

Gloag And Henderson The Law Of Scotland

First published in 2004, English Public Law has become the key point of reference on English public law for lawyers in the UK and throughout the world. Now in its second edition, the book acts as an accessible first point of reference for practitioners approaching a public law issue for the first time, while simultaneously providing a lucid, concise and authoritative overview of all the key areas of public law (constitutional, administrative, human rights, and criminal law) within one single portable volume. The second edition has been completely updated to take account of all key legislative and procedural changes since 2004, including: -The Constitutional Reform Act 2005 -recent higher courts decisions concerning public law and human rights -the Criminal Procedure Rules 2005 Written and edited by a team of acknowledged experts on English law, the book offers proven reliability and as part of the Oxford Principles of English Law Series, is the companion volume to the second edition of English Private Law edited by Professor Andrew Burrows FBA. The book is an ideal quick reference for practitioners to fall back on when a client raises a point outside their normal area of expertise as well as for academics, overseas libraries, and practitioners overseas who want a one stop resource on English public law. A supplement published between editions, will ensure that the book is kept up to date.

This book examines women's financial activity from the early days of the stock market in eighteenth century England and the South Sea Bubble to the mid-twentieth century. The essays demonstrate how many women managed their own finances despite legal and social restrictions and show that women were neither helpless, incompetent and risk-averse, nor were they unduly cautious and conservative. Rather, many women learnt about money and made themselves effective and engaged managers of the funds at their disposal. The essays focus on Britain, from eighteenth-century London, to the expansion of British financial markets of the nineteenth century, with comparative essays dealing with the US, Italy, Sweden and Japan. Hitherto, writing about women and money has been restricted to their management of household finances or their activities as small business women. This book examines the clear evidence of women's active engagement in financial matters, much neglected in historical literature, especially women's management of capital. .

Over the last decade, Europe has witnessed the emergence of a vigorous debate about the need for and the feasibility of a future European ius commune in the field of private law. This book critically discusses this debate and provides a systematic overview of the various initiatives taken and describes the fragmentary European private law that already exists (by way of European directives, international conventions, etc.).

This report, further to a Discussion Paper on Formation of Contract published in March 2012 (ISBN 9780108882630)

undertaken as part of the Eighth Programme of Law Reform, looks at the specific difficulties of "execution in counterpart". The phrase describes the process by which parties to a formal document intended to have effect (e.g. as a contract) may be able to apply their respective signatures to it (execution) to make it binding without having to meet to do so or, indeed, having all to sign the same physical copy of the document. The main recommendations are: a document may be validly executed under Scots law by parties subscribing a counterpart of the document remotely from each other and then each delivering their subscribed counterpart to the other parties; delivery may be to a person nominated for the purpose rather than to the other parties; delivery of a traditional document may be effected by electronic means; a document takes effect either when each and every party has subscribed and delivered its counterpart, or at such later date as parties may agree; where all parties sign their counterpart in self-proving form, the document as a whole is self-proving; if desired, a "registration copy" of a document may be compiled by making up a single version which includes the signing pages from each of the counterparts; the reforms will not affect any document executed before they come into statutory force

Professor Robert Rennie has been one of the most influential voices in Scots private law over the past thirty years. Highly respected as both an academic and a practitioner, his contribution to the development of property law and practice has been substantial and unique. This volume celebrates his retirement from the Chair of Conveyancing at the University of Glasgow in 2014 with a selection of essays written by his peers and colleagues from the judiciary, academia and legal practice. Each chapter covers a topic of particular interest to Professor Rennie during his career, from the historical development of property law rules through to the latest developments in conveyancing practice and the evolution of the rules of professional negligence. Although primarily Scottish in focus, the contributions will have much of interest to lawyers in any jurisdiction struggling with similar practical problems, particularly those with similar legal roots including the Netherlands and South Africa. As a whole, the collection is highly recommended to students, practitioners and academics.

Although the 1980 United Nations Convention on Contracts for the International Sale of Goods (CISG) is one of the most successful international conventions to date, it remains the case that those involved in the international sale of goods must refer to a multitude of laws. Indeed the CISG itself does not cover all issues relating to international sales contracts, so it must necessarily be supplemented by domestic law. *Global Sales and Contract Law* provides a truly comparative analysis of domestic laws in over sixty countries so as to deliver a global view of domestic and international sales law. The book reports on the real practice of sales law, taking into account present day problems. Complex questions on the obligations under a sales contract, the ways in which these are established, as well as the remedies following the breach of obligations, are all discussed. By addressing regional uniform projects, like OHADA, and comparing differences in

domestic legal approach where the CISG would not apply, the work goes beyond existing commentaries which tend to focus only on the CISG. The analysis has been based on an unprecedented survey drawn from the world's top fifty companies as well as international traders, lawyers advising international traders, arbitral institutions, arbitrators, and law schools. This work encompasses all aspects of a sale of goods transaction and takes a wide view of sale by including general contract law. The book gives practitioners invaluable insight into judicial trends and possible solutions in different legal systems, whether preparing for litigation or drafting an international contract. Global Sales and Contract Law is the most comprehensive and thorough compilation of legal analysis in the field of the sale of goods and is a reliable source for any practitioner dealing in international commerce.

A comparative examination of core words used by courts, legislators, and academic commentators in describing the nature of obligations law.

This work is a detailed study of the field of private law. It takes key topics from the law of obligations and the law of property and traces their historical development.

This volume offers proposed Articles, followed by comments and information. Topics include: plurality of debtors and creditors, assignment, substitution of new debtor and transfer of contract, set-off, prescription, illegality, and conditions and capitalisation of interest.

This Consultation Paper is part of a wider review of insurance contract law, carried out by the Law Commission and Scottish Law Commission. It covers four topics: (1) Damages for late payment; (2) Insurers' remedies for fraudulent claims; (3) Insurable interest; (4) Policies and premiums in marine insurance. This paper follows a previous consultation paper in 2007 on Misrepresentation, Non-Disclosure and Breach of Warranty (LCCP 182; SLCDP 134, ISBN 9780117037823).

This volume is a collection of 30 papers on the broad subject of the Scandinavian expansion westwards to Britain, Ireland and the North Atlantic, with a particular emphasis on settlement. The volume has been prepared in tribute to the work of Barbara E. Crawford on this subject, and to celebrate the twentieth anniversary of the publication of her seminal book, *Scandinavian Scotland. Reflecting Dr Crawford's* interests, the papers cover a range of disciplines, and are arranged into four main sections: History and Cultural Contacts; The Church and the Cult of Saints; Archaeology, Material Culture and Settlement; Place-Names and Language. The combination provides a variety of new perspectives both on the Viking expansion and on Scandinavia's continued contacts across the North Sea in the post-Viking period. Contributors include: Lesley Abrams, Haki Antonsson, Beverley Ballin Smith, James Barrett, Paul Bibire, Nicholas Brooks, Dauvit Broun, Margaret Cormac, Neil Curtis, Clare Downham, Gillian Fellows-Jensen, Ian Fisher, Katherine Forsyth, Peder Gammeltoft, Sarah Jane Gibbon, Mark Hall, Hans Emil Liden, Christopher Lowe, Joanne McKenzie, Christopher Morris, Elizabeth Okasha, Elizabeth Ridell, Liv Schei, Jón Viðar Sigurðsson, Brian Smith, Steffen Stumann Hansen, Frans Arne Stylegård, Simon Taylor, William Thomson, Gareth Williams, Doreen Waugh and Alex Woolf.

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. "Non-contractual liability arising out of damage caused to another" is one of the three main non-contractual obligations dealt with in the

DCFR. The law of non-contractual liability arising out of damage caused to another (in the Common Law known as tort law or the law of torts, but in most other jurisdictions referred to as the law of delict) is the area of law which determines whether one who has suffered a damage can on that account demand reparation (in money or in kind) from another with whom there may be no other legal connection than the causation of damage itself. Besides determining the scope and extent of responsibility for dangers of one's own or another's creation, this field of law serves to protect fundamental rights in the private law domain, that is to say horizontally between citizens inter se. Based on pan-European comparative research which annotates the work, this volume presents model rules on liability. Explanatory comments and illustrations amplify the policy decisions involved. During the drafting process, comparative material from over 25 different EU jurisdictions has been taken into account. The work therefore is not only a presentation of a future model for European rules to come but provides also a fairly detailed indication of the present legal situation in the Member States.

This book is about the protection from disinheritance. Regardless of what a person's will might say, the closest relatives usually have a claim to some of the deceased's property. The book explores this issue in a sample of countries in Europe as well as in the USA, Canada, Latin America, China, South Africa, Australia, and New Zealand.

A comprehensive comparative treatment of six instances of time-limited interests in land as encountered in fourteen European jurisdictions. The survey explores the commercial or social origins of each legal institution concerned and highlights their enforceability against third parties, their content and their role in land development. The commercial purpose of residential and agricultural leases is contrasted with the social aim of personal servitudes (and its common-law equivalent life interest) to provide sustenance for life to mostly family members making the latter an important estate planning device. Whereas the ingrained principles of leases and personal servitudes restrain the full exploitation of land, it is indicated that public authorities and private capital could combine to turn the old-fashioned time-limited institutions of hereditary building lease (superficies) and hereditary land lease (emphyteusis) into pivotal devices in alleviating the acute shortage of social housing and in promoting the fullest exploitation of pristine agricultural land.

First English-language comparative volume to study where, how and why tort and crime interact. Covers common and civil law countries.

Collecting together 47 essays from colleagues and friends of Lord Rodger of Earlsferry, this book commemorates his work and contribution to law and legal scholarship, including his role as a judge of the UK Supreme Court and his interests in Roman law, Scots law, and legal history.

Whether you are studying Law in Scotland or looking to convert to Scots law, this invaluable guide will quickly equip you with all the basics of the Scottish legal system. Fully updated for the third edition, it is the ideal textbook for busy law students and revising for those all-important exams. Summary sections of Essentials Facts and Essential Cases will help you to identify, understand and remember the key elements of the subject.

This book focuses on a highly significant issue in agency law: the legal situation created when an agent acts without authority.

Scottish Law of Leases is a comprehensive and lucid introduction to the Scots law of landlord and tenant.

How should a landowner respond when a squatter occupies their land? This book discusses the issues focussing on vindicatio, possessory remedies and trespass, but also explores administrative procedures for their removal. In many cases, these actions derive from Roman laws, which are expertly explored in an introductory chapter. Also included is a chapter exploring human rights interventions in such actions. Twelve case studies offer an extensive and comparative analysis across sixteen European jurisdictions. The basic defendants covered are squatters taking over a home, environmental protesters, licensees and former tenants. The case studies include, amongst others, self-help; restitution; competing claims to ownership (and the relevance of registration systems to claims to ownership); adverse possession; neighbours; nuisance and encroachment.

This work has become a key point of reference on English private law for lawyers in the UK and throughout the world. Packed within its 2,000 pages users will find a lucid, concise yet immensely authoritative account of all of the key areas of private law. Each section is written by an acknowledged expert, bringing to bear their experience and understanding to provide a clear distillation and analysis of the relevant subject. The second supplement, included in this set, fully updates the main volumes with all developments affecting English Private Law up to January 2004.

Returning to a theme featured in some of the earlier volumes in the Edinburgh Studies in Law series, this volume offers an in-depth study of 'mixed jurisdictions' - legal systems which combine elements of the Anglo-American Common Law and the European Civil Law traditions. This new collection of essays compares key areas of private law in Scotland and Louisiana. In thirteen chapters, written by distinguished scholars on both sides of the Atlantic, it explores not only legal rules but also the reasons for the rules, discussing legal history, social and cultural factors, and the law in practice, in order to account for patterns of similarity and difference. Contributions are drawn from the Law Schools of Tulane University, Louisiana State University, Loyola University New Orleans, the American University Washington DC, and the Universities of Aberdeen, Strathclyde and Edinburgh.

The leading text in the field, this indispensable guide to understanding the mixed jurisdictions is now fully updated and expanded.

Social Work: A Introduction is designed to help your students make the best start in their academic and professional careers. Mapped throughout to the most up-to-date professional standards, the book covers the full range of knowledge and skills students need to gain in the early stages of their social work course and as they prepare to go out on placement. Key Learning Features: Key Themes and Chapter Introductions – to set the scene and place each chapter in context. Case Studies and Practice Vignettes – illustrate how theory, knowledge and policy translate to real-life practice. Also help students consider the service-user's experience and develop a holistic approach to care. Exercises, Activities and Reflective Questions - independent learning tasks to help students apply theory to their practice, and to develop their skills of critical reflection Critical Thinking Boxes – support your students in their journey towards becoming critically reflexive practitioners. Visit the companion website to access a range of resources to support both lecturers and students, including: Vodcasts and podcasts from

students, lecturers, service users and authors to introduce key topics to audio and visual learners Activities and case studies from different fields and settings to show how theory translates into real life practice Selected SAGE journal articles to help take learning to the next level Up-to-date links to codes of ethics, frameworks and other useful resources.

A major survey of Scotland's dominant ideology over the past three centuries by one of its leading historians.

Civil law and common law systems are held to enforce promises differently: civil law, in principle, will enforce any promise, while common law will enforce only those with 'consideration'. In that respect, modern civil law supposedly differs from the Roman law from which it descended, where a promise was enforced depending on the type of contract the parties had made. This 2001 volume is concerned with the extent to which these characterizations are true, and how these and other differences affect the enforceability of promises. Beginning with a concise history of these distinctions, the volume then considers how twelve European legal systems would deal with fifteen concrete situations.

Finally, a comparative section considers why legal systems enforce certain promises and not others, and what promises should be enforced. This is the second completed project of The Common Core of European Private Law launched at the University of Trento.

This book focused on texts and contexts is dedicated to a great contemporary Romanist, legal historian and comparative lawyer: Professor Watson.

For some Western European legal systems the principle of good faith has proved central to the development of their law of contracts, while in others it has been marginalised or even rejected. This book surveys the use or neglect of good faith.

This book introduces and explores the concept of multilingual law. Providing an overview as to what is 'multilingual law', the study establishes a new discourse based on this concept, which has hitherto lacked recognition for reasons of complexity and multidisciplinary. The need for such a discourse now exists and is becoming urgent in view of the progress being made towards European integration and the legal and factual foundation for it in multilingualism and multilingual legislation. Covering different types of multilingual legal orders and their distinguishing features, as well as the basic structure of legal systems, the author studies policy formation, drafting, translation, revision, terminology and computer tools in connection with the legislative and judicial processes. Bringing together a range of diverse legal and linguistic ideas under one roof, this book is of importance to legal-linguists, drafters and translators, as well as students and scholars of legal linguistics, legal translation and revision.

Contains an extensive range of acronyms, abbreviations, and symbols found in reporters, legal treatises, law reviews, looseleaf services, legal encyclopedias, law dictionaries, legal reference books, and selected other documents. Enables users to identify the meaning of abbreviations and acronyms employed in American legal literature (Part I) and also to identify the abbreviations for titles, names, and terms used (Part II, the reversed portion). Includes abbreviations established by well-recognized authorities as well as abbreviations otherwise devised by authors in their efforts to shorten legal references and citations. This edition provides more than 1,500 new or expanded entries.

The recent financial crisis has questioned whether existing contracts may be adapted, terminated or renegotiated as a

result of unexpected circumstances. The question is not a new one. In medieval times the notion of *clausula rebus sic stantibus* was developed to cope with such situations, and Germany introduced the theory of *Wegfall der Geschäftsgrundlage*. In England, the Coronation cases provided one possible answer. This comparative study explores the possibility of classifying jurisdictions as 'open' or 'closed' in this regard.

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