

Hedley Byrne V Heller

Simon James

The Law of Misstatements Kit Barker, Ross Grantham, Warren Swain, 2015-08-27 2013 was the 50th anniversary of the House of Lords' landmark decision in Hedley Byrne v Heller. This international collection of essays brings together leading experts from five of the most important jurisdictions in which the case has been received (the United Kingdom, the United States, New Zealand, Canada and Australia) to reappraise its implications from a number of complementary perspectives- historical, theoretical, conceptual, doctrinal and comparative. It explores modern developments in the law of misstatement in each of the jurisdictions; examines the case's profound effects on the conceptual apparatus of the law of negligence more generally; explores the intersections between misstatement liabilities in contract, tort, equity and under statutory consumer protection provisions; and critically assesses the ways in which advisor liabilities have come to be limited and distributed under systems of 'joint and several' and 'proportionate' liability respectively. Inspired by Hedley Byrne, the purpose of the collection is to reflect on the case's echoes, effects and analogues throughout the private law and to provide a platform for thinking about the ways in which liabilities for misstatement and pure economic loss should be modelled in the modern day.

The Duty of Care in Negligence James Plunkett, 2018-02-08 This book aims to provide a detailed analysis and overview of the duty of care enquiry, drawing on both academic analyses and judicial experience in leading common law systems. A new structure through which duty problems can be analysed is also proposed. It is hoped that the book provides some fresh insights and clarity of the concept to the reader.

Consequences of Impaired Consent Transfers Birke Häcker, 2009 Birke Hacker explores the English and German law on impaired consent transfers of movable property and their reversal in comparative perspective, paying particular attention to the interaction - within each legal system - between the rules and principles of contract law, property law, and the law of unjust(ified) enrichment. In two-party situations, the author focuses on the relationship between contract and conveyance and the closely related question of the transferor's position in the event of the transferee's insolvency. While German law resolves these issues by reference to the well-established principles of separation and abstraction, the relevant English law is still unsettled. The author argues for a generalized power model of so-called 'proprietary restitution' and seeks to demonstrate that conveyances by delivery are best regarded as abstract in English as well as in German law, but explains

why English law nevertheless lacks the gist of abstraction a la BGB. Building on this analysis, the author then goes on to examine three-party situations. She looks first at the position of third parties who have acquired the object in question before the transferor has had a chance to reclaim it (raising issues of bona fide purchase and 'leapfrogging') and thereafter at the extent to which the transferor can assert rights to the object's traceable substitutes. As far as English law is concerned, the author shows that the supposed 'third party rights bar to rescission' is not only unnecessary, but misconceived, and that it ought to be abolished.

Landmark Cases in Succession Law Brian Sloan, 2019-10-31 The Landmark Cases series highlights the historical antecedents of what are widely considered to be the leading cases in a discipline, and seeks to provide contexts in which to better understand how and why certain cases came to be regarded as the 'landmark' cases in any given field. Succession law's long pedigree, near-universal application, immense capacity for human interest stories, somewhat uncertain future in England and Wales, and close connection to demographics make it an ideal candidate for a Landmark Cases volume. The distinguished contributors to this collection consider cases ranging from 1720 to 2017, covering issues such as will-making and interpretation, the position of beneficiaries and personal representatives, testamentary promises, and the extent of testamentary freedom in England and Wales and beyond. The cases are relevant not only to scholars and students of succession law per se, but also those working in fields such as tax, trusts, tort and land law. They raise issues as diverse as class, colonialism, familial dynamics, expectations and obligations, mental health, and the proper roles of the legal profession and the welfare state. The collection will provoke much discussion on what makes a 'landmark' case, as well as on the peculiarities and limitations of the case law method.

Principles of Commercial Law 2/e M. P. Furmston, 2001-05-23 Aiming to provide a clear and digestible introduction to the central areas of commercial law, this text sets out each topic in a self-contained, annotated section. Coverage includes: fundamentals of sale of goods contracts; law governing agency relationships; and consumer credit agreements.

The Law of Derivatives Simon James, 2014-06-03 This volume focuses on the legal risks arising in English law in the course of derivatives transactions. It discusses the following issues: the legal risks arising in the negotiation and conduct of derivatives transactions; the regulation of the derivatives market; the capacity to enter into derivatives transactions and the standard term upon which this is done; the consequences of default by a counterparty; and the standard terms on which derivatives are entered into, particularly the ISDA Master Agreement.

The Humanity of Private Law Nicholas McBride, 2018-12-27 The Humanity of Private Law presents a new way of thinking about English private law. Making a decisive break from earlier views of private law, which saw private law as concerned with wealth-maximisation or preserving relationships of mutual independence between its subjects, the author argues that English private law's core concern is the flourishing of its subjects. THIS VOLUME - presents a critique of alternative

explanations of private law; - defines and sets out the key building blocks of private law; - sets out the vision of human flourishing (the RP) that English private law has in mind in seeking to promote its subjects' flourishing; - shows how various features of English private law are fine-tuned to ensure that its subjects enjoy a flourishing existence, according to the vision of human flourishing provided by the RP; - explains how other features of English private law are designed to preserve private law's legitimacy while it pursues its core concern of promoting human flourishing; - defends the view of English private law presented here against arguments that it does not adequately fit the rules and doctrines of private law, or that it is implausible to think that English private law is concerned with promoting human flourishing. A follow-up volume will question whether the RP is correct as an account of what human flourishing involves, and consider what private law would look like if it sought to give effect to a more authentic vision of human flourishing. The Humanity of Private Law is essential reading for students, academics and judges who are interested in understanding private law in common law jurisdictions, and for anyone interested in the nature and significance of human flourishing.

Justice in Private Law Peter Jaffey, 2023-08-24 This book discusses the dominant corrective justice and distributive justice approaches to private law and identifies their strengths and weaknesses. It goes on to propose a general approach to private law, including contract, tort and private property, and explains how it can provide solutions to some longstanding problems. Two general ideas inform this approach: the 'standpoint limitation' and 'remedial consistency'. The standpoint limitation explains the distinctive character of private law, that is to say why it is focussed mainly, though not exclusively, on particular individual interests rather than the common welfare. Remedial consistency explains the way in which remedies depend on and give effect to primary rights. The book also discusses the nature of common law legal reasoning and its relationship to the suggested understanding of private law.

Contract Law Mindy Chen-Wishart, 2015 This textbook provides an accessible account of the intricacies of contract law and the problems that can arise during the life of a contract. These problems, along with their solutions, are discussed in detail using everyday language that stimulates thought and reflection.

Comparative Corporate Governance Petri Mäntysaari, 2006-01-16 An analytical overview of the regulation of shareholder activism in the UK and Germany. The book shows how the comparative legal method can be used in the study of the corporate governance systems of different countries. It deals with the regulation of the governance of listed companies within a wide framework that recognises the importance of company law, securities markets law, standards and internal rule-making.

Tort Law Concentrate Carol Brennan, 2019 The Tort Law Concentrate is written and designed to help you succeed. Written by experts and covering all key topics, Concentrate guides help focus your revision and maximise your exam performance. Each guide includes revision tips, advice on how to achieve extra marks, and a thorough and focused

breakdown of the key topics and cases. Revision guides you can rely on: trusted by lecturers, loved by students... I have always used OUP revision and Q&A books and genuinely believe they have helped me get better grades - Anthony Poole, law student, Swansea University The detail in this revision textbook is phenomenal and is just what is needed to push your exam preparation to the next level. - Stephanie Lomas, law student, University of Central Lancashire It is a little more in-depth than other revision guides, and also has clear diagrams and teaches ways to obtain extra marks. These features make it unique - Godwin Tan, law student, University College London The concentrate revision guides stand out against other revision guides - Renae Haynes Williams, law student, Bangor University The exam style questions are brilliant and the series is very detailed, prepares you well - Frances Easton, law student, University of Birmingham The accompanying website for Concentrate is the most impressive I've come across - Alice Munnelly, law student, Kings College London -it is a fantastic book. It covers absolutely all topics you need for the course. - Emma McGeorge, law student, Strathclyde University

Landmark Cases in the Law of Tort Charles Mitchell, Paul Mitchell, 2010-02-18 Landmark Cases in the Law of Tort contains thirteen original essays on leading tort cases, ranging from the early nineteenth century to the present day. It is the third volume in a series of collected essays on landmark cases (the previous two volumes having dealt with restitution and contract). The cases examined raise a broad range of important issues across the law of tort, including such diverse areas as acts of state and public nuisance, as well as central questions relating to the tort of negligence. Several of the essays place cases in their historical context in ways that change our understanding of the case's significance. Sometimes the focus is on drawing out previously neglected aspects of cases which have been - undeservedly - assigned minor importance. Other essays explore the judicial methodologies and techniques that worked to shape leading principles of tort law. So much of tort law turns on cases, and there are so many cases, that all but the most recent decisions have a tendency to become reduced to terse propositions of law, so as to keep the subject manageable. This collection shows how important it is, despite the constant temptation to compression, not to lose sight of the contexts and nuances which qualify and illuminate so many leading authorities.

Tort Law Jenny Steele, 2017 'Tort Law' offers a stimulating introduction to the subject. Jenny Steele provides a sound analysis of the key principles before exploring a wide range of critical perspectives through an extensive selection of cases and materials.

Three Essays on Torts Jane Stapleton, 2021 The annual Clarendon Law Lectures are a joint venture between Oxford University Press and the Oxford University Law Faculty. The aim of the lectures is to provide a unique forum for a visiting lecturer to deliver a series of three lectures on a legal theme. Featuring lecturers of the highest calibre speaking on a broad range of legal topics, the text of the Clarendon Law Lectures, as subsequently revised, is published by Oxford University Press. Book jacket.

Q&A Torts Birju Kotecha, 2014-12-05 Routledge Q&As give you the tools to practice and refine your exam technique, showing you how to apply your knowledge to maximum effect in an exam situation. Each book contains up to fifty essay and problem-based questions on the most commonly examined topics, complete with expert guidance and fully worked model answers. These books provide you with the skills you need for your exams by: Helping you to be prepared: each title in the series has an introduction presenting carefully tailored advice on how to approach assessment for your subject Showing you what examiners are looking for: each question is annotated with both a short overview on how to approach your answer, as well as footnoted commentary that demonstrate how model answers meet marking criteria Offering pointers on how to gain marks, as well as what common errors could lose them: 'Aim Higher' and 'Common Pitfalls' offer crucial guidance throughout Helping you to understand and remember the law: diagrams for each answer work to illuminate difficult legal principles and provide overviews of how model answers are structured Books in the series are also supported by a Companion Website that offers online essay-writing tutorials, podcasts, bonus Q&As and multiple-choice questions to help you focus your revision more effectively.

Misleading Silence Elise Bant, Jeannie Marie Paterson, 2020-10-29 This collection brings together a team of outstanding scholars from across the common law world to explore the treatment of misleading silence in private law doctrine and theory. Whereas previous studies have been contractual in focus, here the topic is explored from across the full spectrum of private law. Its approach encompasses equitable and common law principles, as well as taking an integrated approach to key statutory regimes. The highly original contributions draw on rich theoretical, historical, comparative, cross-disciplinary and doctrinal perspectives. This is truly a landmark publication in private law, with no counterpart in the common law world. Contributors: Professor Elise Bant, Professor Jeannie Paterson, Professor Rick Bigwood; Professor Michael Bryan; Professor John Cartwright; Professor Mindy Chen-Wishart; Professor Simone Degeling; Professor Pamela Hanrahan; Professor Luke Harding; Professor Matthew Harding; Professor Catharine MacMillan; Professor Hector MacQueen; Professor Donna Nagy; Justice Andrew Phang; Professor Pauline Ridge; Professor Andrew Robertson; Ms Anna Williams.

Card and James' Business Law Lee Roach, 2016 Far-reaching and detailed, 'Card & James' Business Law' is the definitive guide to the subject. Roach encourages students to understand the basics and challenges them to push their grasp of the legal principles further. Accompanied by an abundance of learning features and a suite of online resources designed to hone critical assessment skills.

Tort Law Kirsty Horsey, Erika Rackley, 2017 This is an ideal main text for undergraduate tort law courses. The authors combine a lively, engaging writing style with a critical approach to the subject. It uses pedagogical features such as 'counterpoint' and 'pause for reflection' boxes to encourage students to think more deeply.

Text, Cases and Materials on Contract Law Richard Stone, James Devenney, Ralph Cunnington, 2011 Clear and accessible,

this book provides full coverage of most topics in the contract law syllabus, alongside up-to-date illustrative case examples, stimulating commentaries and learning support from a regularly updated companion website.

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