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Issue 5

Published Monthly

May/June 2019

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New publications last month include *Russian Revolutions of 1917: Scandinavian Perspectives* edited by Alla Pozdnakova and *Positive Covenants and Freehold Land* by Christopher Jessel (see pp 34-35 for full descriptions).

The big event coming up in June is the annual BIALL conference. The Wildy team will be there to greet all our old friends. We look forward to seeing everyone in Bournemouth.

*‘Wildy’*

**FOR FURTHER INFORMATION  
ON THE TITLES LISTED IN THIS MONTH’S BOOK NEWS  
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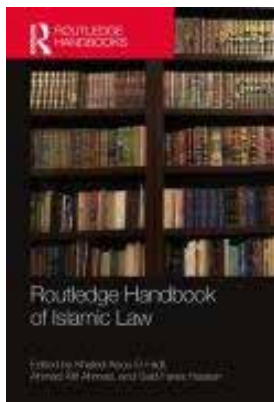
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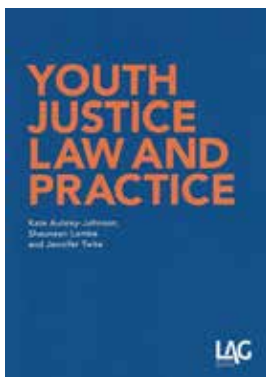
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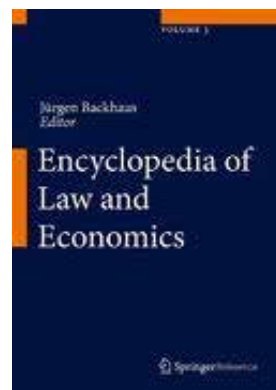
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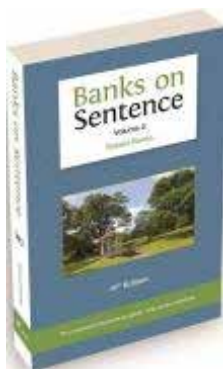


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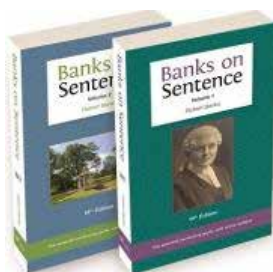


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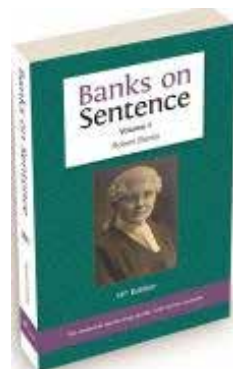
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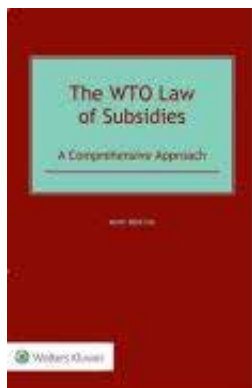
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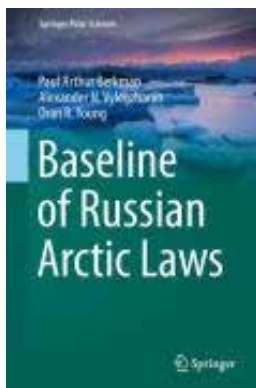
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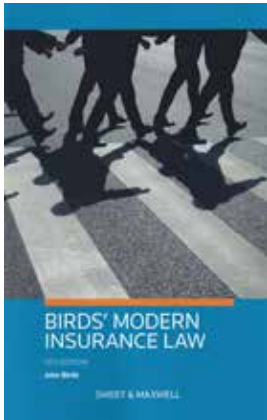
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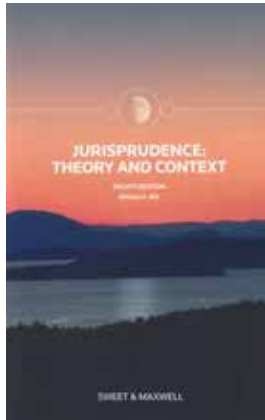
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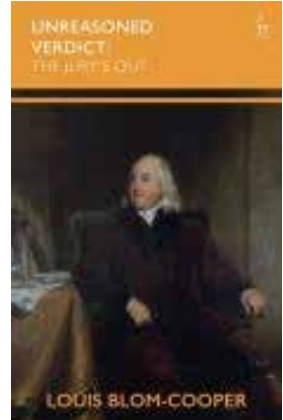
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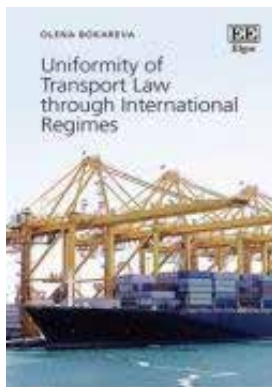
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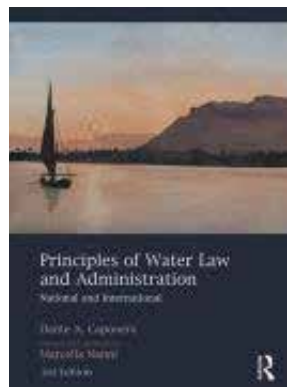
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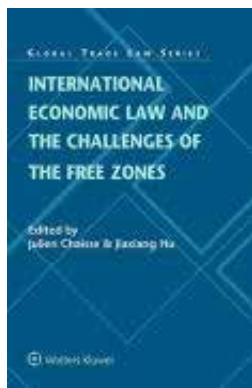


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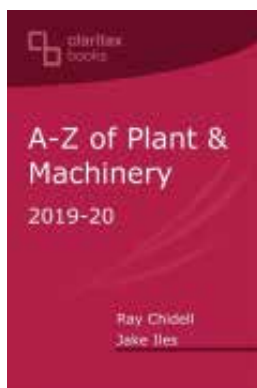


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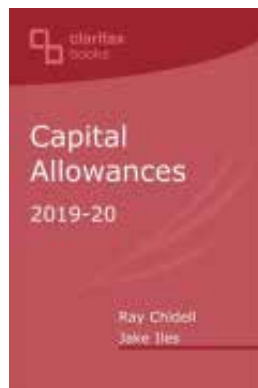
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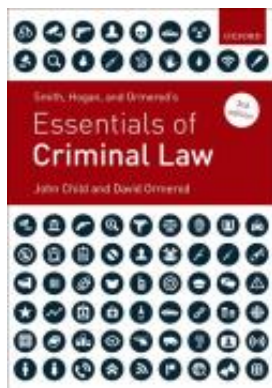
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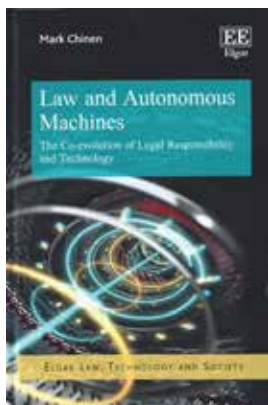
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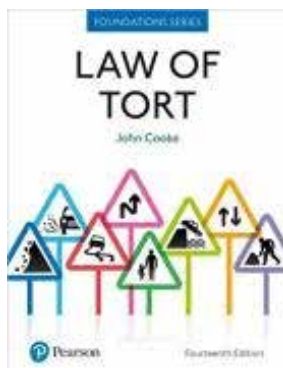
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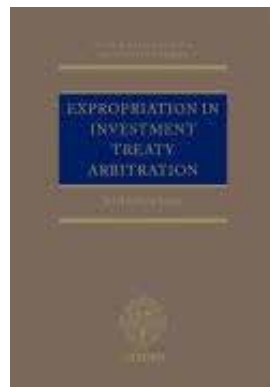
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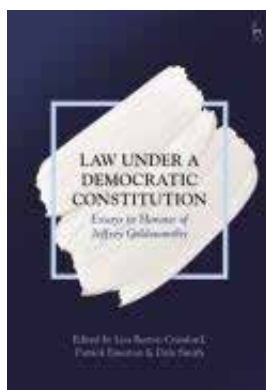
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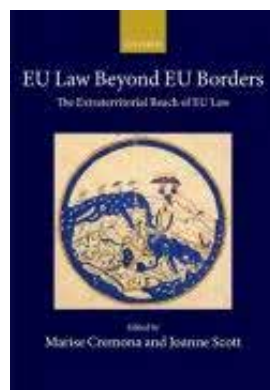
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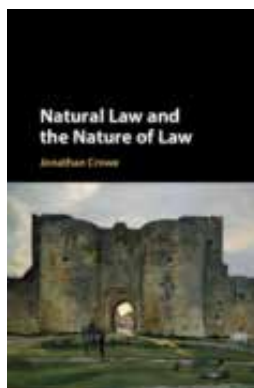
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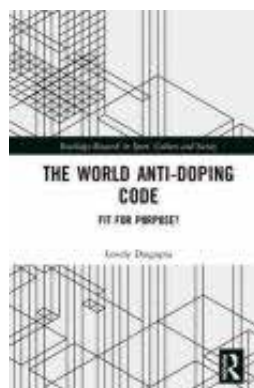
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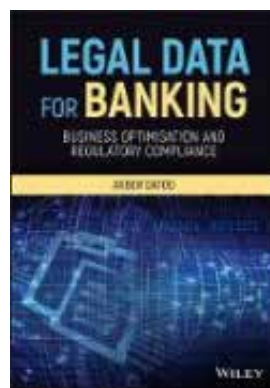
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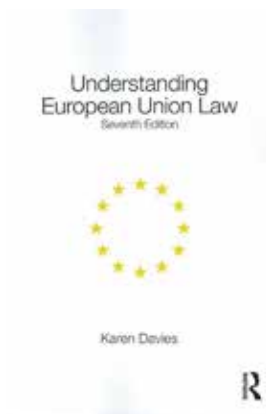
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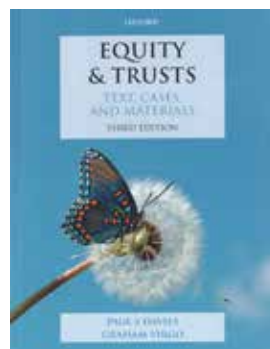
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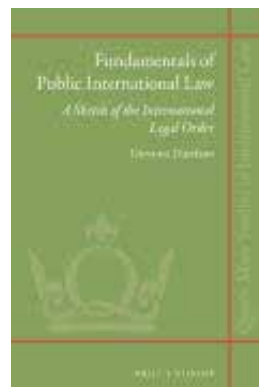
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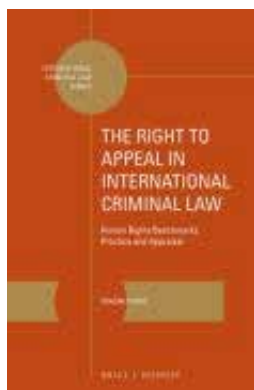
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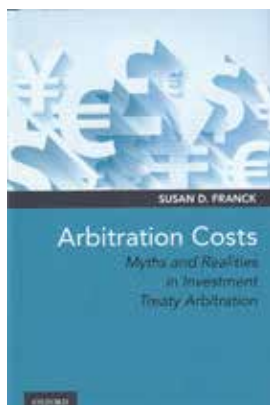
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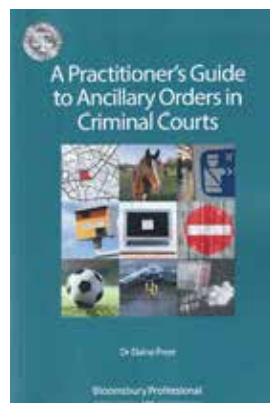
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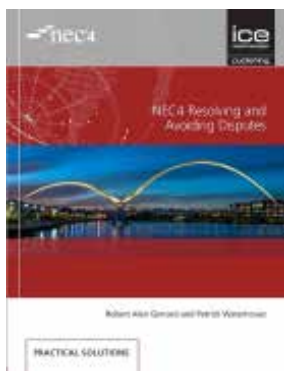


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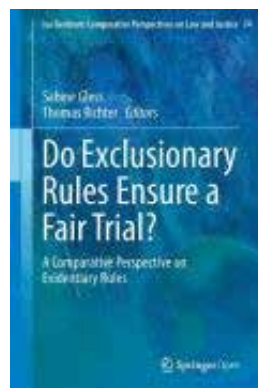
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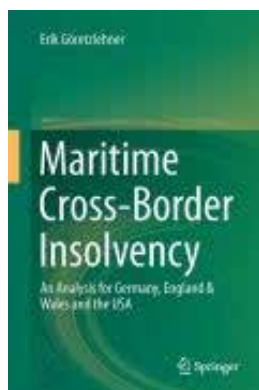
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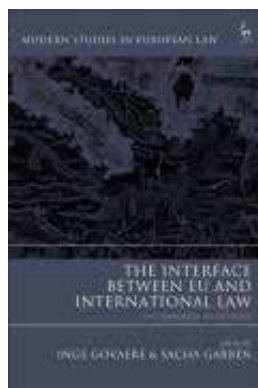
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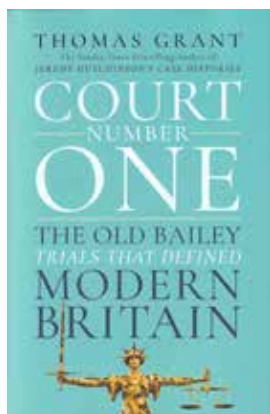


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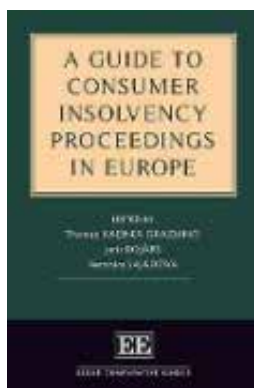


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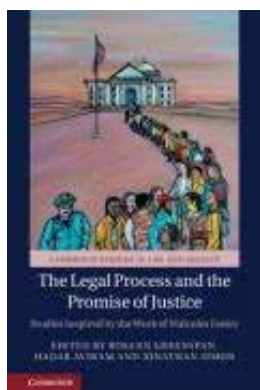
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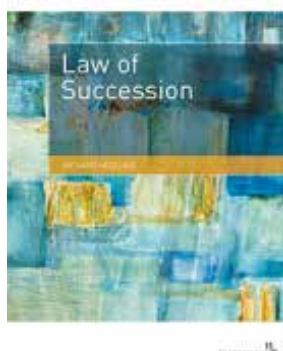
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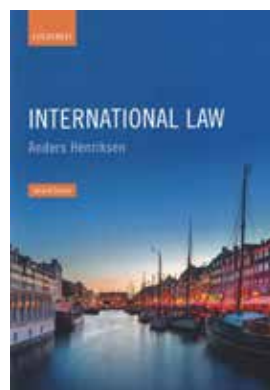
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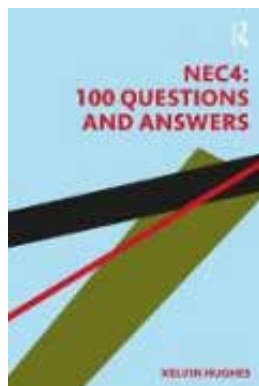
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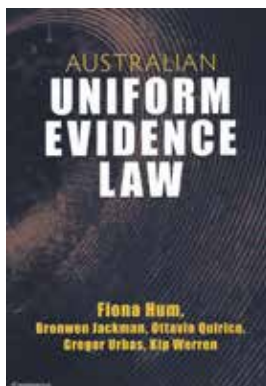
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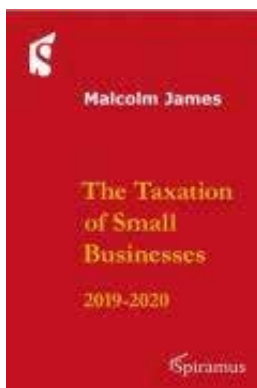
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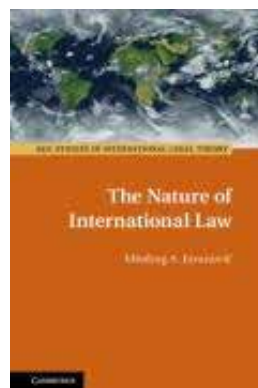
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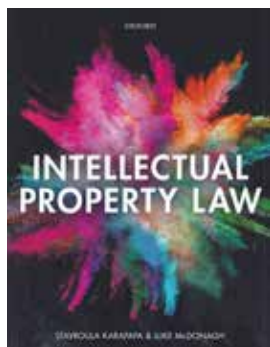
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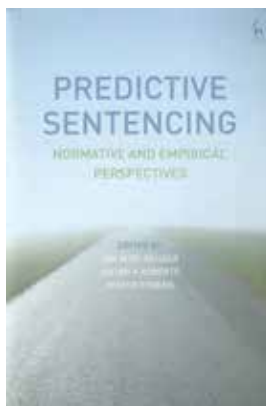
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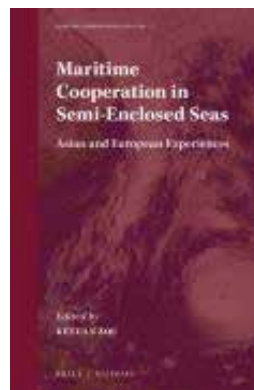
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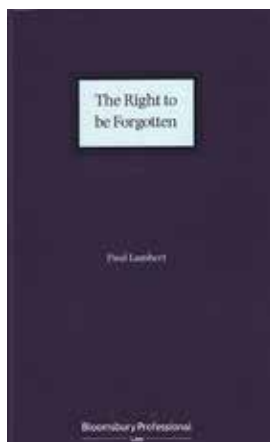
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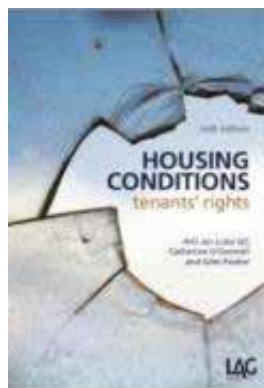
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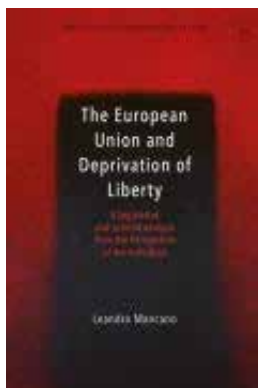
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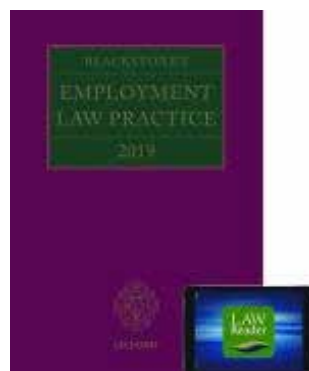
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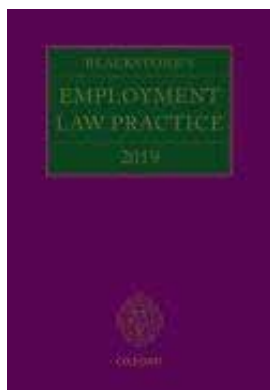
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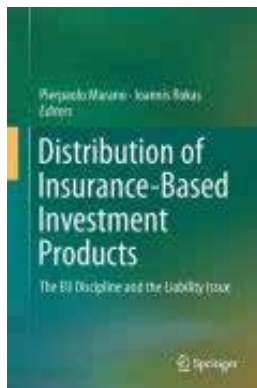
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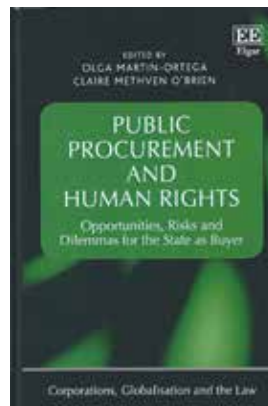
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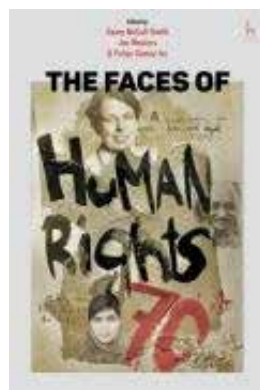
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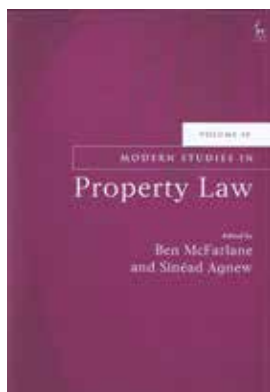


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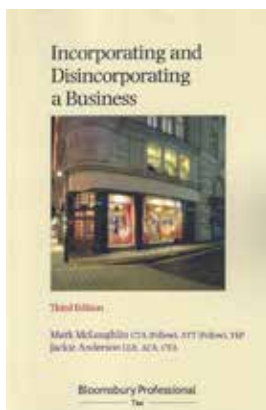


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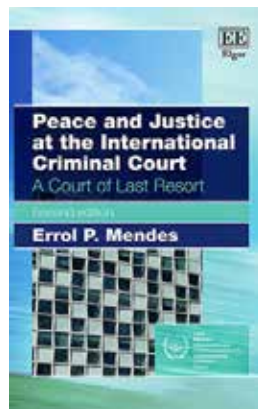
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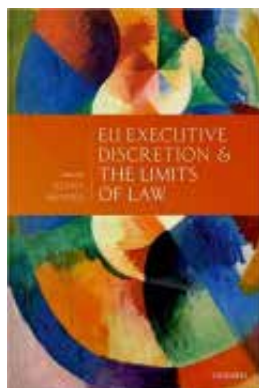
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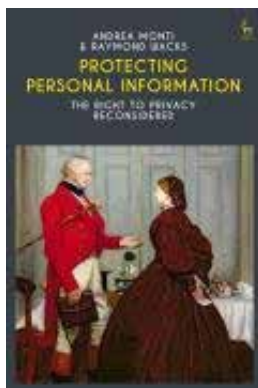
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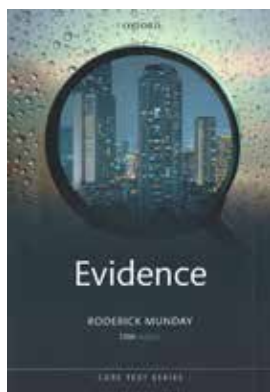


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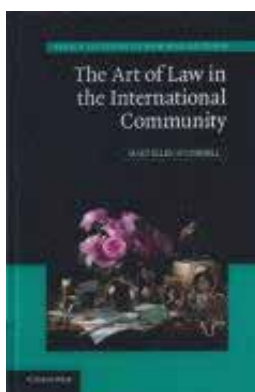


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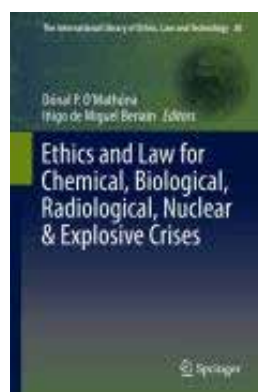
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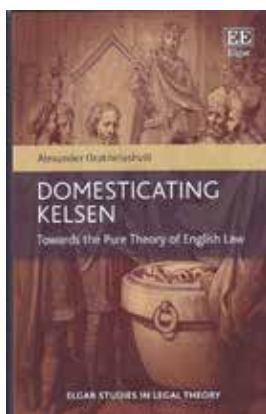
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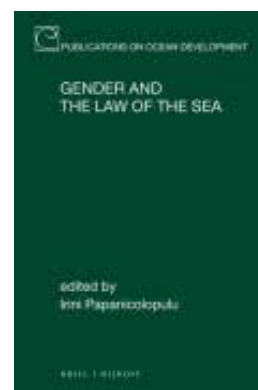
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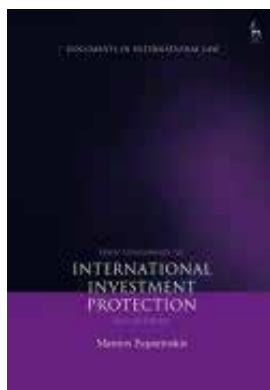
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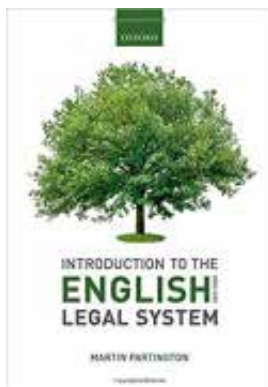
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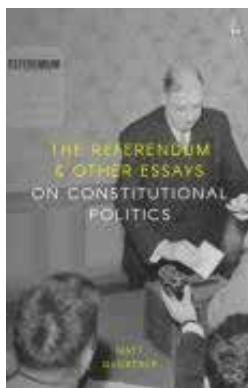
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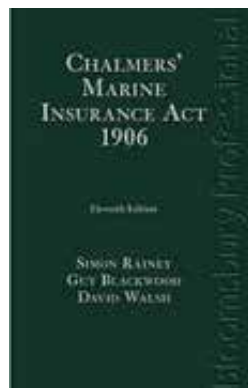
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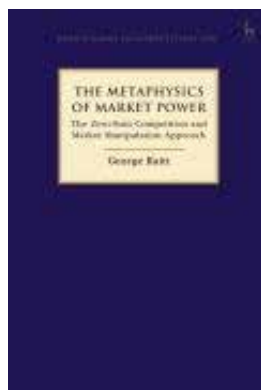
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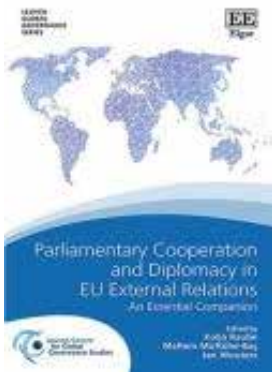
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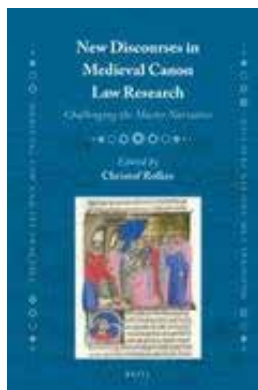
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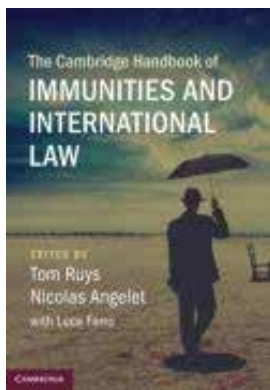
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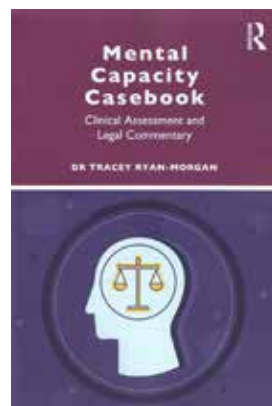
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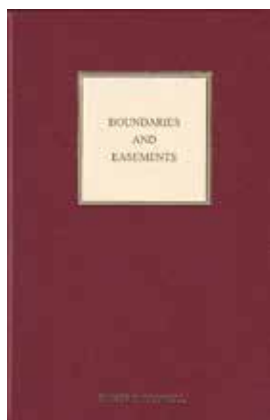
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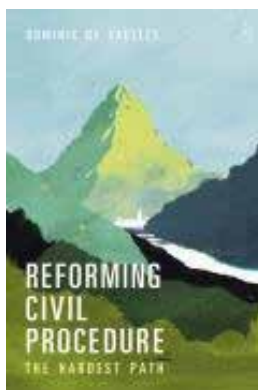
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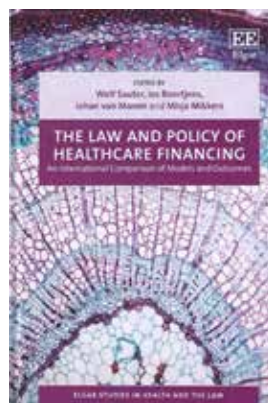
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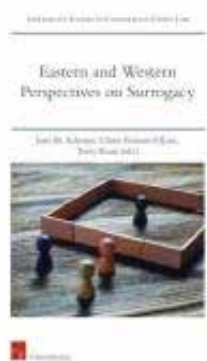
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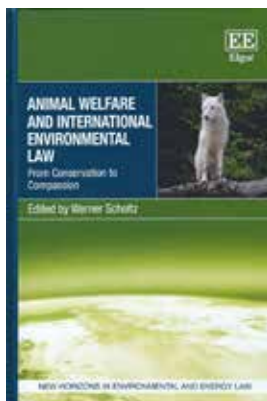
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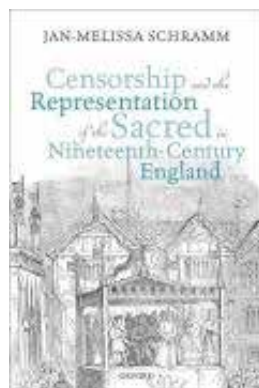
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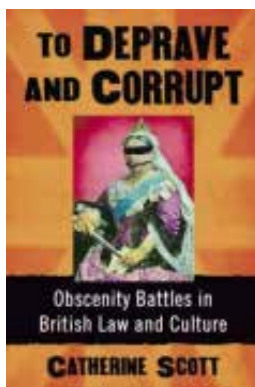
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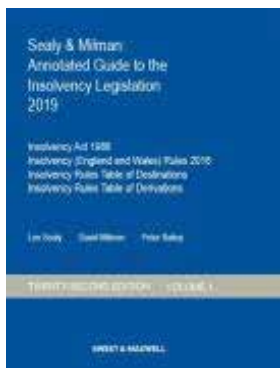
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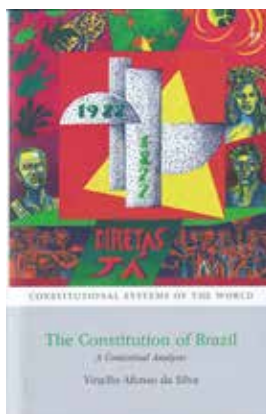
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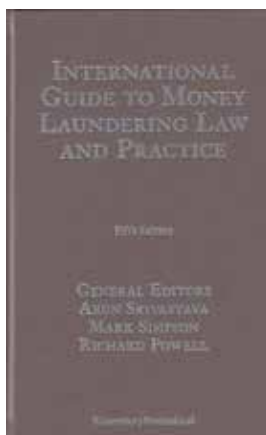


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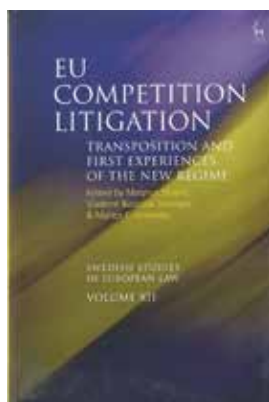
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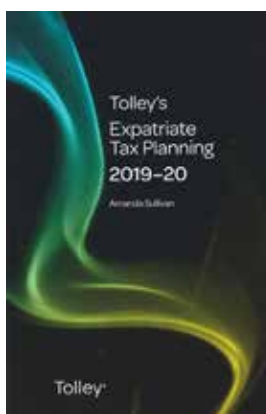
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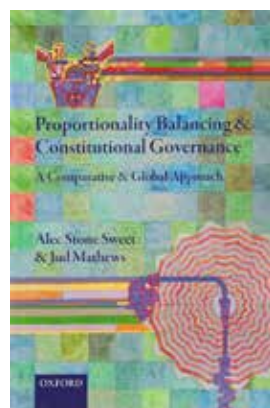
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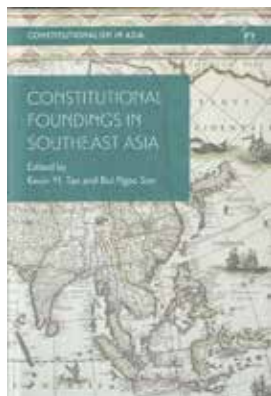


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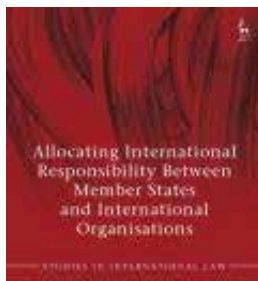


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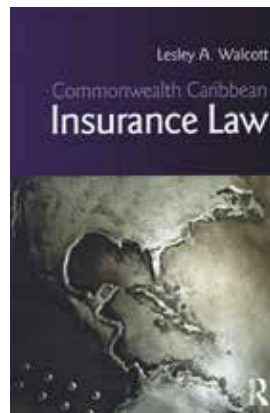


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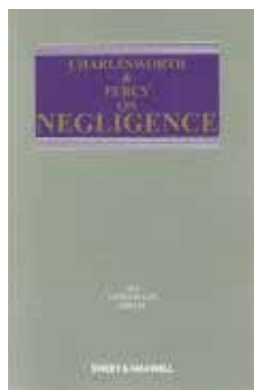


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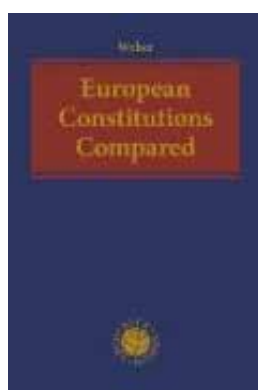
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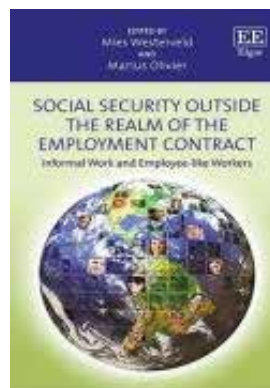
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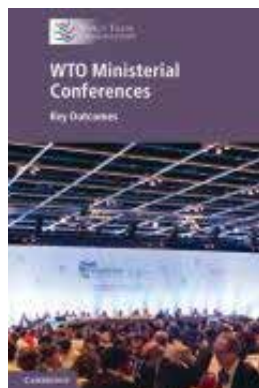


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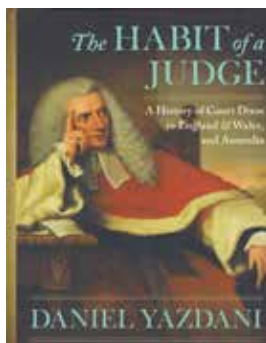
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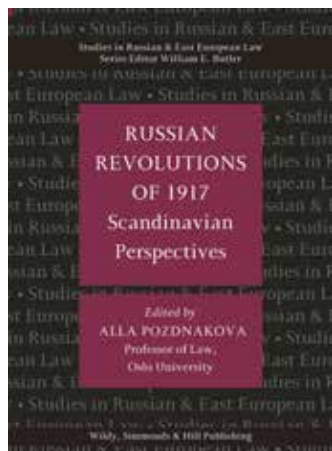
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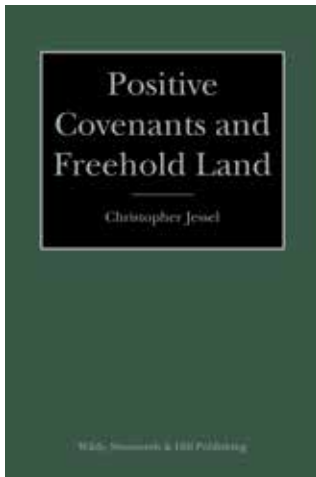
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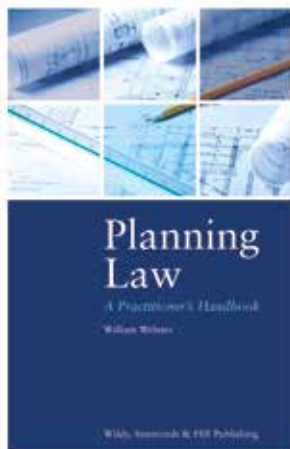
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Christopher Jessel is a solicitor and was a partner with Farrer & Co of Lincoln's Inn Fields, practising in rural property, constitutional and charity law and was previously Assistant Editor of the *Rights of Way Law Review*. He has written articles and books on property-related subjects including: *The Law of the Manor* (2nd ed, Wildy, Simmonds & Hill) *A Legal History of the English Landscape* (Wildy, Simmonds & Hill) *Farms and Estates: A Conveyancing Handbook* (2nd ed) and *Development Land Overage and Clawback* (2nd ed).



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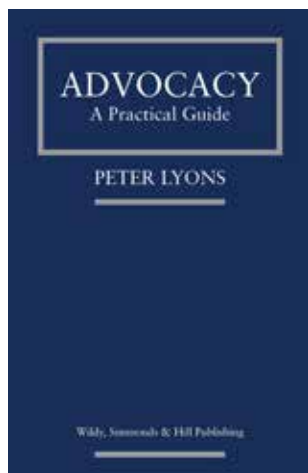
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It also contains sections on village greens, assets of community value, public rights of way, and gypsies and travellers, all of which impact on the realisation of land for planning purposes. The inclusion of these topics will be of particular value to practitioners in the public sector looking for up-to-date guidance in these fields.

William Webster was called to the Bar in 1975 and is a tenant at 3 Paper Buildings practicing in the fields of land and planning law. He is a member of the Chancery Bar Association and joint author of *Restrictions on the Use of Land* published by Wildy, Simmonds & Hill.



## ADVOCACY A Practical Guide

Peter Lyons

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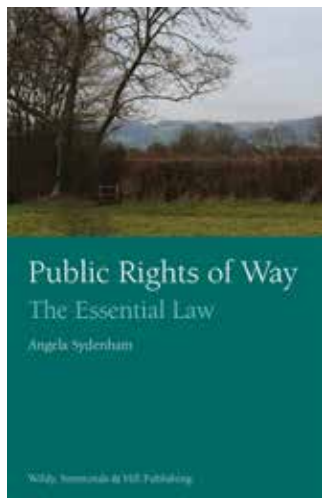
*“I have read no better guide to the practicalities of good advocacy than Peter Lyons’ book. It is informed by years of experience and by a wealth of illuminating anecdotes that will instruct and entertain all advocates from the novice to the QC. It is easy to understand, comprehensive (from opening submissions, through cross-examination to final speeches) and, as one would expect of a book on advocacy, completely persuasive.”*

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Peter Lyons is an Australian barrister and solicitor living in the UK. Since 1995 he has taught advocacy to civil, common and arbitration lawyers, barristers and patent attorneys. He designed and has taught the Bar’s Public Access course and many programmes for the top City law firms, as well as the first LLM in Advocacy at the University of Strathclyde. His company, CPD Training (UK) trains candidates for Higher Rights of Audience.



## PUBLIC RIGHTS OF WAY

### The Essential Law

Angela Sydenham

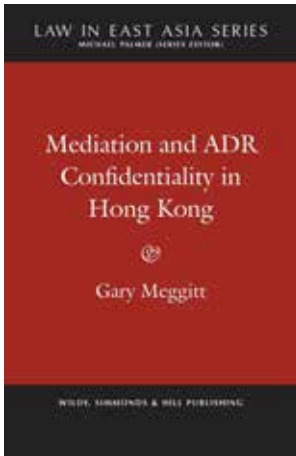
Price:	£45.00
ISBN:	9780854902088
Extent:	230pp
Binding:	Paperback

This succinct, practical and up-to-date book is an introduction to the complex area of public rights of way. It is aimed at practitioners, lawyers and surveyors, who are not necessarily experts in this area of law, but who may have to deal with rights of way in conveyancing transactions, land management or planning matters. The book will also be useful for those landowners, farmers and those working for local authorities.

For this reason, the book does not follow the conventional pattern of dividing the chapters into subject topics, but looks at the law from the angle of the landowner, the purchaser, the public users of the rights and the local authority. There will, of course, be some chapters which will be relevant to all parties.

Sections 20 to 26 of, and Schedule 7 to, the Deregulation Act 2015 will introduce many changes to the recording of public rights of way. The provisions were originally expected to come into force in April 2016. Although the relevant regulations are still awaited the book covers the prospective legislation.

Angela Sydenham was a consultant with Birketts, and was formerly Chief Legal Adviser to the Country Landowners' Association. She is the author of several books on the law relating to rural property. These include, amongst others, *Commons and Greens* (2nd edition), *Public Rights of Way* (4th edition), *Agricultural Tenancies* (Wildy, Simmonds & Hill) and has contributed to the section on commons in *Halsbury's Laws of England* and *The Encyclopaedia of Forms and Precedents*.



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Gary Meggitt

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It is generally accepted in Hong Kong and many other jurisdictions that mediation is ‘confidential’. This book examines the three non-statutory components of mediation confidentiality in Hong Kong:-

- contractual or equitable confidentiality;
- the without prejudice doctrine;
- and legal professional privilege – together with the Hong Kong Mediation Ordinance.

This study looks at the protection which each of the components and the Ordinance affords to the participants in mediation and the deficiencies in the same.

The author argues that the justification for a specific mediation confidentiality may be found in the very nature and philosophy of mediation itself and, in particular, its distinctive empowerment of the parties and its independence from the litigation process. It is contended that, to the extent that they share these qualities, other forms of ADR should be similarly protected.

This book will interest and be useful to academics, students and legal practitioners interested in mediation and ADR in Hong Kong and elsewhere.

The thesis upon which this book is based was awarded the University of Hong Kong’s prestigious Li Ka Shing Prize.





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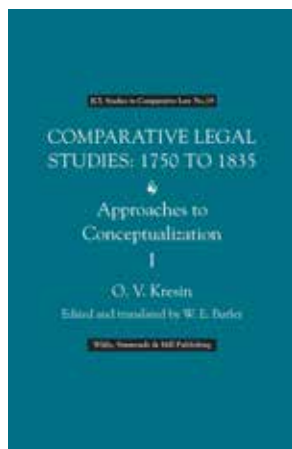
## **TRANSPARENCY CHALLENGES FACING CHINA**

Edited By

FU Hualing, Michael Palmer and ZHANG  
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Price:	£65.00
ISBN:	9780854902606
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Binding:	Hardback

The concept of transparency has grown exponentially in importance around the world as a principle of good governance over the past two decades. Openness in the manner in which governments, social institutions and business corporations conduct themselves, and their willingness to disclose important information about themselves or about other actors in which they have an interest, are important features of this growth. However, greater commitment to transparency may present difficulties for an authoritarian system's political leadership. Such reform is likely to lead also to demands for political and governance change and similarly radical ideas that foster stability problems for an authoritarian political and legal system, as they enable civil society to scrutinize better the conduct of that authoritarian leadership and its institutions. On the other hand, when transparency is only partial, the government might use it as an instrument of propaganda, shaping public opinion and forestalling structural reform. The chapters in this book address the situation in mainland China where economic reform policies and a drive to gain a stronger place in the global economy have encouraged a complex and sometimes ambiguous approach to transparency. The essays explore the manner in which, and the degree to which, greater transparency in governance has emerged in the PRC. They also assess the impact of greater transparency in terms of accountability, decision-making processes, and responsiveness in the Chinese governance system. The papers in this volume have their origins in a 2016 conference on transparency issues in China held at the University of Hong Kong's Faculty of Law under the guidance of the editors, and bringing together scholars with interests in the emergence of transparency in some of the most important areas of Chinese governance.



*JCL Studies in Comparative Law No. 19*  
**COMPARATIVE LEGAL STUDIES: 1750-1835**

Approaches to Conceptualization

2 volumes

O. V. Kresin  
edited and translated by  
W.E. Butler

Price:	£125.00
ISBN:	9780854902729
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A revisionist interpretation of the origins of comparative law as a discipline, these volumes reconsider the period from 1750 to 1835 and take the origins of “legal comparativistics” back at least eight and a half decades in comparison with traditional understandings of the history of comparative jurisprudence. The influence of Hegelian approaches is much in evidence in this study. The transformations that occurred were propelled by the secularization of natural law. Legal knowledge separated itself from philosophy and became a positivist, social, and empirical legal science.

Volume One addresses the historiographical, theoretical and methodological foundations of comparative legal studies, the scientific approaches to periodizing the history of comparative legal studies, conceptualization of the theoretical grounds of comparative legal studies, the prerequisites and context of the theoretical foundations of comparative legal studies, transformation of concepts on natural law, and the forming of doctrines of national law.

Volume Two addresses the origins of the theoretical foundations of comparative law, and then turns to the roles of the Individual and the Universal in developing a comparative legal scientific picture of the world, with attention to the Particular in Law and the classification of national legal systems. The reconsideration of approaches to comparative-legal conceptualization is accompanied by an extensive Bibliography of sources.

Oleksiy Kresin, доктор юридических наук, is a leading Ukrainian comparative lawyer; Head, Center of Comparative Jurisprudence, Koretskii Institute of State and Law, National Academy of Sciences of Ukraine; Associate, International Academy of Comparative Law; Secretary-General, Ukrainian Associate of Comparative Jurisprudence; President, Ukrainian National Committee, International Association of Legal Sciences.

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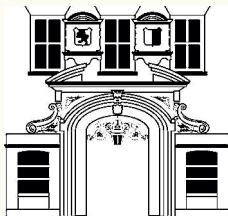
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