

Gloag And Henderson The Law Of Scotland

Pure economic loss is one of the most discussed and controversial legal issues in Europe today, raising complex questions which affect the law of tort and contract. How far can tort liability expand without imposing excessive burdens upon individual activity? Should the recovery of pure economic loss be the domain principally of the law of contract? And is there a common core of principles, policies and rules governing tortious liability for pure economic loss in Europe? Originally published in 2003, this is a comprehensive study of the subject, using a fact-based comparative method and in-depth research into the laws of thirteen European countries. Following a historical and analytical introduction to economic loss, experts from most European countries consider how their national systems would deal with the same practical problem, highlighting similarities and differences in a range of comprehensive issues. This is the third publication of the Common Core of European Private Law.

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 Gesch ä ftsgrundlage*. In England, the *Coronation* cases provided one possible answer.

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This comparative study explores the possibility of classifying jurisdictions as 'open' or 'closed' in this regard.

The fields of tort and crime have much in common in practice, particularly in how they both try to respond to wrongs and regulate future behaviour. Despite this commonality in fact, fascinating difficulties have hitherto not been resolved about how legal systems co-ordinate (or leave wild) the border between tort and crime. What is the purpose of tort law and criminal law, and how do you tell the difference between them? Do criminal lawyers and civil lawyers reason and argue in the same way? Are the rules on capacity, consent, fault, causation, secondary liability or defences the same in tort as in crime? How do the rules of procedure operate for each area? Are there points of overlap? When, how and why do tort and crime interact? This volume systematically answers these and other questions for eight legal systems: England, France, Germany, Sweden, Spain, Scotland, the Netherlands and Australia.

The extraordinary recent increase in rates of cohabitation and non-marital birth presents a major challenge to traditional family law principles, and the legal rules governing cohabitation are thus among the most hotly contested areas of family law and policy today. In many nations, courts, legislatures, and law-reform bodies are "reinventing" common law marriage, seemingly without any sense of its history, doctrinal development, or limitations. The current law surrounding common law marriage is extremely complex. Professor Göran Lind has undertaken the demanding task of writing the most

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well-researched text on this topic to date. Separated into three Parts, Common Law Marriage covers the origins of the doctrine, its legal aspects in modern America, and the future of cohabitation law across the globe and in the 11 American jurisdictions that currently recognize common law marriage. It provides a cultural and historical history of the subject, from Ancient Roman Law to Medieval Canon Law, and analyzes over 2,000 American cases which have utilized the doctrine. This timely book is an excellent resource for scholars, legislators, and policymakers who are interested in the complex legalities of common law marriage.

Contract Law Update 2010-2012

Multilingual Law

Gloag and Henderson: The Law of Scotland

Global Sales and Contract Law

Pure Economic Loss in Europe

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 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

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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 Ridel, Liv Schei, Jón Viðar Sigurðsson, Brian Smith, Steffen Stumann Hansen, Frans Arne Stylegård, Simon Taylor, William Thomson, Gareth Williams, Doreen Waugh and Alex Woolf.

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 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

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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

Suggestions for Reforms and Improvements of Existing Legal Norms and Principles

Union and Unionisms

Common Law Marriage

Scottish Land Law

Good Faith in European Contract Law

Comparative Succession Law

This third volume in a series on Comparative Succession Law concerns the entitlement of family members to override the provisions of a deceased person's will to obtain money or assets (or more money or assets) from the person's estate. Some countries, notably those in the civil law tradition (such as France or Germany), confer a pre-ordained share of the deceased's estate or of its value on certain members of the deceased's family, and especially on the deceased's children and spouse. Other countries, notably those in the common law tradition (such as England, Canada, or Australia), leave the matter to the discretion of the court, the amount awarded depending primarily on financial need. Whichever form it takes, mandatory family provision is

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both a protection against disinheritance and also, therefore, a restriction on testamentary freedom. The volume focuses on Europe and on countries influenced by the European experience. In addition to detailed treatment of the law in Austria, England and Wales, France, Germany, Hungary, Italy, the Netherlands, Norway, Poland, Scotland, and Spain, the book also has chapters on Australia and New Zealand, South Africa, the United States, Canada, the countries of Latin America, and the People's Republic of China. Some other countries are covered more briefly, and there is a separate chapter on Islamic law. The book opens with accounts of Roman law and of the law in medieval and early-modern Europe, and it concludes with a comparative assessment of the law as it is today in the countries and legal traditions surveyed in this volume.

This comprehensive book begins with a consideration of the nature of the general banker-customer relationship, the obligations it poses and the issues relating to the commencement of the banking relationship. It provides individuals and companies with valuable guidance when assessing the risks in their relationship with banks, and vice versa. The following chapters allow all parties to consider carefully the central issues and underlying general principles that might arise by addressing the various activities undertaken by a lender. The duty of confidentiality, lenders as fiduciaries, the lender's duty to advise borrowers on the imprudence of transactions as well as fraud, and banks as constructive trustees and damages for breach of contract by a lender are all considered. The final chapters explore the duties of security holders and mortgagees of land, the liability of lenders for receivers they appoint, environmental liability and lender liability as shadow directors concerning wrongful trading. The book outlines liability in negligence and contract, with specific reference to existing case law concerning banks in this field from an English law perspective, and also Scottish and Commonwealth law, thus providing valuable applicability to the banking context for practitioners in other fields. Papers from a symposium held October 1998 at Aberdeen University. Published in 1998. This collection of papers, written by leading lawyers

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and sociologists in the UK, focuses on the relationships between gender and the law in the context of three areas of law: family law, criminal law and equal rights. The papers argue that gender roles within society affect the legal rights of individuals and impact on procedures they go through to enforce their rights or to gain redress for wrongs done to them. By failing to recognize the social and economic situations in which men and women are placed, the law perpetuates inequalities in their positions. Where attempts are made to ensure equality between the sexes, the result is often the exact opposite, because the legal system treats individuals as equals operating in a vacuum, ignoring the argument that equal treatment does not necessarily mean the same treatment, but can mean different treatment to ensure equality of result. Topics include:  Disputes in the area of parental child custody rights  The rights of surviving spouses to their deceased partner ' s estate  Theories for violent behaviour in women as contrasted with men  Gender bias in criminal sentencing  The role of European law in promoting sex equality in the work place  Pornography and free speech  Homosexuality as a civil right of citizenship

English Public Law

Scottish Law of Leases

With Supplement

The Law of Scotland

Volume III: Mandatory Family Protection

The Dynamics of Law Reform

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

Das neue Recht hilft bei der Lösung von Problemen, mit denen sich internationale Organisationen, Staaten, Bevölkerungen und Durchschnittsbürger jeden Tag auseinandersetzen müssen. Die Autoren lösen dabei wichtige internationale, lokale oder nationale Probleme auf innovative und neuartige Weise, indem sie rechtliche Konzepte entwickeln, die auf staatlicher, regionaler und kontinentaler Ebene anwendbar sind. Zusätzlich

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zu Lösungen für spezifische Probleme beinhalten einige Beiträge eine theoretische Diskussion von Reformen und Verbesserungen allgemeiner Natur. Die von den Autoren dargestellt Vorschläge kombinieren das Wissen und die Erfahrung von Juristen und Praktikern mit der Kreativität von Nachwuchswissenschaftlern, um über die traditionellen Rechtsmodelle hinaus zu denken und bedeutende innovative Ideen einzuführen, die das bestehende Rechtssystem voranbringen.

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.

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

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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.

A Legal Institution for Cohabitation

Law Commission: Fiduciary Duties of Investment

Intermediaries: A Consultation Paper - Consultation Paper No 215

Gloag and Henderson

A History of Private Law in Scotland: Volume 2: Obligations

Reimagining Contract Law Pedagogy

Essays in Memory of Lord Rodger of Earlsferry

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.

Gloag and Henderson: The Law of

Scotland**GLOAG AND HENDERSON****The Law of**

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Scotland Gloag and Henderson The Law of Scotland Principles of Lender Liability OUP Oxford

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

This book brings together past and present law commissioners, judges, practitioners, academics and law reformers to analyse the past, present and future of the Law Commissions in the United Kingdom and beyond. Its internationally recognised authors bring a wealth of experience and insight into how and why law reform does and should take place, covering statutory and non-statutory reform from national and international perspectives. The chapters of the book developed from papers given at a conference to mark the fiftieth anniversary of the Law Commissions Act 1965.

Perspectives from European and Comparative Law

Learning from across and within Legal Systems

Roman Law and the Idea of Europe

Mixed Jurisdictions Compared

Private Law in Louisiana and Scotland

A New Agenda for Teaching

This important collection of essays is at

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the cutting edge of contemporary research on Roman law, comparative law, and legal history. The international and distinguished group of authors address some of the most lively contemporary problems in their respective fields, and provide new perspectives and insights in a wide range of areas. With a firm focus on texts and contexts, the papers come together to provide a coherent volume dedicated to one of the greatest contemporary Romanists, legal historians and comparative lawyers. The book covers Professor Watson's main fields of interest in a clear and accessible form, while also making available the scholarship of some individuals who do not normally publish in English. This fully-indexed volume will be of interest to all scholars and students of Roman law, ancient Jewish and Chinese law, legal history and comparative law, and will be useful for teaching and research in these fields.

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

"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

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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.

Unjustified enrichment has been one of the most intellectually vital areas of private

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law. There is, however, still no unanimity among civil-law and common-law legal systems about how to structure this important branch of the law of obligations. Several key issues are considered comparatively in this 2002 book, including grounds for recovery of enrichment, defences, third-party enrichment, as well as proprietary and taxonomic questions. Two contributors deal with each topic, one a representative of a common-law system, the other a representative of a civil-law or mixed system. This approach illuminates not just similarities or differences between systems, but also what different systems can learn from one another. In an area of law whose territory is still partially uncharted and whose borders are contested, such comparative perspectives will be valuable for both academic analysis of the law and its development by the courts.

The New Law

Political Thought in Scotland, 1500-2000

A Consultation Paper

Glasgow University Calendar

Good Faith in Contract and Property Law

Unjustified Enrichment

This comprehensive analysis of domestic and international sales law covering over sixty jurisdictions is the most

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detailed work in the field. It includes all aspects of a sale of goods transaction and provides answers to complex issues in practice.

Reimagining Contract Law Pedagogy examines why existing contract teaching pedagogy has remained in place for so long and argues for an overhaul of the way it is taught. With contributions from a range of jurisdictions and types of university, it provides a survey of contract law courses across the common law world, reviewing current practice and expressing concern that the emphasis the current approach places on some features of contract doctrine fails to reflect reality. The book engages with the major criticism of the standard contract course, which is that it is too narrow and rarely engages with ordinary life, or at least ordinary contracts, and argues that students are left without vital knowledge. This collection is designed to be a platform for sharing innovative teaching experiences, with the aim of building a new approach that addresses such issues. This book will have international appeal and will be of

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interest to academics, researchers and postgraduates in the fields of law and education. It will also appeal to teachers of contract law, as well as governmental and legal profession policymakers.

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.

Lord Rodger of Earlsferry was a distinguished judge and scholar. He was a Justice of the Supreme Court of the United Kingdom and the author of many high quality law journal articles and two books. Written in memory of Lord Rodger, this collection contains 47 essays by Lord Rodger's friends and colleagues from the UK and Europe. The essays reflect Lord Rodger's role as a leading judge and also his wide-ranging academic interests including Roman law, Scots law and legal history, and a miscellany of other topics. The authors in this volume are leading academics or judges, and a particularly notable

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feature is the nine essays written by Supreme Court justices. As the highest judges in the UK they provide a unique insight into the work of the Supreme Court, as well as Lord Rodger's work in the Court. The book also includes the memorial tributes to Lord Rodger which explain his remarkable legal career, including his roles as Lord Advocate (Senior Law Officer of Scotland) Lord President of the Court of Session, Lord of Appeal in Ordinary and, finally, Justice of the UK Supreme Court. The essays include personal reminiscences of Lord Rodger, helping the reader to understand why he was so highly regarded and why his untimely death has dealt such a devastating blow to law in the UK.

Review of Contract Law

GLOAG AND HENDERSON

Principles of European Contract Law

Non-Contractual Liability Arising out of Damage Caused to Another

Critical Studies in Ancient Law,

Comparative Law and Legal History

Studies in Scandinavian Sea-borne

Expansion and Settlement Before 1300 :
a Festschrift in Honour of Dr. Barbara

E. Crawford

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.

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.

Roman law is widely considered to be the foundation of European legal culture and an inherent source of unity within European law. Roman Law and the Idea of Europe explores the emergence of this idea of Roman law as an idealized shared heritage, tracing its origins among exiled German scholars in Britain during the Nazi regime. The book follows the spread and influence of these ideas in Europe after the war as part of the larger enthusiasm for European unity. It argues that the rise of the importance of Roman law was a reaction against the crisis of jurisprudence in the face of Nazi ideas of racial and ultranationalistic law, leading to the establishment of the idea of Europe founded on shared legal principles. With contributions from leading academics in the field as well as established younger scholars, this volume will be of immense interests to anyone studying intellectual history, legal history, political history and Roman law in the context of Europe. Available via Open Access on Bloomsbury Collections (<https://www.bloomsburycollections.com/>).

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.

Scottish Legal System

Fifty Years of the Law Commissions

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Comparing Tort and Crime

The Unauthorised Agent

A Framework for Analysis and Understanding

Essays in Honour of Alan Watson

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.

Gender Perceptions and the Law

Principles of Lender Liability

Report on Formation of Contract, Execution in Counterpart

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West Over Sea

Key Issues in Comparative Perspective

English Private Law