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Volume 23 Issue 6

Published Monthly

Jun/July 2018

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To our best knowledge, all particulars are correct at the time of going to press. However, we regret that we cannot accept responsibility for any errors, and wish to advise readers that price and date of publication may be subject to change by the publishers concerned

Cover: Wildy team at BIALL receiving the Supplier of the Year Award

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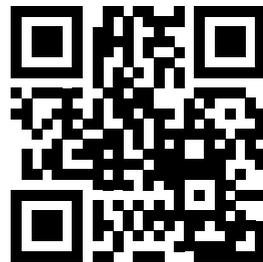
Pictures this month include the annual BIALL conference in Birmingham. We were very pleased and proud to be presented with the Supplier of the Year Award once again.

Published last month by Wildy, Simmonds & Hill are *The Legal Status of the Canal Istanbul in International Law* by Hatice Kubra Ecemis Yilmaz; *Land Registration Manual* (third edition) by David Rees; *Corruption in International Arbitration* by Inan Uluc; *A Practitioner's Guide to Probate and the Administration of Estates* (fourth edition) by Keith Biggs and Samantha Edward; *Judicial Precedent and Arbitration* (second edition) by Guilherme Rizzo Amaral (see pages 29-33)

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WILDY'S PLANNED TRIPS AROUND THE WORLD IN 2018

A chance to meet our representatives at conferences and other venues

14-17 July, John Eaton and Jason Crimp will be attending the annual AALL conference in Baltimore

23-26 July, John Pethick and Matthew Regnard will be attending the annual CARALL conference in Trinidad at The Old Fire Station Port of Spain. Prior to the conference John and Matthew will be in St Lucia at the Bay Gardens Inn from the 18th to the 20th of July.

14-16 Sept John Pethick and Abbie Sinkins will be at the OECS 15th Annual Law Fair Conference at the Park Hyatt St. Kitts

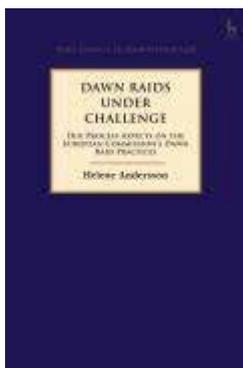
30 Sept-4 Oct John Eaton will be attending the IALL in Luxembourg

7-12 Oct, Charlie Alpera and Jason Crimp will be attending the IBA Conference in Rome

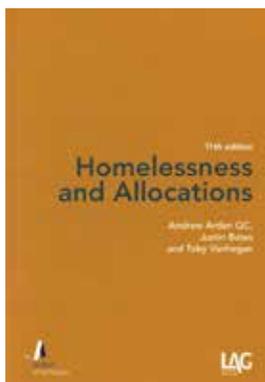
15-18 Nov 2018 John Pethick and Abbie Sinkins will be at the Jambar Continuing Legal Education Weekend Conference at Hilton Rose Hall Resort & Spa Montego Bay

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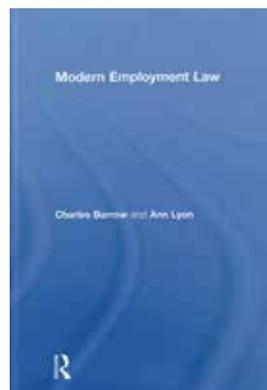
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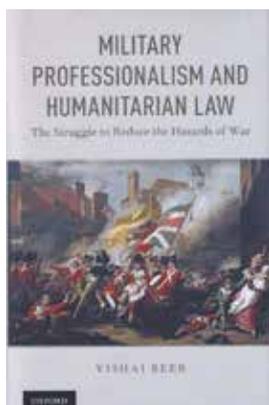
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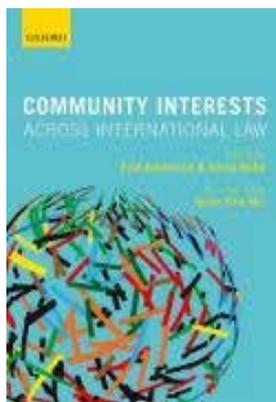
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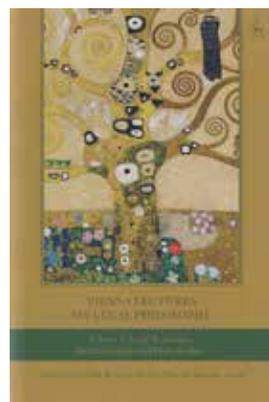
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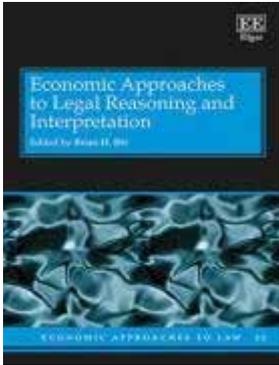
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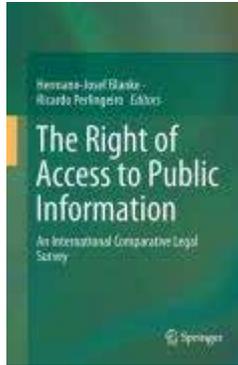
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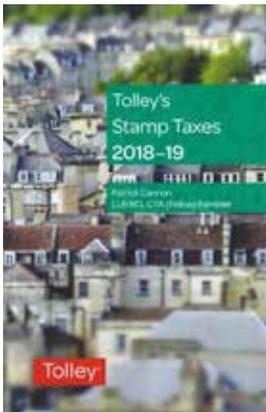
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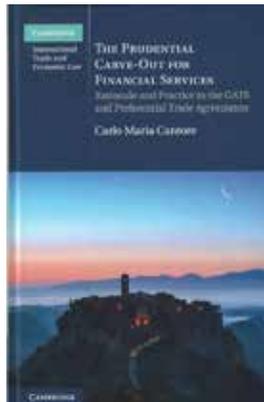
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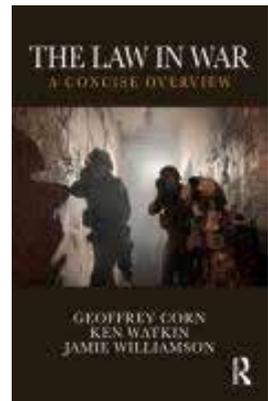
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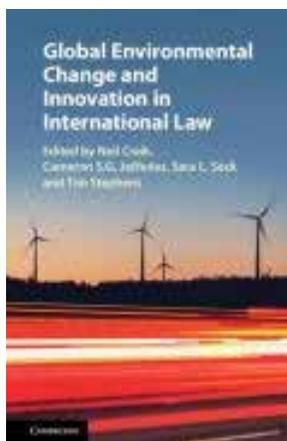
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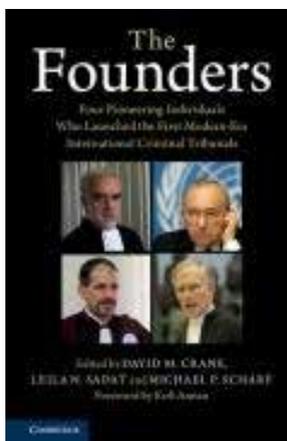
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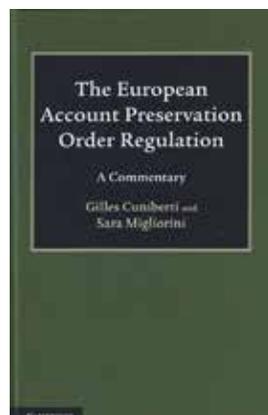
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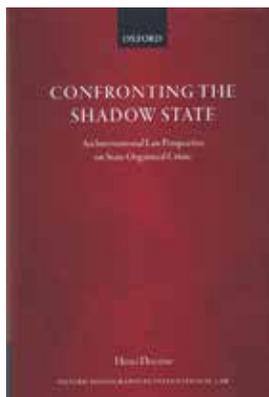
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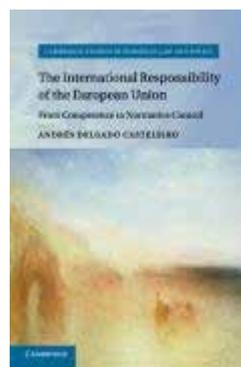
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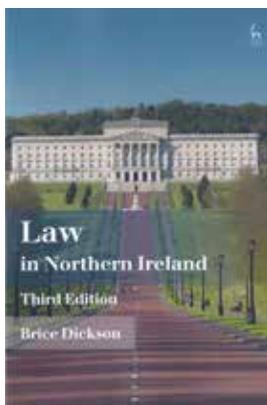
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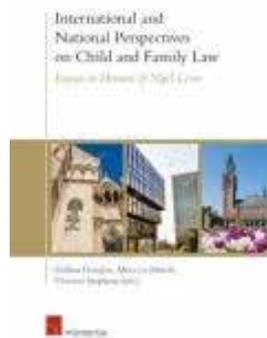
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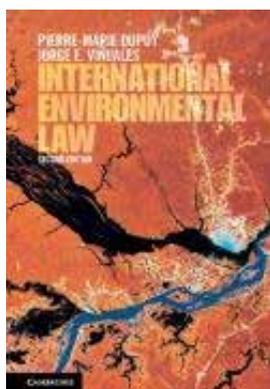
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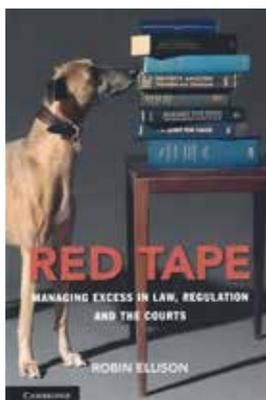
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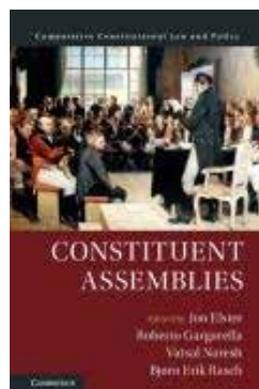
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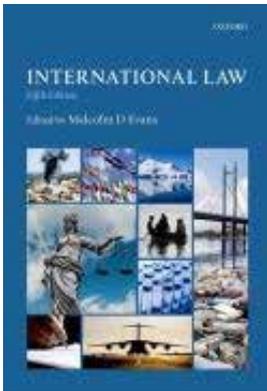
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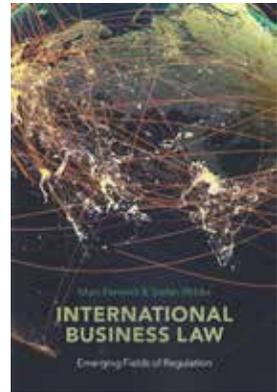
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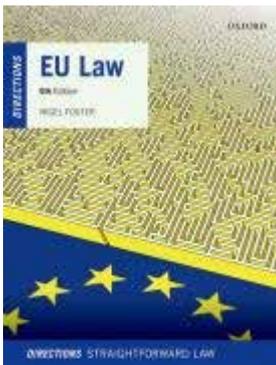
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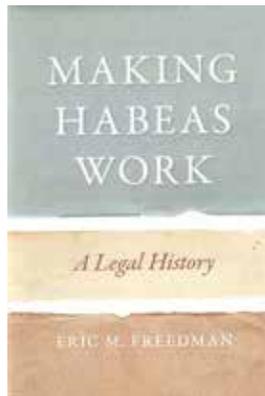
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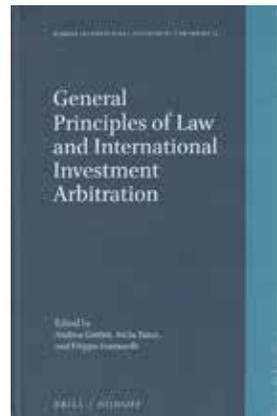
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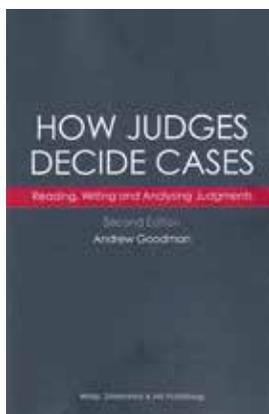
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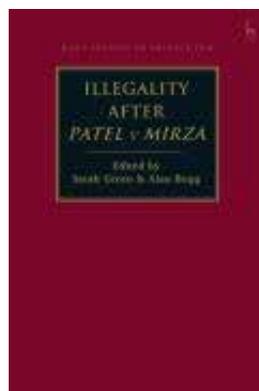
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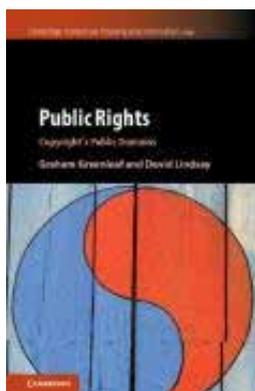
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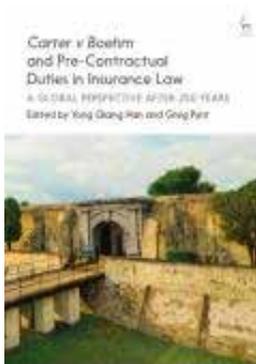
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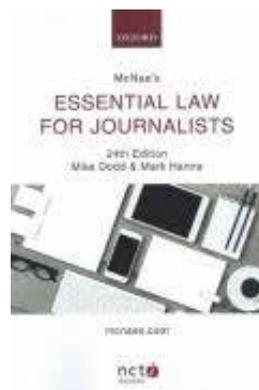
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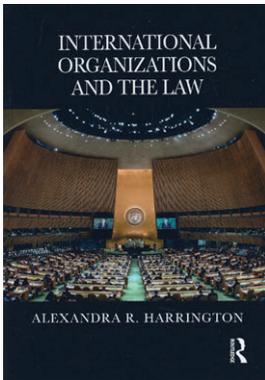
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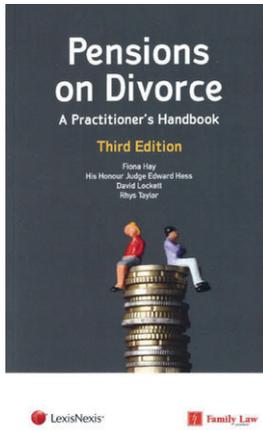
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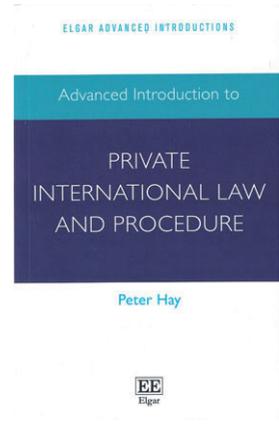
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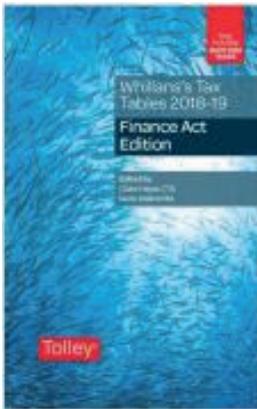
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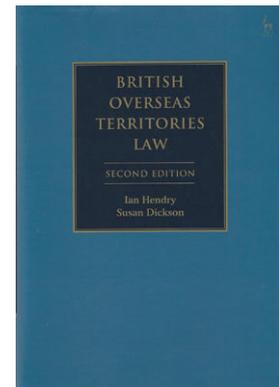
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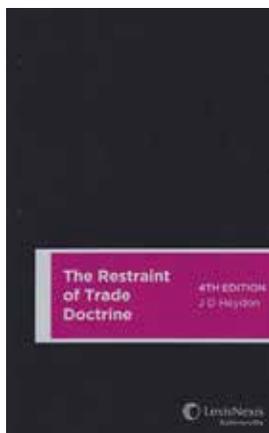
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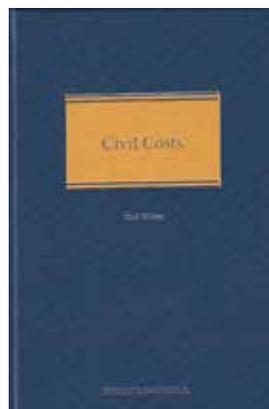
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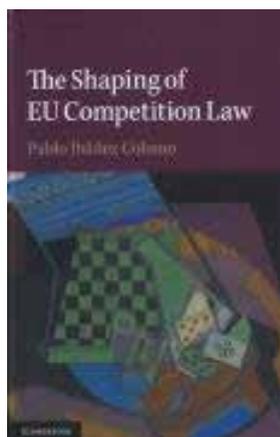
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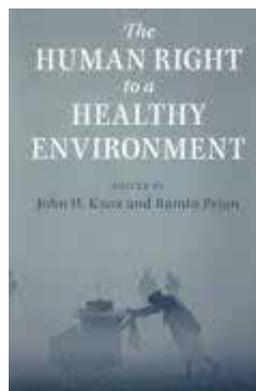
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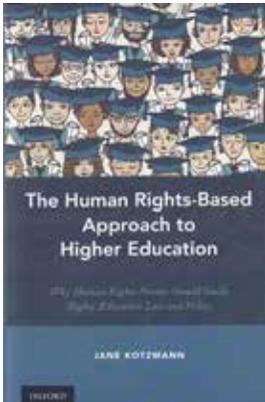
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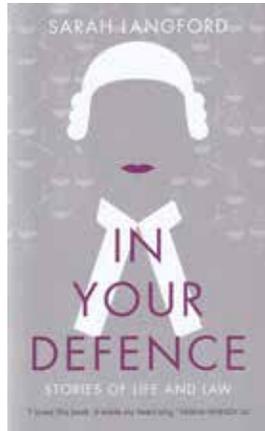
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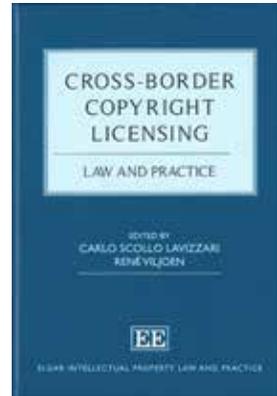
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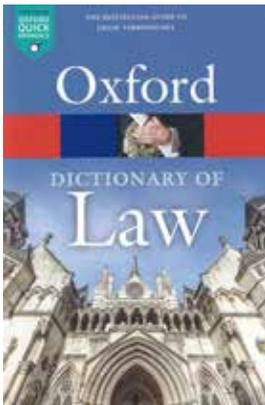
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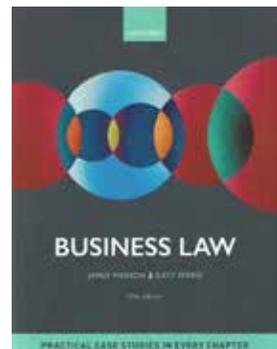
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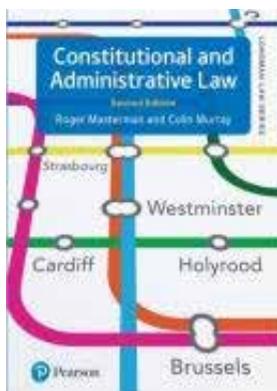
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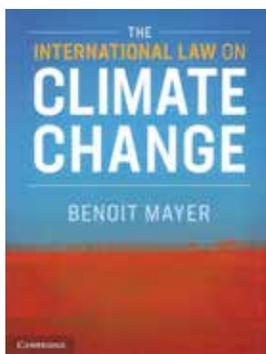
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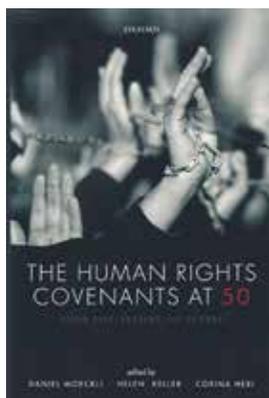
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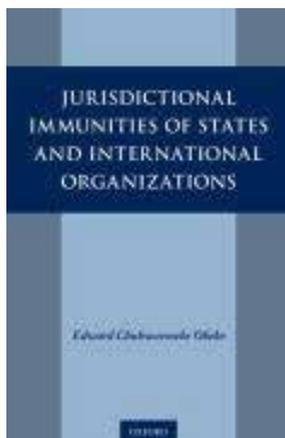
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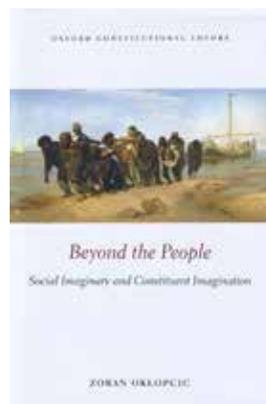
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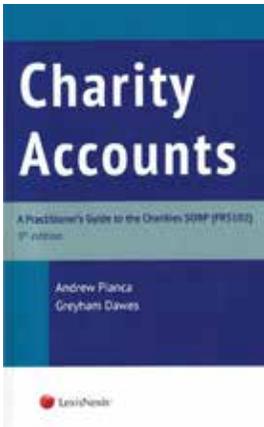
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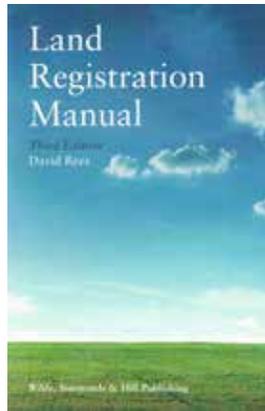
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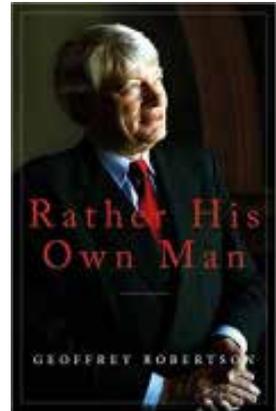
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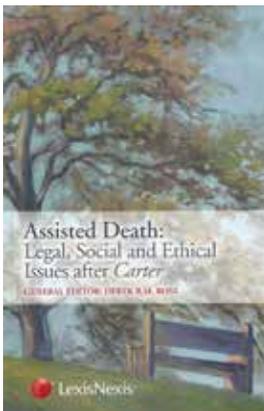
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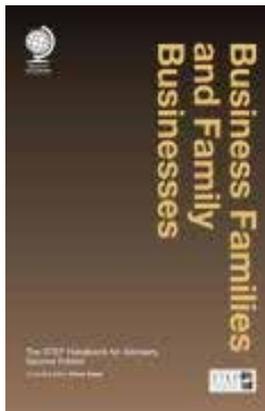
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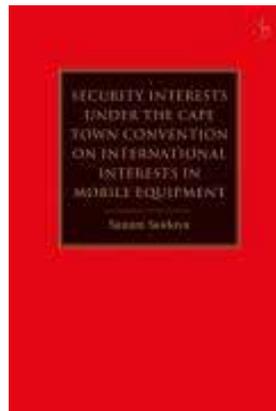
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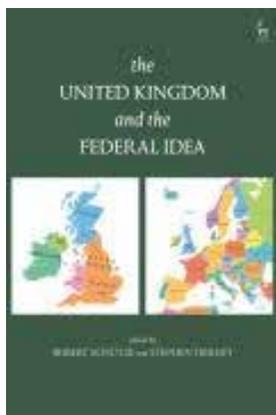
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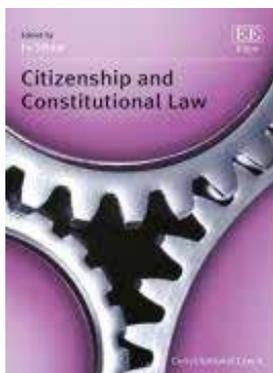
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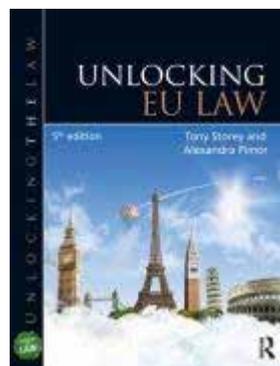
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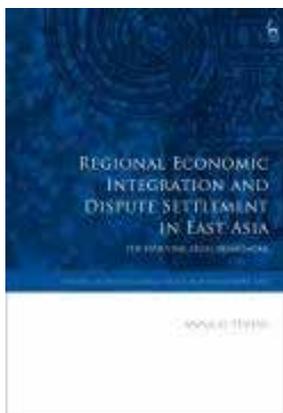
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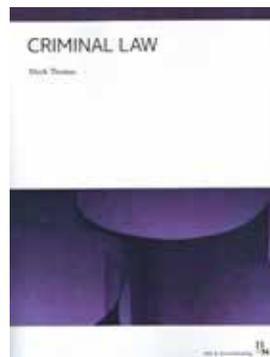
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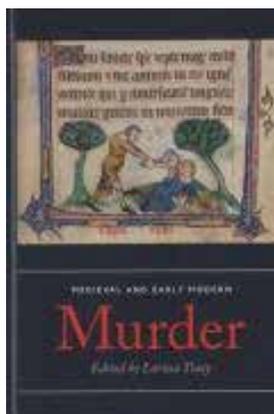
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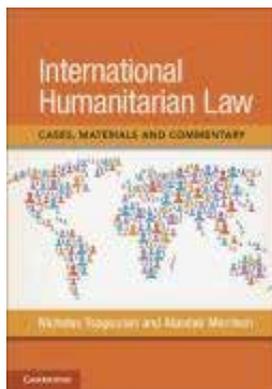
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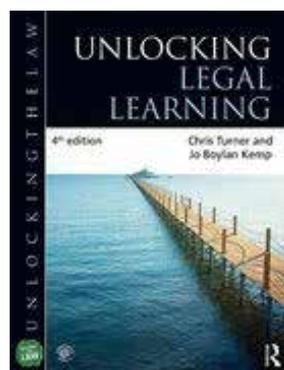
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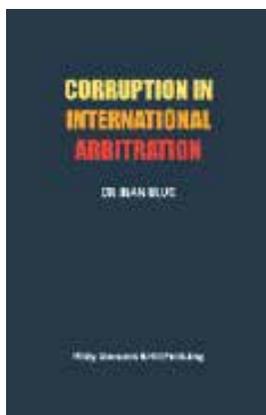
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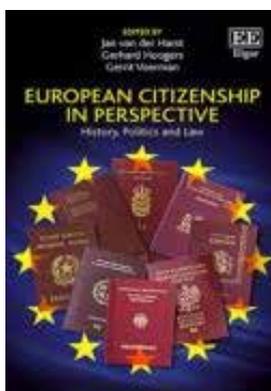
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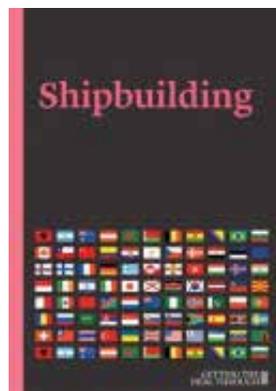
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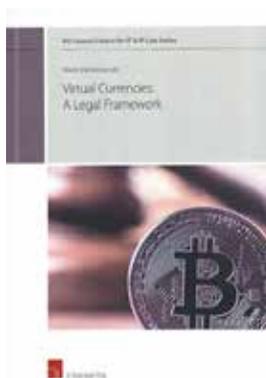
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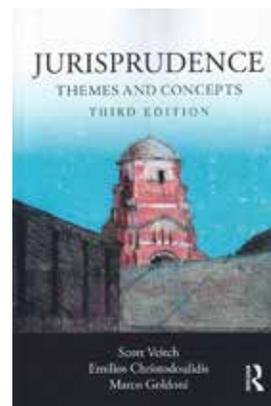
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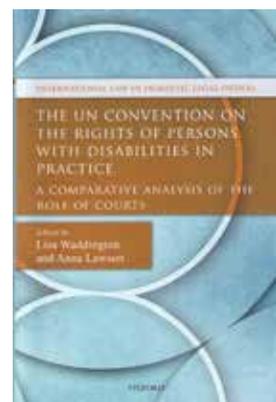
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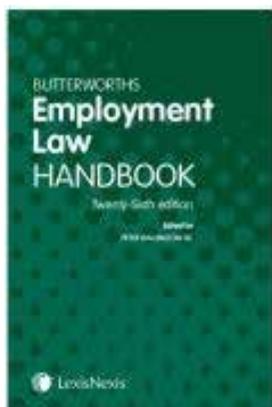
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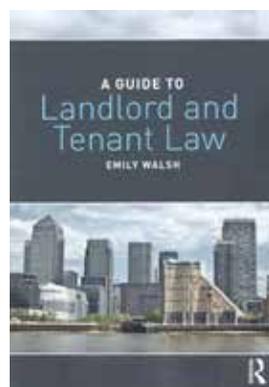
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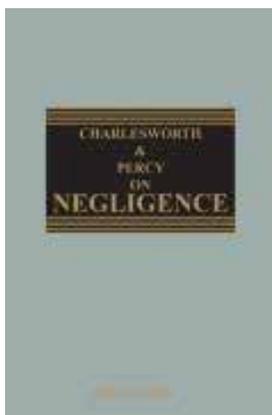
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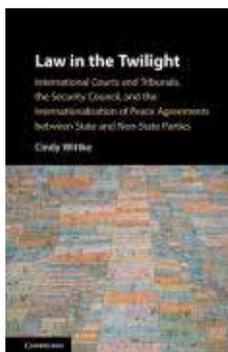
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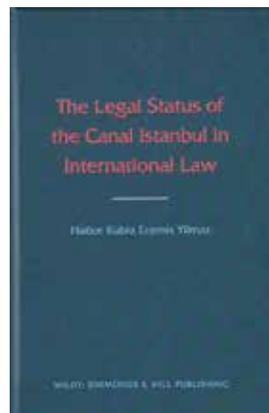
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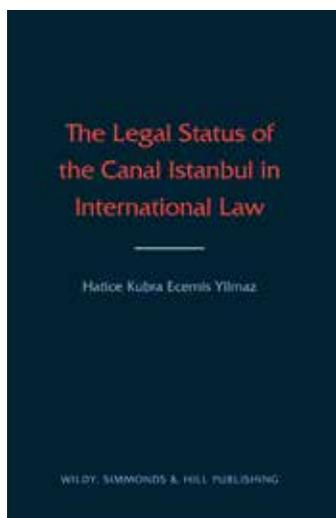
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THE LEGAL STATUS OF THE CANAL ISTANBUL IN INTERNATIONAL LAW

Hatice Kubra Ecemis Yilmaz

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[ISBN:](#) 9780854902569
Extent: 348pp
Binding: hardback

Canals are fascinating, whether domestic or international. Gouged into the firmament at great expense of capital and human labour, international canals transform the transit route of the oceans, linking that which nature did not. The Suez, Panama, and Kiel canals are likewise exercises in human imagination that confounded the sceptics of the day about what might be accomplished and what was deemed to be impossible.

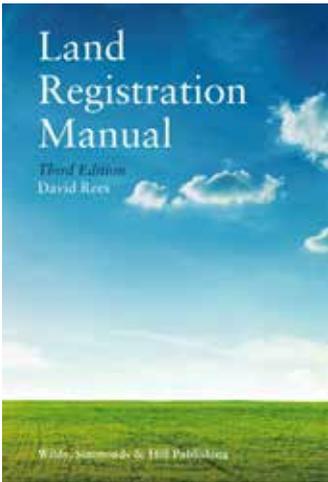
Although each international canal is unique in so many ways, common principles at a certain level of generality have emerged in fashioning their respective legal regimes. The challenge is whether the major three international canals will be joined by a fourth. The Black Sea and the Mediterranean Sea are actually joined by nature in the personage of the Turkish Straits, recognized for centuries to be a key “chokepoint” in the arteries of maritime commerce. So heavy has maritime traffic become in the Straits than an alternative, or parallel, artificial route has been considered desirable since at least the sixteenth century. Half a millennium later plans are advanced to undertake and complete the construction of what is today known as the “Istanbul Canal”.

Dr. Ecemis-Yilmaz has produced what is believed to be the first analysis in any language of the potential implications of the Istanbul Canal for the convention regime of the Turkish Straits. She considers the history of the Straits regime, relevant aspects of the Suez and Panama canal regimes, and the sundry scenarios that may arise out of a reconsideration of the Montreux Convention provisions. Her book is intended to encourage discussion of the alternatives, and for the non-Turkish specialist will be all the more attractive and informative for its extensive use of Turkish doctrinal writings and Turkish State practice.

LAND REGISTRATION MANUAL

Third Edition

David Rees



Price: £49.00
[ISBN:](#) 9780854902491
Extent: 660pp
Binding: paperback

Written by an author who has extensive experience in private practice, the Land Registry, and the academic sector, *Land Registration Manual* is an authoritative source of technical and practical advice on all matters relating to registered land and interests affecting it.

The book's alphabetical (A to Z) approach allows practitioners to zoom in on the specific topic they are dealing with, knowing that the book will provide useful background commentary, along with clear guidance on the form and content of relevant Land Registry applications specific to that topic. The topics are geared to aspects of day-to-day practice rather than academic areas of law – making the book more accessible and more relevant to the needs of busy practitioners.

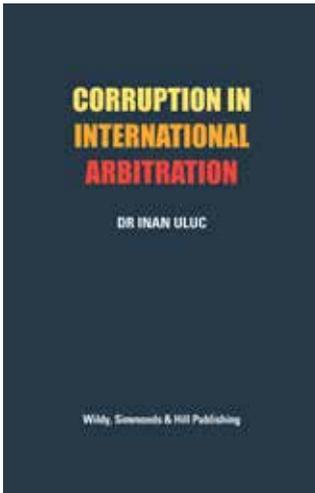
Fully updated to take account of all the changes in land registration law and practice, including those introduced by the Land Registration (Amendment) Rules 2018, *Land Registration Manual* covers not only the usual subjects, but also many less frequently encountered topics which are often not covered elsewhere. Thus, its coverage extends not only from transfers to leases, but from bare trusts to franchises; options to powers of attorney; and chancel repair to embankments and sea walls. Each topic contains accurate commentary to aid understanding and clear guidance on the relevant applications which may need to be made to complete a transaction or protect a client's interests.

The book also contains all the current versions of the standard form restrictions and the prescribed lease clauses, along with a list of Land Registry forms and other useful information, making Land Registration an invaluable 'one-stop' source of guidance for busy practitioners of all levels of experience. It will enable them to research topics and deal with matters quickly, efficiently and effectively.

David Rees is a solicitor with 30 years' experience initially in private practice and latterly as an Assistant Land Registrar at HM Land Registry. He is also an External Examiner to the Solicitors Regulation Authority and the Bar Standards Board and a Chief Examiner to the Chartered Institute of Legal Executives. He is an experienced author of well-known texts on property law and conveyancing.

CORRUPTION IN INTERNATIONAL ARBITRATION

Inan Uluc



Price: £65.00
[ISBN:](#) 9780854902460
Extent: 304pp
Binding: hardback

Corruption represents a great menace to national and international development. It jeopardizes democracy, human rights, and social justice. Consequently, corruption is vehemently abhorred and denounced by members of the international arbitration arena. Unfortunately, while these players purport repugnance towards corruption and do not condone corrupt acts, a misplaced distrust of the arbitral process, as a proper dispute resolution system, has arisen.

Indisputably, corruption's involvement in arbitration is far from novel. Nonetheless, there remains a lack of uniformity among arbitral tribunals on how to tackle corruption. The core issues causing said divergence include: (i) arbitrability and admissibility of corruption issues; (ii) the burden of proof and the standard of proof; (iii) sua sponte arbitrator investigation and inquiry into corruption; (iv) disclosing corruption to arbitral institutions and public authorities; (v) and proper judicial review of an arbitral award when the legality of the award is challenged on the basis of corruption.

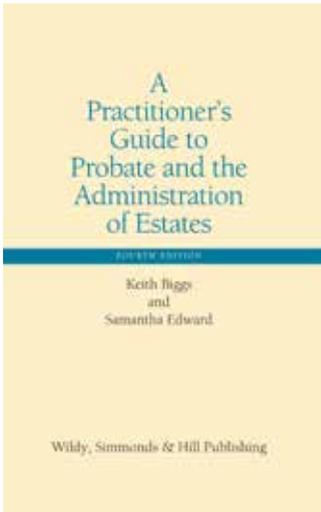
This study delves into these controversial concerns and analyses practical solutions within the context of theory and practice. Further, this study scrutinizes commercial and investment-treaty arbitration cases, national and international court judgments, international conventions, national statutes, and other materials exploring corruption and arbitration.

Inan is currently Assistant Professor at the Social Sciences University of Ankara, School of Law.

A PRACTITIONER'S GUIDE TO PROBATE AND THE ADMINISTRATION OF ESTATES

Fourth Edition

Keith Biggs and Samantha Edward



Price: £69.00
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Extent: 628pp
Binding: hardback with CD

The fourth edition of *A Practitioner's Guide to Probate and the Administration of Estates* is a practical and comprehensive guide to all forms of non-contentious probate applications, completion of Inheritance Tax Accounts and the administration of estates. The book is packed with hints and tips and an accompanying CD-ROM contains a comprehensive set of precedent forms, enabling practitioners to adapt precedents for their own use.

The authors provide careful explanations of every step in the procedure for winding up the estate of a deceased person, from taking initial instructions to the final distribution of the estate and closing the file. The book opens with advice on meeting the client and taking proper instructions; moving on to tracking down the assets and liabilities which comprise the estate; completing inheritance tax forms and obtaining any available reliefs and allowances; questions concerning wills and intestacies; applying to the probate registries; discretionary orders; obtaining grants of representation; collecting in the paying debts and liabilities; identifying the beneficiaries and paying the legacies; finalising the tax situation; and distributing the residue of the estate.

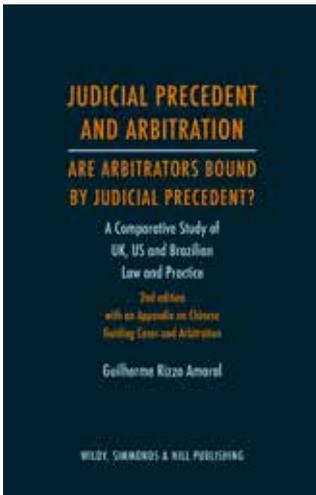
This new edition has been completely revised with practice and procedure brought up-to-date, including changes to the rules, IHT and CGT and case law as it affects private client practice.

JUDICIAL PRECEDENT AND ARBITRATION

*Are Arbitrators Bound by Judicial Precedent?
A Comparative Study of UK, US and Brazilian
Law and Practice*
Second Edition

Guilherme Rizzo Amaral

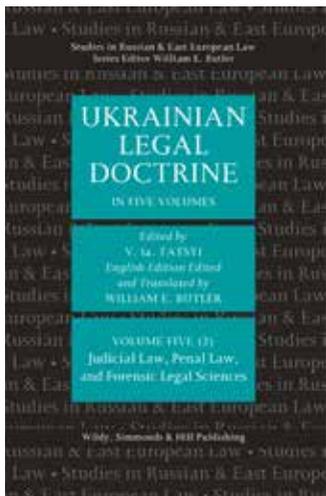
Price: £65.00
[ISBN:](#) 9780854902576
Extent: 220pp
Binding: hardback



One of the cornerstones of arbitration is the finality of arbitral awards. Saving rare exceptions, arbitral awards cannot be subject to challenges based on the arbitrator's errors of law. Furthermore, there is no hierarchy between arbitral tribunals and judicial courts, nor are arbitrators part of any judicial system. Thus, if arbitrators are not part of any hierarchical scheme and if there is no challenge or appeal available against their errors of law, how could one say that arbitrators have a duty to follow judicial precedents? Besides, when individuals agree to solve their disputes outside the judicial arena, should they expect a private arbitrator to abide by the same standards of a system they have just avoided? Is the choice for arbitration not a choice for an entirely different legal system, unbound by the so-called judge-made law?

This book attempts to answer those questions by presenting a comprehensive guide to the relation between judicial precedents and arbitration in the United States, the United Kingdom and in Brazil, as well as in international arbitration as a whole. ***In its second edition, the book offers an Appendix on Chinese Guiding Cases and Arbitration.***

Guilherme Rizzo Amaral holds a Master's degree from the Pontificia Universidade Católica do Rio Grande do Sul (Brazil), a Doctor's degree from the Universidade Federal do Rio Grande do Sul (Brazil) and was a Visiting Scholar at Queen Mary, University of London (Centre for Commercial Law Studies – CCLS). He has authored books and various legal articles on procedural law and arbitration and has taught Procedural Law at the Universidade Federal do Rio Grande do Sul (UFRGS) and at Fundação Escola Superior do Ministério Público (FMP), among other institutions. He was a member of a committee that assisted the Brazilian House of Representatives in the drafting of the bill of the new Brazilian Code of Civil Procedure (which entered into force in 2016). He is one of the founding partners of Souto Correa Cesa Lummertz & Amaral Advogados (Brazil), where he heads the Dispute Resolution practice. He also participated of the Scholar-In-Residence program at Wilmer Cutler Pickering Hale and Dorr (WilmerHale) in London (2017).



UKRAINIAN LEGAL DOCTRINE

in five volumes

*Volume 5(2): Judicial Law, Penal Law, and
Forensic Legal Sciences*

Edited by V. Ia. Tatsyi and V. I. Borysov

English Edition Edited and Translated
by William E. Butler

Price: £125.00
ISBN: 9780854902439
Extent: 490pp
Binding: hardback

In this final volume the authors introduce and defend the concept of judicial law, the scientific foundations of penal, sometimes call penitentiary, law, and theoretical issues of the forensic legal sciences (criminalistics, forensic expert examination, and the role of legal psychology, with some consideration of foreign doctrines and legislation. Reference is made in some detail to the role of legal psychology and its links with other branches of the legal sciences. Reports on the results of empirical studies enrich the volume. Considerable attention is given to the predictive functions of criminalistics. The debates which accompanied changes in Ukrainian court organization and the administration of penal institutions are illuminating.

THE GENERAL EDITORS

William E. Butler is The John Edward Fowler Distinguished Professor of Law, Pennsylvania State University; Emeritus Professor of Comparative Law in the University of London (University College London); Foreign Member, National Academy of Sciences of Ukraine and National Academy of Legal Sciences of Ukraine; Associate, International Academy of Comparative Law.

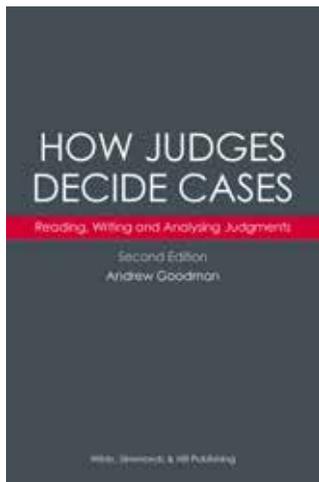
V. Ia. Tatsyi is Academician, National Academy of Sciences of Ukraine; Honorary President and Academician, National Academy of Legal Sciences of Ukraine, doctor of legal sciences, and professor.

HOW JUDGES DECIDE CASES: *Reading, Writing and Analysing Judgments*

Andrew Goodman

2nd Edition

Price: £45.00
ISBN: 9780854902453
Extent: 268pp
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How Judges Decide Cases is a unique and practical guide which looks at how cases are decided and judgments are written. It examines the style and language of judges expressing judicial opinion and considers the drive for rational justice, bias, linguistic, and other influences. The book is founded upon independent research in the form of interviews conducted with judges at every level, from deputy district judges to justices of the Supreme Court, and the practical application of academic material more usually devoted to the structure and analysis of wider prose writing.

This new edition has been revised to take into account modern scientific thinking on bias in decision-making and is generic to all areas of contentious law. Newly appointed recorders, deputy judges, tribunal chairman, lay magistrates and arbitrators as well as experienced practitioners will find it invaluable as a guide to the deconstruction of judgments for the purpose of appeal.

Andrew is a practising Barrister, international mediator, mediation advocate and trainer, broadcaster and author of over forty books, including *Effective Written Advocacy* (Wildy, Simmons & Hill Publishing). He lives in Essex but works in twenty jurisdictions world-wide from the Caribbean to China (HKSAR and PRC).

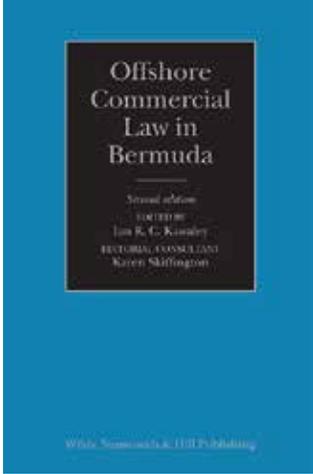
OFFSHORE COMMERCIAL LAW IN BERMUDA

Second Edition

Edited by Ian R. C. Kawaley, Chief Justice of Bermuda

Editorial Consultant: Karen Skiffington

Price: £165.00
ISBN: 9780854902422
Extent: 760pp
Binding: Hardback



The publication of the so-called ‘Paradise Papers’ in early November 2017 placed Bermuda in the international spotlight as an offshore financial centre. The new edition of *Offshore Commercial Law in Bermuda*, written before these sensationalised disclosures, provides an insider’s professional view of how Bermuda’s legal and regulatory framework actually works in practice.

The first edition of *Offshore Commercial Law in Bermuda* was the first comprehensive practitioner’s guide to offshore commercial practice in one of the world’s leading offshore financial centres. The second edition retains the original structure of three main sections, ‘Establishing Offshore Vehicles’, ‘Commercial Dispute Resolution’ and ‘Relations with the Onshore World’. Subjects covered include company law, insurance partnership law, trust law, litigation and insolvency law, regulatory law and cross-border cooperation. The book also contends for the novel concept of ‘offshore commercial law’ as a special sub-set of commercial law.

Edited by a commercial judge and Law Librarian and written by leading practitioners in the principal commercial law fields, this book provides an insight into the historical development and current operation of Bermuda’s offshore legal framework. Each contributor describes the key legal rules and explains how the relevant legal principles are applied in practice. Reference is made to relevant statutory provisions and case law, while contributors also furnish practical observations which add flesh to the bare bones of the formal legal structures in question.

Ian Kawaley has been Chief Justice of Bermuda and Senior Commercial Judge since April 2012. He has been a judge of Bermuda’s Supreme Court since July 2003. In October 2017 he was appointed a Master of the Bench (Overseas) of Middle Temple.

Karen Skiffington is a Law Librarian and founded the Bermuda Law Reports in 2002. She became Head of Knowledge Services at Cox Hallett Wilkinson Limited in 2009 where she currently serves as Firm Administrator.

PARTNERSHIP AND LLP LAW

Second Edition

by

Elsbeth Berry

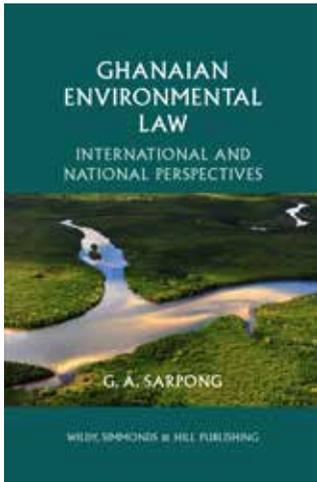
Price: £39.00
[ISBN:](#) 9780854902415
Extent: 290pp
Binding: paperback

This book provides a comprehensive and comparative explanation of the law relating to all three types of business partnership available under English law; general partnerships, limited partnerships (including private fund limited partnerships) and LLPs. It explains the applicable law from formation of the business to termination, including chapters on the availability or otherwise of legal personality, duties of partners and members, management issues, property and finance, taxation, litigation and insolvency.

This new edition of *Partnership and LLP Law* is fully updated and includes coverage of the Legislative Reform (Private Fund Limited Partnerships) Order 2017 which introduces a new form of limited partnership, the private fund limited partnership, and the new provisions requiring certain partnerships and LLPs to maintain a register of persons with significant control over the business. It also includes a discussion of the impact of *v Clyde & Co v Bates van Winkelhof* on employment and worker status of partners and LLP members. Other recent cases such as *Flanagan v Liontrust Investment Partners* and *Inversiones Frieira SL* and another *v Colyzeo Investors* are also discussed.

The law relating to each of the three types of partnership is set out clearly and concisely to enable the busy practitioner to understand, or refresh their understanding of, partnership and LLP law. It will also enable those with knowledge or experience of one type of partnership to understand the similarities and differences of the other types.

Elsbeth Berry is a non-practising solicitor, member of the Association of Partnership Practitioners and Reader in Law at Nottingham Law School. Elsbeth has over twenty years' experience in researching and publishing in partnership and LLP law and is co-author of *Law of Insolvent Partnerships and LLPs*.



GHANAIAN ENVIRONMENTAL LAW

International and National Perspectives

by
G. A. Sarpong

Price: £65.00
[ISBN:](#) 9780854902507
Extent: 514pp
Binding: paperback

As a subject, Ghanaian Environmental Law has been influenced by Ghana's participation in several treaty arrangements aimed at addressing contemporary international challenges such as climate change, marine pollution and conservation of biodiversity. The approach adopted in this book is to ascertain the extent to which Ghanaian environmental jurisprudence has been influenced by Ghana's participation in the various fora or treaty arrangements on the subject. In that regard, using examples from the marine environment, wetlands and biotechnology, an attempt is made to provide an insight into Ghanaian implementation of treaty norms and draws lessons for legislators and policymakers.

The book has been structured to deal with basic doctrinal issues such as the nature, sources and development of Environmental Law; as well as other core aspects of the subject such as environmental justice. The role of regulatory bodies in environmental management and protection and the regulatory frameworks for the conservation, management and utilisation of natural resources are also discussed.

George Agyemang Sarpong is the Managing Partner of G. A Sarpong & Co., Legal Practitioners and Consultants, Accra. A retired military officer and a former Director of the Ghana School of Law, he is an alumnus of the Universities of Ghana, British Columbia and London (SOAS). He has published widely on environmental and public international Laws.

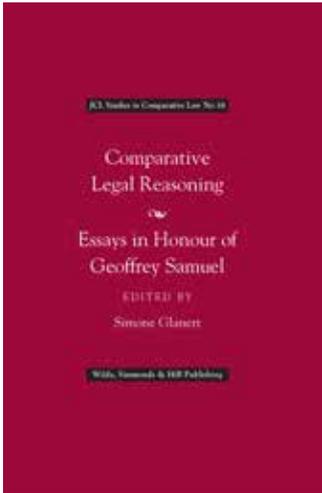
COMPARATIVE LEGAL REASONING

Essays in Honour of Geoffrey Samuel

JCL Studies in Comparative Law No 18

edited by
Simone Glanert

Price: £65.00
[ISBN:](#) 9780854902484
Extent: 290pp
Binding: hardback



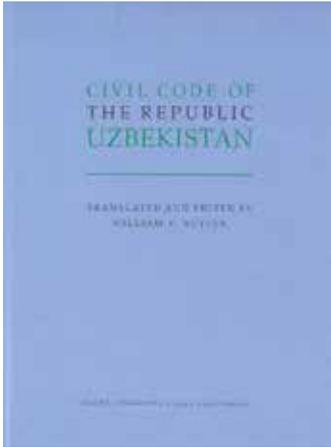
This volume features the papers presented by leading comparatists from the UK and abroad at an international workshop on ‘Comparative Legal Reasoning: une journée d’étude aux alentours du travail de Geoffrey Samuel’ at Reid Hall, Paris on 3 December 2016. Contributors include John Bell (University of Cambridge), Anne Bottomley (University of Kent), Sir Ross Cranston (London School of Economics and Political Science), Maks Del Mar (Queen Mary), Simone Glanert (University of Kent), Pierre Legrand (Sorbonne), P.G. Monateri (Università di Torino), Horatia Muir Watt (Sciences Po), François Ost (Université Saint-Louis), Pascal Pichonnaz (Université de Fribourg), Geoffrey Samuel (University of Kent) and Franz Werro (Université de Fribourg and Georgetown University Law Center).

Dr Simone Glanert, Reader in Law at the University of Kent, Canterbury, UK teaches and writes in the fields of comparative law, legal interpretation and legal translation.

CIVIL CODE OF THE REPUBLIC UZBEKISTAN

2018 Edition

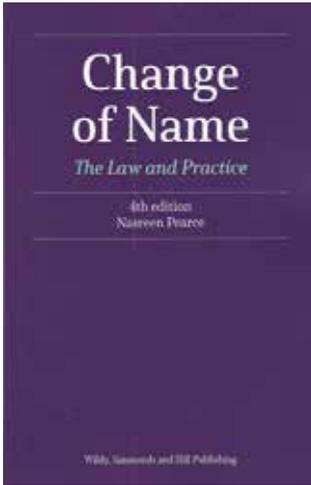
edited and translated by
William E Butler



Price: £95.00
ISBN: 9780854902514
Extent: 404pp
Binding: hardback

The Civil Code of the Republic Uzbekistan, as amended, is the key document for any foreign investor and remains of considerable interest to the comparative law community as a leading Central Asian model for a legal system in transition from the socialist legal tradition to a destination as yet undetermined.

William E. Butler is the John Edward Fowler Distinguished Professor of Law, Dickinson Law, Penn State; Emeritus Professor of Comparative Law, University of London (University College London); Director, The Vinogradoff Institute, Dickinson Law, Penn State; Academician, National Academy of Sciences of Ukraine and National Academy of Legal Sciences of Ukraine; Associate, International Academy of Comparative Law. He has published a number of works on the legal systems of Central Asia, including Uzbekistan.



CHANGE OF NAME

The Law and Practice

Fourth Edition

by

Nasreen Pearce

Price: £35.00
[ISBN:](#) 9780854902408
Extent: 140pp
Binding: paperback

This fully updated fourth edition like its predecessors provides a simple straightforward guide on why and how person's acquires a name and how that name may be changed so that it is given legal recognition to identify the person concerned for all purposes.

The traditional or typical family no longer exists due to the changes in the way families are formed, how households are structured and how conception of a child is achieved. There are also increasing number of single parent families or 'reconstituted' families. This pattern is forever evolving. It is therefore not surprising that it gives rise to questions about how and who can register the birth of a child and give the child its first name, who decides the surname the child should take and whether the names given can be changed by re-registration or otherwise.

This edition provides up-to-date provisions of all the relevant statutory material and case law which in particular applies to the issue of changing a child's name when conflict arises between the parents or those with parental responsibility for the child, the biological parents and others.

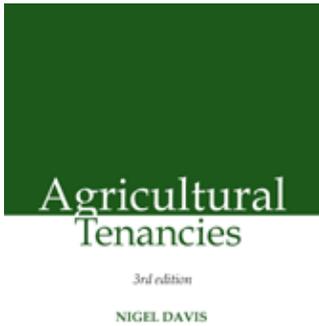
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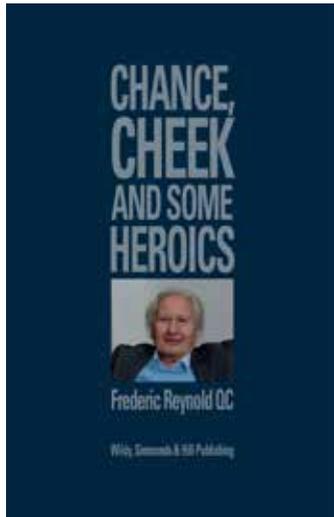
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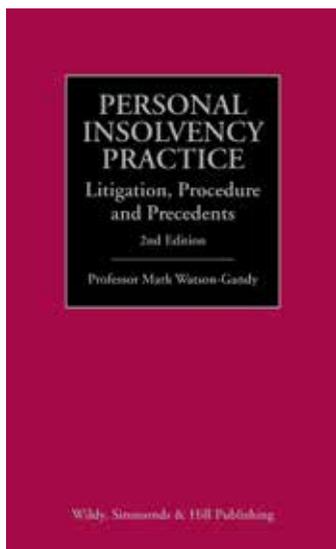
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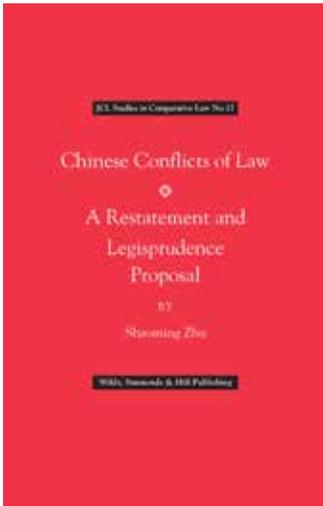
Professor Mark Watson-Gandy is a practising barrister, specialising in insolvency law, at Three Stone Chambers. He is a Visiting Professor at the University of Westminster and a Visiting Lecturer at Cass Business School. He was appointed to the Court of the University of Essex in 2015. Mark gave evidence to the Commons Select Committee on Business Innovation and Skills’ Inquiry into the “Insolvency Service”, to the All Party Small Business Group’s Inquiry into “Breaking down the barriers to entrepreneurship” and the Treasury Committee’s Inquiry on “SME Lending”.

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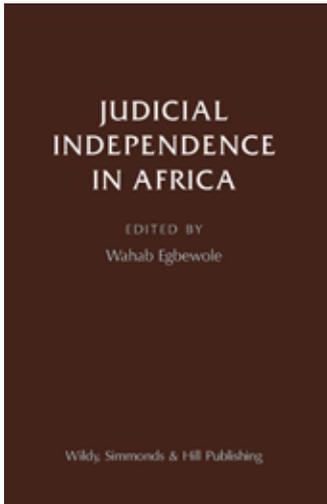
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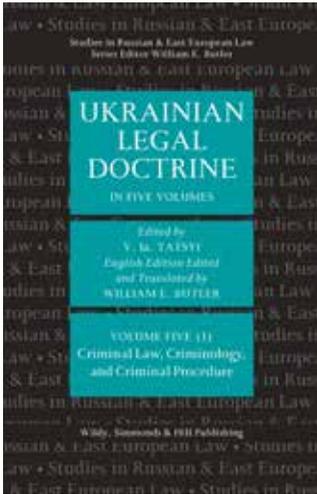


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Wahab Egbewole is a Professor of Jurisprudence and International Law at the University of Ilorin



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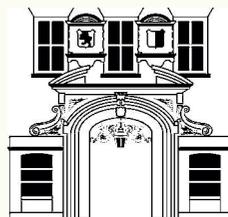
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