

Managing The Law Mcinnes

The Law of Unjust Enrichment in China: Necessary or Not? The Principles of the Law of Restitution The Highland Knaves Defences in Unjust Enrichment The Thousandth Man Exploitative Contracts Whence They Came The Law Times Internet Child Pornography and the Law The Impact of Equity and Restitution in Commerce Negligence and Illegality Restitutionary Rights to Share in Damages Property Rights and Bijuralism Research Handbook on Unjust Enrichment and Restitution Hong Kong Public Law Reports, Vol.3, Part 4 Divergences in Private Law Law and the Media The Law of Restitution The Defence of Passing On Australian Restitution Law Siyi Lin Graham Virgo Michelle Marcos Andrew Dyson Barry Cahill Rick Bigwood Barbara Roberts Yaman Akdeniz Peter Devonshire Sharon Erbacher Simone Degeling Jan Jakob Bornheim Elise Bant Andrew Byrnes Andrew Robertson Tom Crone Andrew S. Burrows Michael Rush Sharon Erbacher

The Law of Unjust Enrichment in China: Necessary or Not? The Principles of the Law of Restitution The Highland Knaves Defences in Unjust Enrichment The Thousandth Man Exploitative Contracts Whence They Came The Law Times Internet Child Pornography and the Law The Impact of Equity and Restitution in Commerce Negligence and Illegality Restitutionary Rights to Share in Damages Property Rights and Bijuralism Research Handbook on Unjust Enrichment and Restitution Hong Kong Public Law Reports, Vol.3, Part 4 Divergences in Private Law Law and the Media The Law of Restitution The Defence of Passing On Australian Restitution Law *Siyi Lin Graham Virgo Michelle Marcos Andrew*

Dyson Barry Cahill Rick Bigwood Barbara Roberts Yaman Akdeniz Peter Devonshire Sharon Erbacher Simone Degeling Jan Jakob Bornheim Elise Bant Andrew Byrnes Andrew Robertson Tom Crone Andrew S. Burrows Michael Rush Sharon Erbacher

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

the fourth edition of the principles of the law of restitution brings this widely cited and influential volume fully up to date substantially rewritten to reflect significant changes in the law of restitution and the expansion in the theoretical and critical commentary on the subject this book is grounded in its clarity of exposition and analysis the new edition significantly expands existing chapters on the treatment of the history of unjust enrichment enrichment the treatment of legally effective bases for receipt and compulsion it further expands existing parts on restitution for wrongs and proprietary restitutionary claims as well as offering completely new chapters dealing with at the claimant s expense absence of intent and the defence of illegality focusing primarily on english law the volume also engages with the law in other common law jurisdictions

notably australia canada new zealand and singapore it provides a clear exposition of complex areas of law as well as critical analysis of that law timely and comprehensive this book provides readers with a crucial guide to the law of restitution and will continue to be invaluable to student academics and practitioners alike

meet the highland knaves an infamous clan of outcast scots who live for justice lust for freedom and long for lovers bold enough to tame them from beloved romance author michelle marcos secrets to seducing a scot torn from a pampered life of luxury and thrust into the midst of a scottish revolution serena marsh is shocked to meet the brutish man who has been assigned to protect her from the rebels trying to kill her malcolm slayter the most rugged most dangerous and most undeniably attractive man she s ever encountered but when serena challenges malcolm s authority and engages him in a risky flirtation all bets are off when the battle heats up it s anyone s guess as to who s seducing whom and who ll surrender first lessons in loving a laird thrust into indentured servitude as a child shona slayter is counting the days until her twenty first birthday when she gains her precious freedom unfortunately the new laird of the estate has other plans and he s determined to keep her bound to him the only way for shona to be free of her bonds is to marry the man who holds the key but seducing a handsome laird is not what she was trained for and the more she tries to win his heart the more she loses hers

this book is the second in a series of essay collections on defences in private law it addresses defences to liability arising in unjust enrichment the essays are written from a range of perspectives and methodologies some are doctrinal others are theoretical and several offer comparative insights the most important defence in this area of the law change of position is addressed in detail but many other defences are treated too as well as the interrelations between these defences within the law of unjust enrichment the essays offer novel claims and ways of looking at problems in this challenging area of legal

study

james mcgregor stewart 1889 1955 was perhaps the foremost canadian corporate lawyer of his day he was also an appellate counsel venture capitalist conservative party fundraiser bibliographer of rudyard kipling and sometime university teacher of classics a leader of the bar in the inter war period he was the first maritimer to serve as president of the canadian bar association he distinguished himself mainly in constitutional cases before the judicial committee of the privy council during his career stewart was also head of the leading law firm in eastern canada now stewart mckelvey stirring scales director and vice president of the royal bank of canada and senior counsel to the royal commission on dominion provincial relations above all stewart was committed to the idea of law as a truly learned profession and to the bar as the most important legal institution to this day no lawyer has held such prestige and power both within and outside atlantic canada in his time he was the only maritime lawyer who gained full acceptance by every branch of the canadian establishment thematic rather than chronological in approach this fascinating legal biography provides both a history of a uniquely canadian career and an interpretation of its significance for stewart s time and ours

judges and scholars routinely use concepts such as exploitation in a justificatory way in the field of contract law a finding of exploitation may excuse a party from the normal consequences of his or her manifested contractual assent however the meaning of exploitation is usually assumed for this purpose rather than elaborated in fact exploitation is a highly contested concept exploitative contracts examines the essentially contestable criteria of interpersonal exploitation claims it puts forward a conception of exploitation legal contractual exploitation a form of wrongdoing that arises in connection with the formation of contracts this notion is shown to underpin traditional heads of relief in contract law including unconscionable dealing undue influence unilateral mistake in equity and lawful act duress importantly this notion of legal contractual

exploitation conforms to the intellectual and institutional forms of order presupposed by the classic liberal conception of the contract the wrongfulness of an act of exploitation must reside in some characteristic of the processes of contract formation rather than in some quality of the impugned contract itself the doctrines of unconscionable dealing duress and undue influence are examined in detail in the light of what they each reveal about the process conception of legal contractual exploitation in turn the volume explains how an understanding of these contract law doctrines can be enhanced by a proper conception of exploitation

until recently immigration policy was largely in the hands of a small group of bureaucrats who strove desperately to fend off offensive peoples barbara roberts explores these government officials showing how they not only kept the doors closed but also managed to find a way to get rid of some of those who managed to break through their carefully guarded barriers robert s important book explores a dark history with an honest and objective style published in english

this book provides a critical assessment of the problem of internet child pornography and its governance through legal and non legal means including a comparative assessment of laws in england and wales the united states of america and canada in recognition that governments have a compelling interest to protect children from sexual abuse and exploitation the internet raises novel and complex challenges to existing regulatory regimes efforts towards legal harmonization at the european union council of europe and united nations level are examined in this context and the utility of additional and alternative methods of regulation explored this book argues that effective implementation enforcement and harmonization of laws could substantially help to reduce the availability and dissemination of child pornography on the internet at the same time panic led policies must be avoided if the wider problems of child sexual abuse and commercial sexual exploitation are to be meaningfully addressed

commercial relationships give rise to diverse forms of legal obligation in private law including contract tort agency company law and partnership more controversially equity and the law of restitution have a less defined and somewhat ambulatory role in regulating the affairs of commercial parties nevertheless their impact is manifest in the commercial arena through the distinct types of liability they engender and the remedies that are imposed this collection draws together the views of leading international scholars and judges to explore the nature and extent of this impact from two perspectives five chapters primarily address this impact at a macro level focusing on the roles of equity and the law of restitution in terms of legal taxonomy doctrine and policy in contrast five further chapters primarily address this impact at a micro level focusing on selected liabilities and remedies within equity and the law of restitution this bifocal approach enables a holistic appreciation of some important ways in which equity and the law of restitution affect or may affect commerce with a view to fostering further debate over the fundamental issues at stake

this book examines claims in negligence arising from illegal conduct of the claimant an array of public policy and other grounds have been advanced for resolving these claims resulting in an area that is characterised by confusing and contradictory case law the book analyses the various explanations put forward as the basis for illegality doctrine within a framework of corrective justice theory illegality law poses particular challenges for the corrective justice explanation of negligence law as many illegality tests are based on public policy considerations external to the relationship of the parties the book argues that the only circumstance where illegality doctrine should be applied to deny a claim is where this is necessary to preserve the coherence of the legal system it develops the work of ernest weinribian corrective justice theorists to explain how the principle of legal coherence fits within the framework of corrective justice theory and why legal coherence is the only valid conceptual basis for a doctrine of illegality it also contains a detailed study on the scope of the coherence rationale and the principles that will determine its application

rights and obligations can arise amongst other things in tort or in unjust enrichment simone degeling deals with the phenomenon whereby a stranger to litigation is entitled to participate in the fruits of that litigation two prominent examples of this phenomenon are the carer entitled to share in the fund of damages recovered by a victim of tort and the indemnity insurer entitled to participate in the fruits of the insured s claim against the wrongdoer degeling demonstrates that both are rights raised to reverse unjust enrichment careful examination of these two categories reveals the existence of a novel policy motivated unjust factor called the policy against accumulation degeling argues that this is an unjust factor of broad application applying to configurations other than that of the carer and the indemnity insurer this will interest restitution and tort lawyers both academic and practitioner as well as academic institutions and court libraries

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

this comprehensive yet accessible research handbook offers an expert guide to the key concepts principles and debates in the modern law of unjust enrichment and restitution

the hong kong bill of rights ordinance came into force in june 1991 ushering in an important new stage of development in the hong kong legal system this series contains all the judgements in which bill of rights issues are decided and is thus an invaluable

this book is a study of doctrinal and methodological divergence in the common law of obligations it explores particular departures from the common law mainstream and the causes and effects of those departures some divergences can be justified on the basis of a need to adapt the common law of contract torts equity and restitution to local circumstances or to

bring them into conformity with local values more commonly however doctrinal or methodological divergence simply reflects different approaches to common problems or different views as to what justice or policy requires in particular circumstances in some instances divergent methodologies lead to substantially the same results while in others particular causes of action defences immunities or remedies recognised in one jurisdiction but not another undoubtedly produce different outcomes such cases raise interesting questions as to whether ultimate appellate courts should be slow to abandon principles that remain well accepted throughout the common law world or cautious about taking a uniquely divergent path the chapters in this book were originally presented at the seventh biennial conference on the law of obligations held in hong kong in july 2014 a separate collection entitled the common law of obligations divergence and unity isbn 9781782256564 is also being published

tom crone's classic text has been thoroughly revised by an impressive team of legal experts it provides an essential source of reference for the key legal issues encountered by those who work in the media such as journalists editors and producers as well as media lawyers topics covered include protection of reputation copyright and rights clearance new media breach of confidence and privacy the data protection act 1998 reporting restrictions contempt of court and protection of journalistic sources the freedom of information act 2000 and official secrets professional regulatory bodies and advertising the human rights act 1998 the law in scotland and the united states of america comprehensive supplementary reference material is also provided including a glossary of legal terms addresses telephone numbers and web sites of professional bodies and specimen agreements including interview agreements and moral rights waivers with contributions from terence bergin marietta cauchi jane colston mark cranwell charles de fleurieu simon dowson collins david green peter grundberg rebecca handler joanna ludlam rosaling mcinnes hugh tomlinson and john wadham

this highly praised textbook provides detailed and incisive coverage of all aspects of restitution the author's expert analysis and clarity of style will be invaluable to both students and practitioners with an interest in this area of law

the identity and existence of a loss based defence in the law of unjust enrichment is disputed widely known as passing on but better identified as disimpoverishment this defence has generated confusion and disagreement across and within england australia canada and the united states of america this book seeks to address these problems in three ways first by providing a solution to the defence's terminological problems and presenting a coherent picture of the current state of the law secondly by examining whether a defendant's unjust enrichment can be said to have come at the expense of a claimant when a third party has borne the cost of that enrichment put another way whether awards of restitution are or should be restricted by the value of a claimant's loss and finally by analyzing the reasons in favour of accepting or rejecting a loss based defence in the law of unjust enrichment numerous scholarly textbooks and law journals have devoted space to these issues this work however has tended to focus narrowly on either particular cases or sets of issues this book seeks to address this deficiency by collating and providing total coverage of the controversies and questions pertaining to a loss based defence in the law of unjust enrichment this work will be essential reading for anyone interested in the law of restitution and in its relationship with other areas of private law

this book is the first casebook on restitution law to be published in australia it contains comprehensive extracts from the most significant australian and english cases together with some canadian cases which indicate the possible direction which australian law will take the author has included substantial commentaries following the extracts in order to further explain the decisions from overseas jurisdictions to place those decisions in an australian context in the last decade there has been a significant number of australian decisions which deal with important concepts in restitution and which supplement qualify

or refine the english law of restitution the focus in this book on the australian position makes it an invaluable resource for anyone who is studying or researching restitution law in australia

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