations of legal unification along different dimensions e g by area of law by federation by civil vs common law system The overview chapter summarizes and analyzes the means and methods of legal unification and the degree of legal unification of each system and explains the driving forces of legal unity and diversity in federations more generally The volume presents surprising findings that should make scholars rethink their abandonment of the civil law vs common law distinction in comparative law This book is a milestone in the study of federalism It is a rare and welcome melding of comparative law and comparative politics using both original data and qualitative analysis Wide ranging probing and definitive this book is an invaluable resource for students of law politics and multi level governance Gary Marks Burton Craige Professor UNC Chapel Hill and Chair in Multilevel Governance Vrije Universiteit Amsterdam

Power and Pluralism in International Law Edward S. Cohen, 2022-03-10 Demonstrating the crucial role that private international law and legality has played and continues to play in shaping globalization this book argues that the rules institutions and actors that make up the practice of private international law have been critical in translating political and economic power into legal regimes that have facilitated the processes of globalization These processes depend on two fundamental types of socio political action the legal structuring of emerging transnational spaces and flows of goods capital and finance and the legal political reconfiguration of state power and priorities to facilitate the growth of these spaces and their penetration into national political economic and social spaces While a variety of processes were involved in these forms of action the material practices of private international law played a central role in this project of political economic reconstruction Offering a theory of private international legality as a practice that intersects with and provides a vehicle for the mobilization of political and economic power this book examines the construction and enrolment of private law expertise and the structural condition of pluralism in the global political economy to argue that private international law has helped construct a global political economy responsive to the priorities of powerful actors and resistant to the demands and interests of the rest of the world s populations It will be of interest to academics and students exploring the relationship between law international political economy and the nature of state power

English Private Law Andrew Burrows, 2013-08-08 A unique reference work covering the whole of English private law this book provides a lucid concise and authoritative overview of all important areas of private law Each section is written by an acknowledged expert who provides a clear distillation and analysis of the subject

Human Rights and Scots Law Alan Boyle, Chris Himsworth, Hector MacQueen, Andrea Loux, 2002-11-04 This book written by a team of academics judges and distinguished practitioners from the UK and abroad discusses the implications of the incorporation of the ECHR into Scots law The contributors consider the impact of the Human Rights Act in light of the new constitutional settlement for Scotland and their experiences of other rights regimes in

Europe the Commonwealth and the United States The contributions span the fields of Private Public European Community and Comparative law and draw on human rights law and practice in the UK the European Community Canada New Zealand South Africa the United States and Sweden where the ECHR was recently incorporated Topics include analyses of the Human Rights Act and Scotland Act human rights and the law of crime property employment family and private life Scottish court practice and procedure Scots law and the European dimension and building a rights culture in Scotland

International Secured Transactions Law Orkun Akseli, 2011-03-17 This book focuses on international harmonisation and the law of secured transactions by distilling and analysing the unifying principles of various significant international conventions and instruments such as the UN Convention on the Assignment of Receivables the Unidroit Convention on International Factoring the EBRD Model Law on Secured Transactions the Unidroit Convention on the International Interests in Mobile Equipment and the UNCITRAL Legislative Guide on Secured Transactions International secured transactions conventions and instruments facilitate credit and promote economic activity through the creation of harmonised rules Therefore given the increasing globalisation of markets international reform efforts for the harmonised modernisation of secured transactions law have gained pace over recent years International Secured Transactions Law draws on experiences in both English and US laws in order to identify and illustrate the existing problems that need to be addressed as well as identify potential solutions International Secured Transactions Law will be of interest to scholars students interested in international commercial law corporate law or comparative secured transactions and practitioners involved in international commercial transactions

Arbitration and Human Rights Toms Krūmiņš, 2020-08-12 This book presents a creative synthesis of two ostensibly disparate fields of law arbitration and human rights More specifically it focuses on various legislative approaches to excluding the annulment of arbitral awards setting aside proceedings at the seat of arbitration and evaluates the compatibility of such approaches with the European Convention on Human Rights ECHR in particular the right to a fair trial under Article 6 1 The book first assesses the applicability and impact of the ECHR in particular Article 6 1 on international commercial arbitration It then analyses a number of legislative approaches to excluding setting aside proceedings focusing on two synergetic phenomena exclusion agreements and the total lack of setting aside proceedings in national arbitration law Lastly the book investigates to what extent the lack of setting aside proceedings in national arbitration law may lead to a violation of arbitrating parties right to a fair trial under Article 6 1 and puts forward certain de lege ferenda recommendations on how to best approach the regulation of setting aside proceedings in national arbitration law from the standpoint of compliance with the ECHR

The Illicit Trade in Art and Antiquities Janet Ulph, Ian Smith, 2015-11-05 This new text provides practical guidance on the modern law relating to cultural objects which have been stolen looted or illegally exported It explains how English criminal law principles including money laundering measures apply to those who deal in cultural objects in a domestic or international setting It discusses the recovery of works of art and

antiquities in the English courts where there are competing claims between private individuals or between individuals and the UK Government or a foreign State Significantly this text also provides an exposition of the law where a British law enforcement agency or a foreign law enforcement agency is involved in the course of criminal or civil proceedings in an English court The growth of relevant international instruments which include not only those devoted to the protection of mankind's cultural heritage but also those concerned with money laundering and serious organised crime provide a backdrop to this discussion The UK's ratification of the UNESCO Convention on Means of Prohibiting and Preventing the Illicit Import Export and Transfer of Ownership of Cultural Property 1970 in 2002 is considered The problems posed in attempting to curb trafficking in art and antiquities are explored and the effectiveness of the current law is analysed The Emergence of EU Contract Law Lucinda Miller, 2011-09-22 The emergence of a pan European contract law is one of the most significant legal developments in Europe today The Emergence of EU Contract Law Exploring Europeanization examines the origins of the discipline and its subsequent evolution It brings the discussion up to date with full analysis of the debate on the Common Frame of Reference and the future that this ambiguous instrument may have in the contemporary European legal framework One of the central themes of the book is exploration of the multi level open architecture of the EU legal order and the implications of that architecture for the EU's private law programme The analysis demonstrates that the key to understanding European contract law in the 21st century lies in adopting a perspective and mechanisms suitable for a legal order populated by multiple sources of private law Legal pluralism is offered as a theoretical construct with the capacity to shape the future of European private law shifting the analytical spotlight beyond the traditional centralized legislative means of regulation In so doing softer mechanisms are introduced for the governance of contract law mechanisms that enable coordination between the different sites at which contract law operates This reorientation in thinking about European contract law indeed about Europeanization itself enables the inevitable diversity and pluralism that is a feature of multi level Europe to be captured within a framework that maximizes the opportunities for mutual learning and exchange across private law sites 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 Politics of Canadian Foreign Policy, Fourth Edition** Kim Richard Nossal, Stéphane Roussel, Stéphane Paquin, 2015-12-07 The fourth edition of this widely used text includes updates about the many changes that have occurred in Canadian foreign policy under Stephen Harper and the Conservatives between 2006 and 2015 Subjects discussed include the fading emphasis on internationalism the rise of a new foreign policy agenda that is increasingly shaped by domestic political imperatives and the changing organization of Canada's foreign policy bureaucracy As in previous editions this volume analyzes the deeply political context of how foreign policy is made in Canada Taking a broad historical perspective Kim Nossal Stéphane Roussel and Stéphane Paquin provide

readers with the key foundations for the study of Canadian foreign policy They argue that foreign policy is forged in the nexus of politics at three levels the global the domestic and the governmental and that to understand how and why Canadian foreign policy looks the way it does one must look at the interplay of all three Equity & Trusts Law Directions Gary Watt,2025 Equity and Trusts Law Directions Gary Watt,2021 Equity Trusts Law is an authoritative yet lively text with an emphasis on explaining clearly the key topics covered on equity and trusts courses Rich learning features demonstrate how the law of equity and trusts is applied in the real world and why it is such a stimulating and exciting field Corporate Insolvency Law Vanessa Finch,2002-09-12 Vanessa Finch provides an interesting look at corporate insolvency laws and processes She adopts an interdisciplinary approach to place two questions at the centre of her discussion Are current UK laws and procedures efficient expert accountable and fair Are fundamentally different conceptions of insolvency law needed for it to develop in a way that serves corporate and broader social ends Topics considered in this wide ranging book include different ways of financing companies causes of corporate failure and prospects for designing rescue friendly processes Also examined are alternative asset distribution of failed companies allocations of insolvency risks and effects of insolvency on a company s directors and employees Finch argues that changes of approach are needed if insolvency law is to develop with coherence and purpose This book will appeal to academics and students at advanced undergraduate and graduate level and to legal practitioners throughout the common law world **Secured Credit and the Harmonisation of Law** Gerard McCormack,2011-01-01 This book will be of great interest to practitioners policymakers and academics as well as students particularly postgraduate students of law and business throughout the world **Cases and Materials on the Law of Restitution** Andrew S. Burrows,Ewan McKendrick,James Edelman,2007 Cases and Materials on the Law of Restitution is an authoritative and scholarly guide written by leading experts who have shaped and defined the law of restitution and unjust enrichment Extensive coverage of cases and academic perspectives provides a rounded view of the subject Introductions notes and questions enable readers to check their understanding of key issues The second edition of this seminal title covers many important new cases and academic publications including Birk s absence of basis approach The coverage reflects the continuing debates on questions such as BL what is an enrichment BL was the enrichment at the claimant s expense BL what is the role of tracing BL when will proprietary restitution be granted BL when does change of position operate as a defence BL and does corrective justice underpin this area of the law The book s structure has been updated to reflect the judicial development of the law of restitution providing a map through this complex subject This book is invaluable for undergraduate postgraduate and doctoral students as well as academics working in the area

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