

Equity Clarendon Law Series

A classic resource in the modern study of the anthropology of law, this book is now widely available again in an updated and expanded edition. There are many societies that survive in a remarkably orderly fashion without the help of judges, law courts and policemen. They are small in scale and have relatively simple technologies, lacking those centralized agencies which we associate with legal systems; yet early anthropologists did not hesitate to name "law," along with kinship, politics and religion, as one of the facets of their subject. Simon Roberts contends, however, that legal theory has become too closely identified with our own arrangements in western societies to be of much help in cross-cultural studies of order. But conversely, by looking at the ways in which other societies keep order and solve disputes, he sheds valuable light on the contemporary debates about order in our own society, in a straightforward text which will be accessible to the general reader and anthropologist alike. Now in its Second Edition with a new Foreword and Afterword by the author, this renowned introduction to the anthropology of law is part of the Classics of Law & Society Series from Quid Pro Books.

This second edition of Sarah Worthington's *Equity* maintains the clear ambitions of the first. It sets out the basic principles of equity, and illustrates them by reference to commercial and domestic examples of their operation. The book comprehensively and succinctly describes the role of equity in creating and developing rights and obligations, remedies and procedures that differ in important ways from those provided by the common law itself. Worthington delivers a complete reworking of the material traditionally described as equity. In doing this, she provides a thorough examination of the fundamental principles underpinning equity's most significant incursions into the modern law of property, contract, tort, and unjust enrichment. In addition, she exposes the possibilities, and the need, for coherent substantive integration of common law and equity. Such integration she perceives as crucial to the continuing success of the modern common law legal system. This book provides an accessible and elementary exploration of equity's place in our modern legal system, whilst also tackling the most taxing and controversial questions which our dual system of law and equity raises.

In a subject heavily reliant on the specifics of case law, *Cases and Materials on Equity and Trusts* provides an essential reference source for students. The tenth edition contains a diverse range of relevant and interesting cases, statutory material, academic writing, and official proposals for law reform. Where appropriate, legal materials are accompanied by non-legal literary texts with a view to making legal points more interesting and memorable. Gary Watt continues to combine the highly-regarded, rigorous scholarship and student-focused approach established through previous editions in his expertly-selected choice of materials and commentary. Utilizing key features as tools to assist students' learning and revision, including questions, suggestions for further reading, and notes, Gary Watt threads the broad spectrum of equity case law together with his unique flair, making it an engaging and insightful companion to a course in trusts. Online Resource Centre The tenth edition is supported by an Online Resource Centre, offering:

- * Suggested answers to questions in the book
- * Video lectures presented by Gary Watt, introducing key areas of

debate within the subject* General guidance on answering essay questions* General guidance on answering problem scenarios* Flashcard glossary of key legal terms* Updates to the law post-publication* Web links to useful websites

This study traces the influence of philosophical ideas on the development of contract law from the post-Roman period to the 19th century, focusing upon the synthesis of Roman law and the moral philosophy of Aristotle and Aquinas.

Trusts and Equity provides a detailed and conceptual analysis of an area of law that students sometimes find difficult. Watt concentrates on those areas of the subject that are most relevant in the contemporary arena, such as the commercial context. The author utilises his expertise in teaching, writing and researching to enliven the text with helpful analogies and memorable references to extra-legal sources such as history, literature and film. In this way he also stimulates students to engage critically with the theory. Online Resource Centre Equity and Trusts is accompanied by an Online Resource Centre, containing the following resources: - A video podcast from the author - Essay questions, problem scenarios and general answer guidance - Web links - Regular updates

The fusion of law and equity in common law systems was a crucial moment in the development of the modern law. In this volume leading scholars assess the significance of the fusion of law and equity from comparative, doctrinal, historical and theoretical perspectives.

The volume contains articles based on presentations given at a conference hosted by the Institute for Law and Finance of Goethe University on October 27, 2011. Collective action clauses are an example of the typical dichotomy of financial regulation: While the problems are economic in nature, the solutions need to be implemented by law. The Institute for Law and Finance strives to bring together law and finance in order to foster a better mutual understanding of both disciplines and to improve the regulation of financial markets. Thus, the organizers are particularly pleased that eminent experts from the fields of law and finance agreed to participate in the event and to share their views on and experiences with collective action clauses. The presentations given at the conference have been updated in 2012 to reflect recent developments.

The law of tracing is a complex subject which has struggled to find a home in works on property, equity, commercial law and restitution. Broadly speaking, it addresses the question of when rights held in an asset can be asserted in another asset despite changes in form or attempts to 'launder' the initial asset. Properly understood this area of study is composed of several distinct topics. This book explores all the areas covered by the law of tracing in a degree of detail not previously reached in more general works.

Alastair Hudson's Equity and Trusts is an ideal textbook for undergraduate courses on the law of trusts and equitable remedies. It provides a clear, current and comprehensive account of the subject through which the author's enthusiasm and expertise shine through, helping to bring to life an area of the law which students often find difficult. Beginning with the core principles, Alastair Hudson reinforces the key points by means of clear examples throughout each chapter, helping students to build and develop their own knowledge of equity and trusts. A set of lively, discursive essays reflecting on the law then begin to outline the broader political, social and economic context of the subject and encourage the reader to begin to engage with their own critical analysis. The eighth edition of Equity and Trusts will be edited and updated to include discussion of the key developments in the subject since publication of the seventh edition in 2012, including the latest case law and

potential for regulation relating to cohabitation and shared ownership as well as cases arising in the light of the enforcement of the Charities Act 2006.

Atiyah's Introduction to the Law of Contract is a well-known text through which thousands of university students have first encountered the law of contract, and the new edition has long been eagerly awaited by university teachers and students. This sixth edition, updated by Stephen Smith, continues to provide readers with an introduction to the theories, policies, and ideas that underlie the law, placing an equal emphasis on the law and critical analysis. In particular, the discussion of recent cases and legislation is centred on why contract law is the way it is, whether it can be justified, and, if not, what should be done to improve it. The sixth edition has been revised to place the law of contract in a modern context and to account for recent developments in the law, as well as those in academic thinking and writing. Addressing European influences and including perspectives from comparative law, this remains a stimulating and authoritative exposition of the modern law of contract.

This revised and updated text contains a range of relevant, interesting case law, statutory material, academic extracts and official proposals for law reform. A companion web site featuring web links and case updates ensures students have access to the latest materials.

This new edition contains extracts from a wide range of relevant and interesting case law, statutory material, academic writing and official proposals for law reform. In a subject that is heavily case-based, the content of Todd and Watt's Cases and Materials on Equity and Trusts provides a complete source of reference for students. Logically set out, the book is structured to correspond to a typical undergraduate course in equity and trusts, with materials linked by engaging commentary and stimulating questions with answers, as well as suggestions for further study. The sixth edition has been revised to include a new chapter dedicated to equitable doctrines and remedies. It has also been updated to include the Charities Act 2006, the Law Commission report on Trustee Exemption Clauses (2006) and consultation paper on Cohabitation (2006), and numerous new cases, including *Re Farepak Foods* (2006), *Re Horley Town Football Club* (2006), *Barlow Clowes International Ltd. (In Liquidation) v. Eurotrust International Limited* (2005), and *Charter plc v City Index Ltd* (2007). This new edition is especially notable for the inclusion of extracts from recent scholarly articles by several of the world's leading academic thinkers on the law of trusts. Online Resource Centre Fully supported by an Online Resource Centre orientated towards consolidating students' understanding and providing a forum for self-assessment. Resources include regular updates to changes and developments in relevant cases, suggested answers to questions in the book, and links to key websites.

"It covers all the main areas of International Law, such as International Economic Law, International Environmental Law, and the ways International Law deals with different types of armed conflict. It also concludes with a short chapter examining the prospects for International Law."--BOOK JACKET.

This new edition of a landmark study of the law of restitution has been substantially revised and updated. Concentrating on structural principles rather than detailed rules, the book is an invaluable guide to this difficult area of law.

The Law and Regulation of Central Counterparties provides a detailed analysis of the legal and regulatory aspects of Central Counterparties (CCPs) with an introduction to their role and functions in modern financial markets. The book begins by describing in detail basic elements of modern post-trade infrastructure, exploring the modern functional and operational aspects of CCPs in the markets. It moves on to discuss the relationships between CCPs and their members, and clients of clearing members as non-

members, legal issues concerning collateralisation, netting and set-off, and default arrangements that are primarily embedded in the form of the rules and regulations of CCPs. With regard to regulatory issues, the book examines the regulatory framework with reference to the UK and the EU. As to the case for a single CCP for various different types of markets, the analysis covers the advantages and disadvantages of CCP clearing and carries out an assessment of the risks and benefits of a single multi-market CCP.

EquityOUP Oxford

This book examines property issues in respect of intermediated securities under English law, namely title and title conflicts between a true owner and a purchaser. Intangible book entry securities held with an intermediary, often commingled with the holdings of other clients of the intermediary, often give rise to uncertainty in property rights in the securities of an investor under most legal systems, for example, whether property rights can be established and how title conflicts are dealt with. This book identifies the flexible framework of English property law for establishing property rights over commingled intangibles, in particular through trusts; establishes the policy of priority rules as of comparing the merits of rights and preferring a vested right of a true owner over a subsequent purchaser, particularly a vested right under fiduciary relations. The book works towards the conclusion that, given the general principle of English property law for vested rights, title conflicts may be tilted towards purchasers in a mild rather than a radical way, by introducing a good faith purchaser rule to intermediated securities or leaving it to judicial discretion where an estoppel might work in favour of a purchaser. This book is suitable for lawyers, officials and academics in the field of intermediated securities, as well as trust, property and financial regulation.

The Conflict of Laws addresses the jurisdiction of Courts (and whether their judgments are enforced and recognised overseas) and the effect of foreign judgments in England (whether these are recognised and enforced) . It also looks at the principles of choice of law for cases with an international element for example contracts made or performed in other jurisdictions or with other parties, torts committed overseas or by foreign parties, international fraud, property sited overseas, and family and personal matters (including marriage, divorce, and financial support) across different jurisdictions.

Robert Chambers has written a much-needed, detailed examination of the resulting trust which will be invaluable to all barristers and academics working in the areas of equity and trusts, restitution and the law of property.

This new edition of Unjust Enrichment by the editor of the Clarendon Law Series, is a fully updated, clear and concise account of the law of unjust enrichment. It attempts to move away from the use of obscure terminology inherited from the past. This text is the first book to insist on the switch from restitution to unjust enrichment, from response to event. It organises modern law around five simple questions: Was the defendant enriched? If so, was it at the claimant's expense? If so, was it unjust? The fourth question is then what kind of right the claimant has, and the fifth is whether the defendant has any defences. This second edition was revised and updated by Peter Birks before his death from cancer on 6 July 2004 at the age of 62. It represents the final thinking of the world's leading authority on the subject.

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This volume is based closely on the lectures delivered by The Hon. Justice W. M. C. Gummow at Oxford University in 1999 as part of the Clarendon law lectures series, sponsored by Oxford University Press. These lectures take up themes of continuity and change in the law, particularly as they appear in the great common law jurisdictions. The tension between continuity and change appears from a consideration of the interaction between statute and the case law which interprets it, of the interaction between equity and statute, and finally of the operation of that constitutional arrangement known as federalism. Statute speaks to the state of affairs at the time of enactment. That state of affairs is dynamic; the statute, at least in form, is static. Conversely, in its development the common law may be informed by changes effected by statute. The extent to which the common law may or should respond in this way is a matter of controversy. Further, the accommodation of an apparently rigid statutory structure to individual circumstances has, for centuries, been assisted by the leavening effect of equitable doctrines and remedies. Finally, in federal systems with a division of governmental power and authority by a written supreme law, tensions between continuity, perceived in terms of original intent, and changed circumstances which were unforeseen, may become acute. Is Britain in the process of becoming a federal state or, indeed, a component of a European federal state? In all these situations, the doctrines developed by the courts assist the passage of society from the past, through the present and into the future. This invites an inquiry, considered in these lectures, as to the requirements of legal scholarship in a court of ultimate appeal in a common law system.

It is unusual, in the precise world of law, to find instances of where 'near enough is good enough'. This book explores when this is possible, referring to property and monetary transfers, under the increasingly important and influential *cy-près* doctrine. The doctrine decrees that, when literal compliance is impossible or infeasible, the intention of a donor or testator should be carried out 'as nearly as possible'. Over the past thirty years, this doctrine has marched into other legal territory where 'as near as possible' is also considered sufficient, such as in class actions litigation and under non-charitable trusts. Discussing and analyzing key developments across the Commonwealth jurisdictions and the USA, this book considers whether there is a new and overarching definition which can be attributed to the *cy-près* doctrine. It asks whether there is a doctrinal symmetry of analysis that truly renders it a body of 'cy-près law' in the modern context and whether the doctrine can be expected to play an even greater role in the future. This book is of interest to researchers and practitioners working in trusts and charity law, property law, contract law, and class actions jurisprudence.

Equity is a multi-faceted subject, an authentic crossroads of problems. The perspective of this study is, as a result, a mix of focuses, which includes: the philosophy of law, general legal theory, justice theory, the history of law, comparative law, legal dogma, etc. In this book, as in various earlier studies of the author, she uses the "three-dimensional" method, which facilitates a stratified focus in agreement with three levels: facts, norms, and values. The subject of equity has never been analysed as completely as in this work. It includes a dynamic study of the different types of equity throughout history and in the different legal systems; the concept, content, limits, functions and types of equity; the relationship between equity and related ideas, and equity

in all the branches of the legal order.

What role does gender play in shaping the law and legal thinking? This book provides an answer to this question, examining the historical role of gender in law and the relevance of gender to modern jurisprudence. It presents a clear, concise introduction to thinking about gender issues for lawyers and law students.

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.

Questions about the nature of law, its relationship with custom, and the distinctive form of legal rules, categories, and reasoning, are placed at the centre of this introduction to the anthropology of law. It brings empirical scholarship within the scope of legal philosophy, while suggesting new avenues of inquiry for the anthropologist. Going beyond the functional and instrumental aspects of law that underlie traditional ethnographic studies of order and conflict resolution, *The Anthropology of Law* considers contemporary debates on human rights and new forms of property, but also delves into the rich corpus of texts and codes studied by legal historians, classicists, and orientalist scholars. Studies of the great legal systems of ancient China, India, and the Islamic world, unjustly neglected by anthropologists, are examined alongside forms of law created on their peripheries. The coutumes of medieval Europe, the codes drawn up by tribal groups in Tibet and the Yemen, village laws on both sides of the Mediterranean, and the intricate codes of saga in Iceland provide rich empirical detail for the author's analysis of the cross-cultural importance of the form of law, as text or rule, and the relative marginality of its functions as an instrument of government or foundation of social order. Carefully-selected examples shed new light upon the interrelations and distinctions between law, custom, and justice.

Gradually an argument unfolds concerning the tensions between legalistic thought and argument, and the ideological or aspirational claims to embody justice, morality, and religious truth which lie at the heart of what we think of as law.

This work provides a history of the main institutions of South African private law, as well as exploring the process through which the integration of English common law and continental civil law was achieved in that jurisdiction. It is a first stepping stone in the writing of the history of private law in South Africa.

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Fifty years on from its original publication, HLA Hart's *The Concept of Law* is widely recognized as the most important work of legal philosophy published in the twentieth century, and remains the starting point for most students coming to the subject for the first time. In this third edition, Leslie Green provides a new introduction that sets the book in the context of subsequent developments in social and political philosophy, clarifying misunderstandings of Hart's project and highlighting central tensions and problems in the work.

This volume in the 'Core Text Series' covers the law of trusts, explaining from first principles what 'trusts' is about and providing the student with an understanding of the law and the important academic controversies surrounding it.

Trusts: A Modern Analysis clearly explains the fundamental legal structure of the law of trusts in the context of private law. Through this fresh and analytical approach to the law of trusts, Robert Chambers looks at how the subject has progressed, and how the key issues can be better categorized to reflect these changes. His use of plain language and relaxed written style will help readers to achieve a deeper understanding of traditional trust concepts and how these are currently being used to solve modern legal problems.

This text provides a concise and analytical overview of the English law of trusts, drawing out especially this area's underlying concerns and suggesting ways in which the rules can be explained and evaluated.

Equity and Trusts in Australia, second edition provides undergraduate and Juris Doctor students with an accessible introduction to equity and trust law.

A comprehensive, stimulating introduction to trusts law, which provides readers with a clear conceptual framework to aid understanding of this challenging area of the law. Aimed at readers studying trusts at an undergraduate level, it provides a succinct and enlightening account of this area of the law. Concise and clear, this book also identifies and discusses many analytical perspectives, encouraging a deeper understanding of the issues at hand. It offers an outstanding treatment of specific areas, in particular remedial constructive trusts and trusts of family homes. Ideal for providing a broad background to the issues before embarking on an in-depth study of trusts, it can also be used to help the reader to develop their understanding. For those looking to challenge themselves, detailed footnotes highlight further issues and point the direction for future reading. Fully revised to take into account the Charities Act 2006, judicial developments through case law, and recent academic work in this area, this new edition in the renowned Clarendon Law Series offers a well-written, careful, and insightful introduction to the law of trusts.

Rev. versions of papers originally presented at a conference held on Jan. 6-7, 1996 in Cambridge, U.K.

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