

Cheshire North And Fawcett Private International Law

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Clawback Law in the Context of Succession
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British and Colonial Printer and Stationer
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the new edition of this well established and highly regarded work has been fully updated to encompass the major changes and developments in the law including coverage of the recast brussels i regulation which came into force in 2015 the book is invaluable for the practitioner as well as being one of the leading students textbooks in the field giving comprehensive and accessible coverage of the basic principles of private international law it offers students teachers and practitioners not only a rigorous academic examination of the subject but also a practical guide to the complex subject of private international law written by an expert team of academics there is extensive coverage of commercial topics such as the jurisdiction of various courts and their limitations stays of proceedings and restraining foreign proceedings the recognition and enforcement of judgments the law of obligations with respect to contractual and non contractual obligations there are also sections on the various aspects of family law in private international law and the law of property including the transfer of property administration of estates succession and trusts

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arbitration and jurisdiction agreements are frequently used in transnational commercial contracts to reduce risk gain efficacy and acquire certainty and predictability because of the similarities between these two types of procedural autonomy agreements they are often treated in a similar way by courts and practitioners this book offers a comprehensive study of the prerequisites effectiveness and enforcement of exclusive jurisdiction and arbitration agreements in international dispute resolution it examines whether jurisdiction and arbitration clauses have identical effects in private international law and whether they have been or should be given the same treatment by most countries in the world by comparing the treatment of these clauses in the us china uk and eu zheng sophia tang demonstrates how in practice exclusive jurisdiction and arbitration agreements are enforced the book considers whether the hague convention on choice of court agreements could be treated as a litigating counterpart to the new york convention and whether it could work successfully to facilitate judicial cooperation and party autonomy in international commerce this book breaks new ground in combining updated materials in eu us and uk law with unique resources on chinese law and practice it will be valuable for academics and practitioners working in the field of private international law and international arbitration

this book offers a global solution for determining the law applicable to a claim to clawback an inter vivos gift from a third party within the context of a succession the book aims to identify an appropriate and applicable legal framework which supports legal certainty for cross border estate planning and protects the legitimate expectations of the relevant parties this is an area of private international law that has yet to be handled satisfactorily as can be seen by the inadequate treatment of clawback from third parties in the 1989 hague convention on the law applicable to succession to the estates of deceased persons and the 2012 eu succession regulation

this book aims to enrich the thinking and discussion in relation to the importance that citizenship immigration rights and private laws play in the modern world this is in a time when social cohesion and national identity is being challenged it will explore the impact these laws have had on australia european union eu and slovenia identity and social cohesion are contested concepts and can invoke different responses the challenges states and the eu are likely to face in retaining and even strengthening their respective identities and social cohesion from continued geopolitical shocks security economic volatility and environmental degradation is likely to be formidable these alone pose some of the most complex political and policy issues facing the world the eu can be held up as a polity that has developed an identity and level of cohesion while allowing member states to retain their national identities it has to date also been successful in managing the rise of nationalism however that has come under threat in recent times thus the very foundations of liberal democracy could be diluted from the impact of these challenges moreover the basic foundations of rights have in part already been diluted from the rise of terrorism which is acceptable however the geopolitical differences pose a significant challenge in and of themselves

praise for the book this constitutes a work of impressive scholarship that will become a major reference point for future discourse on choice of court agreements dr ahmed advances a firm thesis in a lucid manner that will satisfy both academics and practitioners the discussion is supported by a monumental foundation of underpinning research ahmed s monograph throughout shows clear understanding of underlying substantive laws and in chapter 11 displays a refreshing willingness to engage in intelligent speculation on the implications of brexit professor david milman university of lancaster the book is an excellent attempt to understand the theoretical underpinnings of choice of court agreements in private international law anyone with an interest in the theory and practice of choice of court agreements in particular in mechanisms for their enforcement should read this book they will find much of value by doing so professor paul beaumont university of aberdeen from the series editor s preface this book examines the fundamental juridical nature classification and enforcement of choice of court agreements in international commercial litigation it is the first full length attempt to integrate

the comparative and doctrinal analysis of choice of court agreements under the brussels i recast regulation the hague convention on choice of court agreements hague convention and the english common law jurisdictional regime into a theoretical framework in this regard the book analyses the impact of a multilateral and regulatory conception of private international law on the private law enforcement of choice of court agreements before the english courts in the process it both pre empts and offers innovative solutions to issues that may arise under the jurisprudence of the emergent brussels i recast regulation and the hague convention the need to understand the nature and enforcement of choice of court agreements before the english courts from the perspective of the eu private international law regime and the hague convention cannot be understated this important new study aims to fill an existing gap in the literature in relation to an account of choice of court agreements which explores and reconnects arguments drawn from international legal theory with legal practice however the scope of the work remains most relevant for cross border commercial lawyers interested in crafting pragmatic solutions to the conflicts of jurisdictions

includes reports of annual conferences held by various trade federations

this book explores the application of foreign law in civil proceedings in the british and german courts it focuses on how domestic procedural law impacts on the application of choice of law rules in domestic courts it engages with questions involved in the investigation and determination of foreign law as they affect the law of england and wales scotland and germany although the relevant jurisdictions are the focus the comparative analysis extends to explore examples from other jurisdictions including relevant international and european conventions ambitious in scope it expertly tracks the development of the law and looks at possible future reforms

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