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Volume 24 Issue 6

Published Monthly

June/July 2019

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Cover: Legal Walk balloons. Picture by Anastasia Cohen

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Pictures this month include the BIALL annual conference in Bournemouth and the London Legal Walk which passes in front of our Lincoln's Inn shop. Last year 15,000 people took on 10k for justice, and hopefully they will beat last year's amazing fundraising of £830,000. Also, there are photos of our book launch for *Advocacy: A Practical Guide* by Peter Lyons.

From Wildy, Simmonds & Hill Publishing this month we have *Legal Research* 3rd edition by Emily Allbon with contributions by Ian Hunter and Peter Clinch and *The International Investment Policy of the Intergovernmental Authority on Development: The Republic of Uganda* by Chrispas Nyombi & Tom Mortimer. See pp 37-38.

In 1989 Steven Ross (managing director) joined the company! Congratulations Steven on this remarkable achievement and thank you so much for your 30 years of dedication and service, without you, the company would not be where it is today.

'Wildy'

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ON THE TITLES LISTED IN THIS MONTH'S BOOK NEWS
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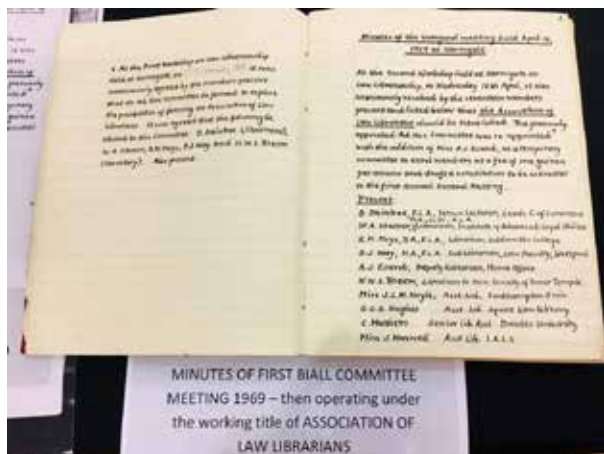
John Sinkins (left) and Dunstan Speight (right) with the Wildy/BIALL Law Librarian of the Year Roddy Waldheim (centre)
Below: Danielle McCay and Rob Hooton of Wildy's with Catherine Bowl who won our prize draw





Masoud Gerami of Justis, the sponsors of the 50th anniversary BIALL party on the right Danielle McCay, Jason, Abbie and John Sinkins of Wildy's





Many old friends



Baroness Hale delivering the keynote address



The Supplier of the Year 2019 were CRO Info
Pictured are Sam Lloyd, Mary Lovell and Dunstan Speight

London Legal Walk 2019



Book Launch for
Advocacy: A Practical Guide by Peter Lyons

His Honour Simon Staley Brown (centre left) and the author Peter Lyons with Lorraine Richardson on the left and Matthew Peck on the right.



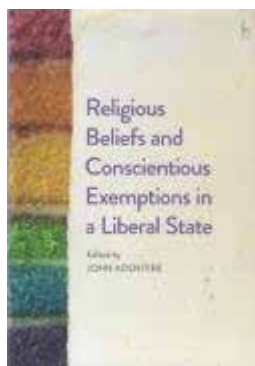
Peter Lyons speaking about
the book

His Honour Simon
Staley Brown saying a
few words in reply to the
author's remarks

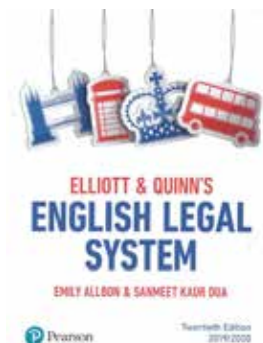


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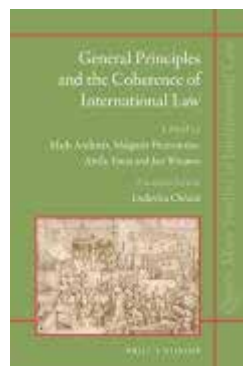
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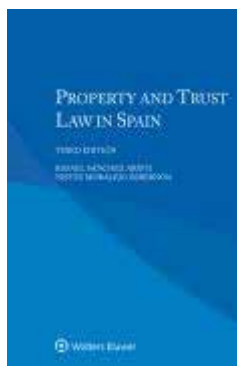
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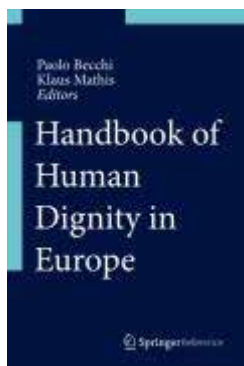
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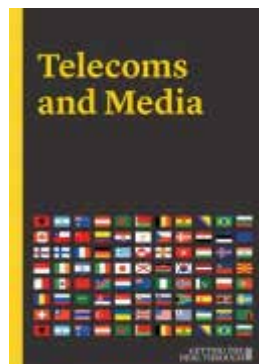
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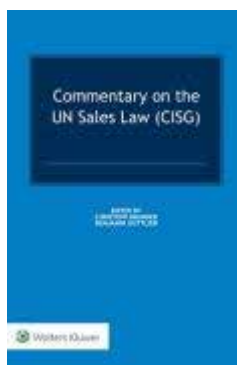
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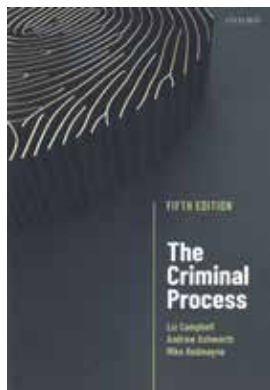
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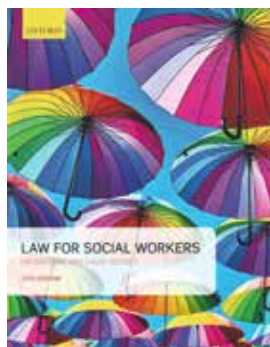
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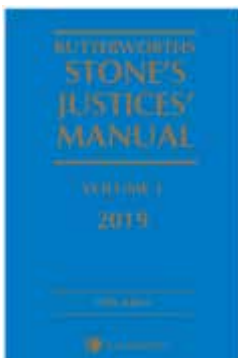
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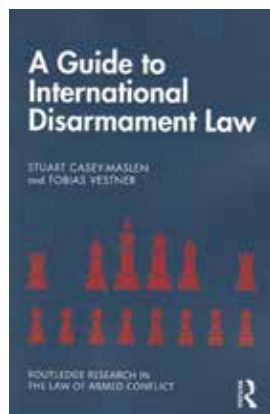
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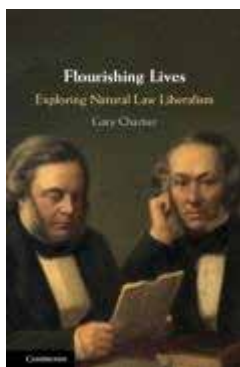
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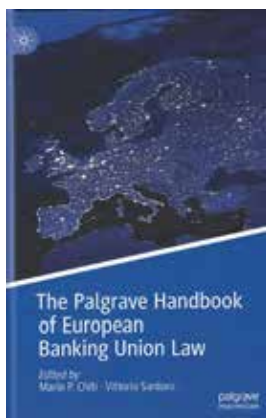
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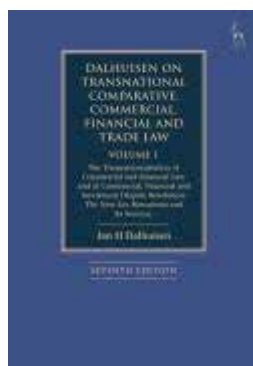
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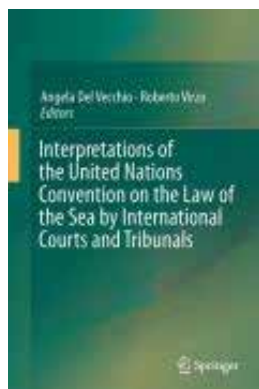
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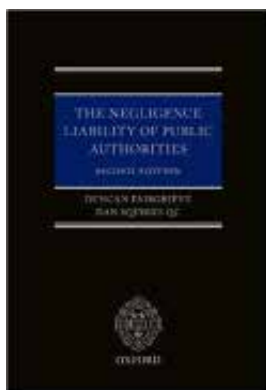
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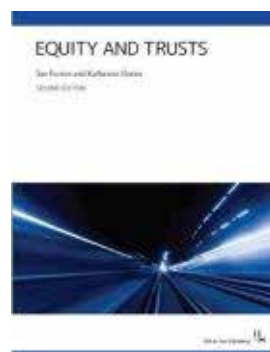
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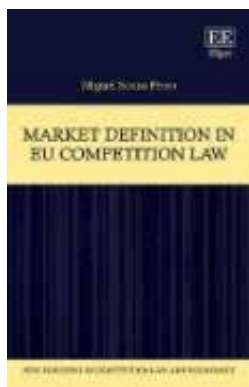
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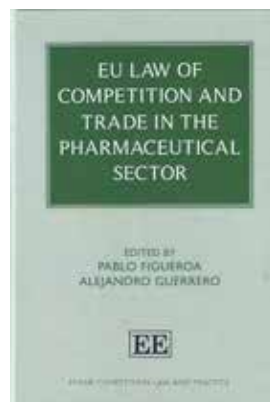
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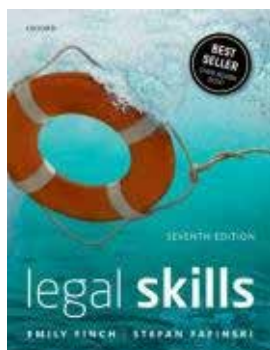
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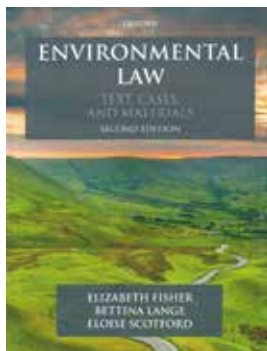
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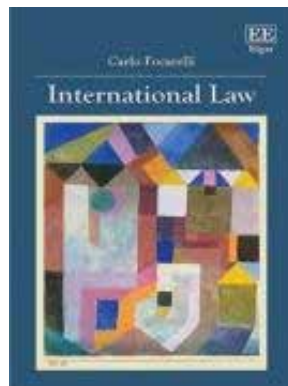
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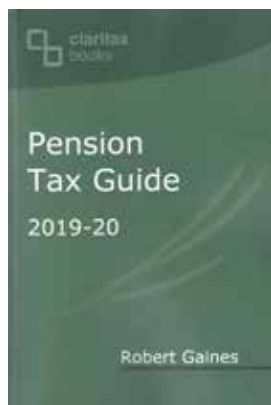
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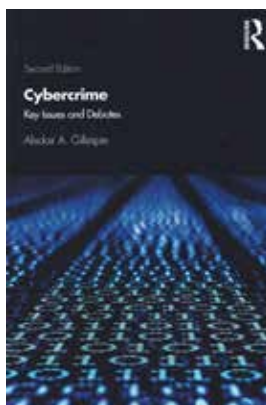
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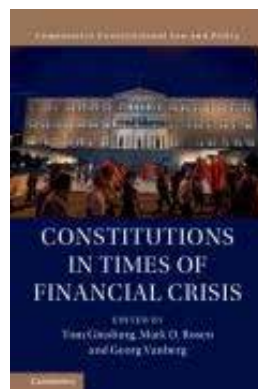
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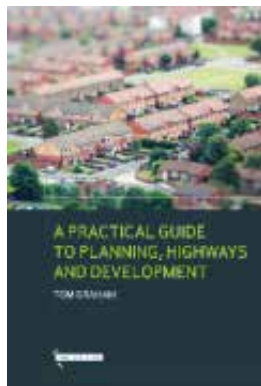
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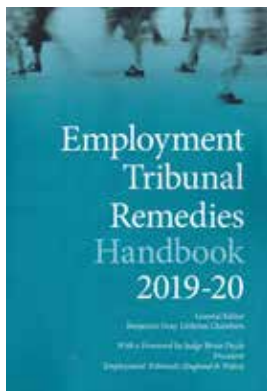
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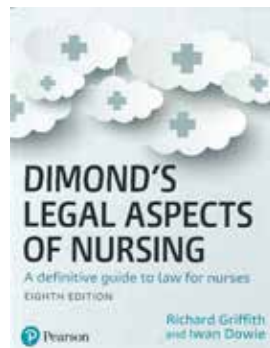
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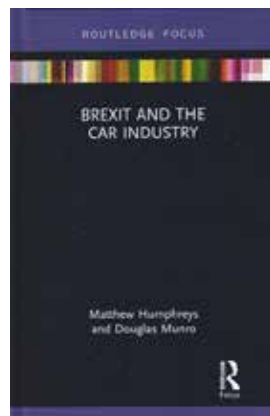
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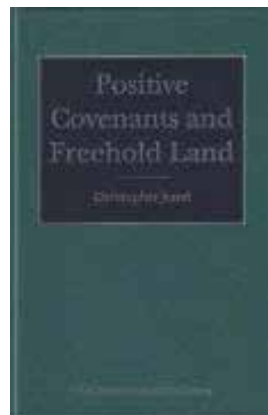
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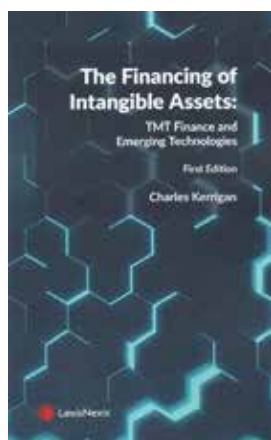
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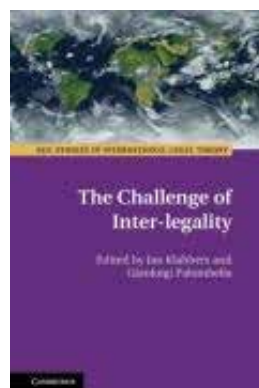
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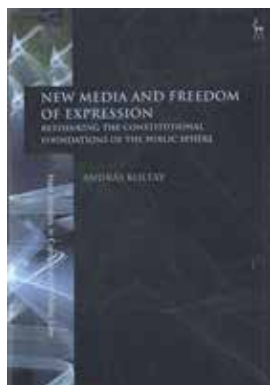
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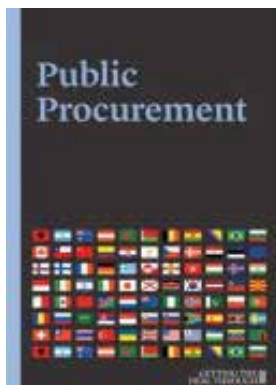
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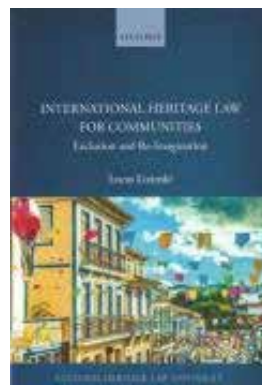
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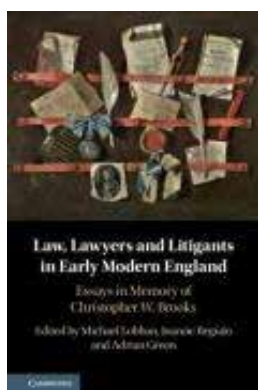
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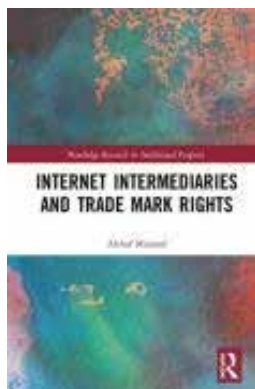
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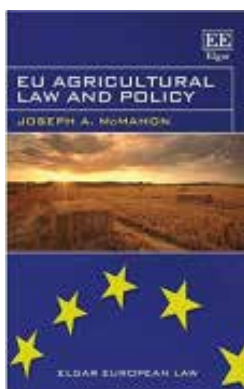
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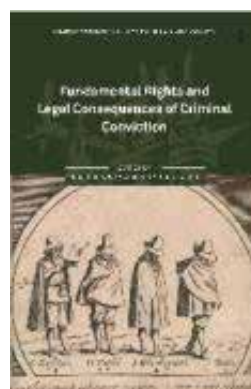
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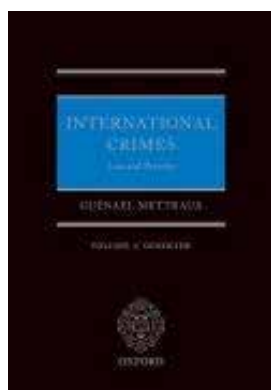
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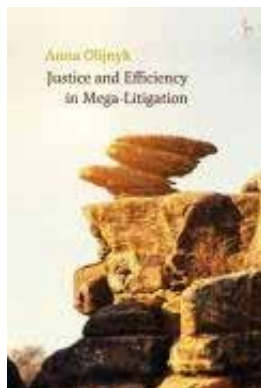
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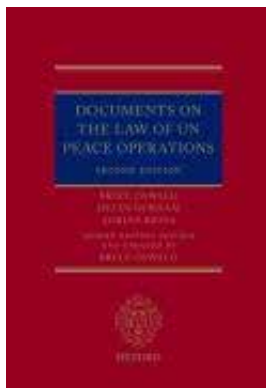
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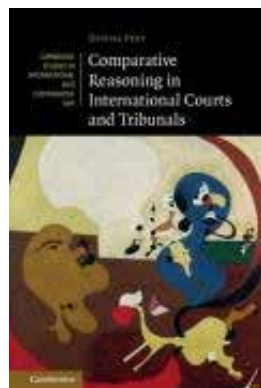
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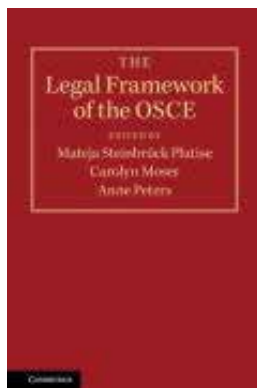
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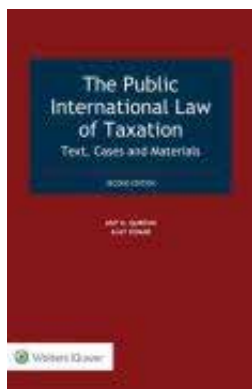
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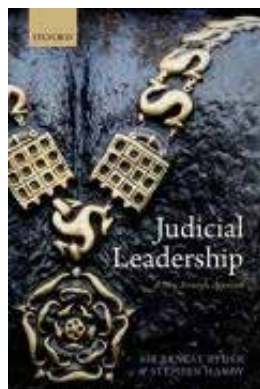
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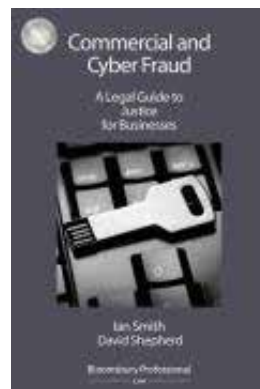
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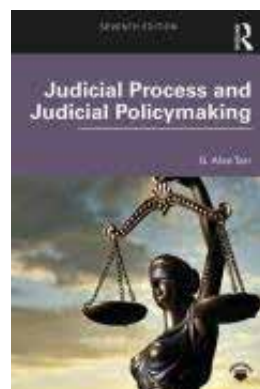
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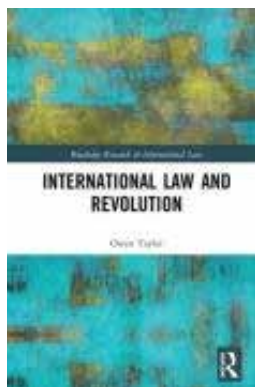
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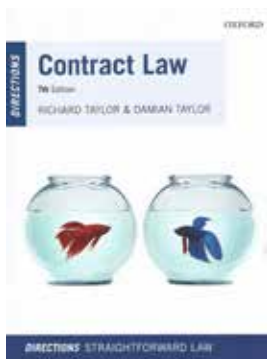
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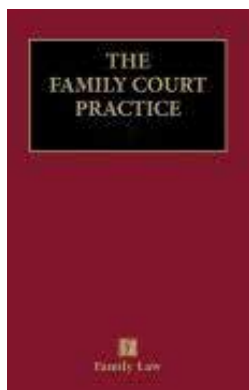
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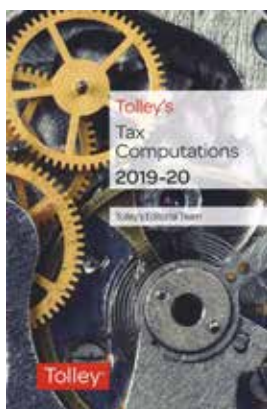
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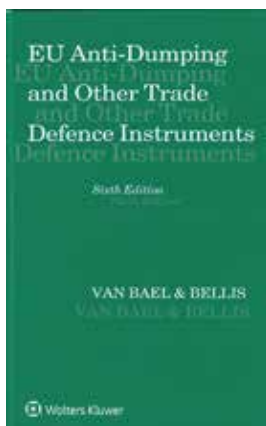
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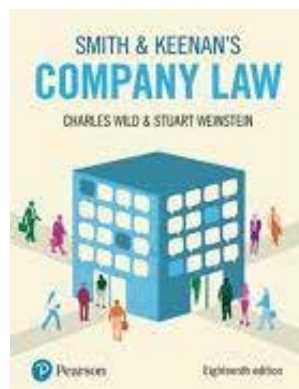
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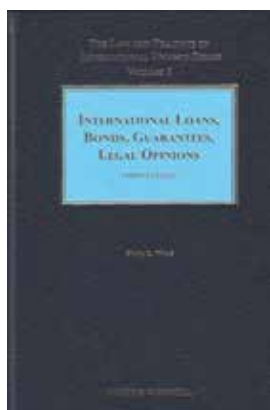
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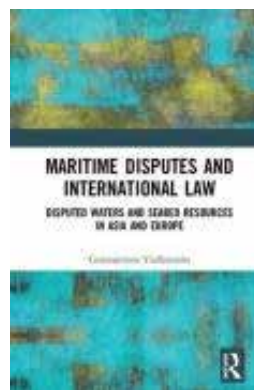
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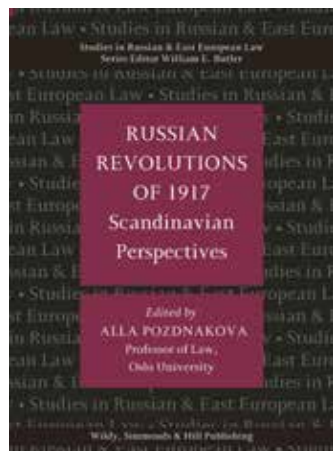
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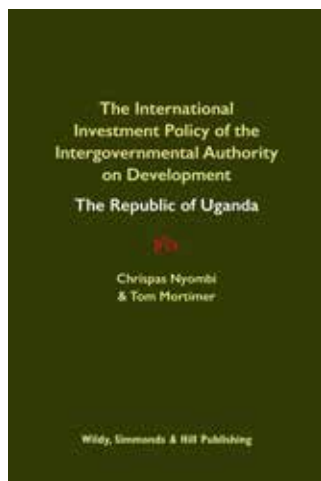
Professor of Law, Oslo University

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Ten legal scholars explore facets of the 1917 Russian revolutions from the standpoint of Russian law (transition to a market economy), Comparative law (the impact of the 1917 Revolutions on the Soviet and post-Soviet legal experience; the development of comparative legal studies in Russia, and similarities and differences between Soviet and German Nazi law), and public international law (Russian fishing activities off Finnmark; Norwegian recognition policies vis-à-vis Russia; and the enduring importance of the Martens Clause in international humanitarian law).

The volume is complemented by a substantial selection of documents on Scandinavian-Russian legal relations between 1917 and 1928.

Alla Pozdnakova is Professor of Law at the University of Oslo in Norway.



THE INTERNATIONAL INVESTMENT POLICY OF THE INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT

The Republic of Uganda

By Chrispas Nyombi & Tom Mortimer

Price:	£20.00
ISBN:	9780854902781
Extent:	202pp
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Binding:	Paperback

Traditionally, African states have played a very active and influential position in both the design and development of international investment law.

This book reviews the types of Bilateral Investment Treaties concluded by the Intergovernmental Authority on Development (IGAD) Member States, using Uganda as a case study, with the objective of establishing the investment treaty practice of African states. In so doing, the text sets out to examine whether African treaty practice conforms or differs from general investment law. While reviewing this practice, the text also explores the extent to which the emerging investment treaty practice interferes or restrains legitimate policy making by African states.

Ultimately, this book argues that there has been a paradigm shift in the investment treaty practice of African states. Whereas historically they have argued for and defended their state sovereignty they now adopt, via BIT's, a more peculiar position of acquiescence. This text proposes how, going forward, African states might re-assert their independence and contribute to the further development of international investment law in a meaningful and pro-active way.

Chrispas Nyombi is a Reader (Associate Professor) in International Commercial Law and Director of Research in Law at Canterbury Christ Church University. He is part of a Panel appointed by the General Assembly of IGAD tasked with creating an International Arbitration and Mediation Centre in Djibouti.

Tom Mortimer is the Director of Law at Canterbury Christ Church University. He has over thirty years of experience in legal education, including Head of Law School at three Universities and has published widely in the areas of business law in practice, comparative law and governance, International law and in learning and teaching.



LEGAL RESEARCH

A Practitioner's Handbook
Third Edition

Emily Allbon with Ian Hunter
Consultant Editor: Peter Clinch

Price:	£49.00
Edition:	3rd
ISBN:	9780854902651
Size:	246 x 189mm
Extent:	494pp
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Legal Research: A Practitioner's Handbook provides practical advice on every aspect of effective legal research: problem analysis, selecting and finding the best sources, and presenting results effectively. This third edition has been thoroughly updated, taking into account the increasing popularity of commercial databases aimed at UK law practitioners; the overhaul of a number of government and other official sites (national and international); and significant changes to directions by UK courts relating to the conduct and presentation of legal research. New material on the use of social media in legal research, business information and making use of a law firm's internal precedents has also been added.

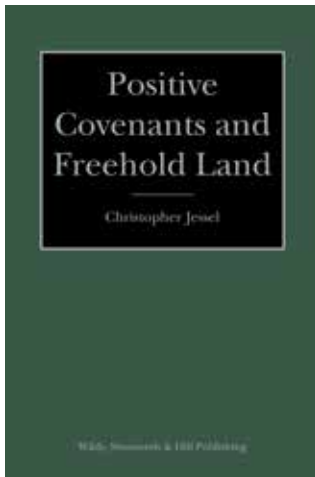
Emily Allbon is a Senior Lecturer in Law at the City Law School (City, University of London), having previously spent 14 years as an academic law librarian. She is also the human behind the popular Lawbore website.

Ian Hunter is Research & Information Services Manager at Shearman & Sterling (London) LLP, and has worked for law firms, investment banks and a university business school.

Peter Clinch had 35 years' experience in law information work, including training law students, practising solicitors and law librarians in legal research skills before retirement and wrote the first two editions of this text.

POSITIVE COVENANTS AND FREEHOLD LAND

Christopher Jessel



Price:	£95.00
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Binding:	Hardback

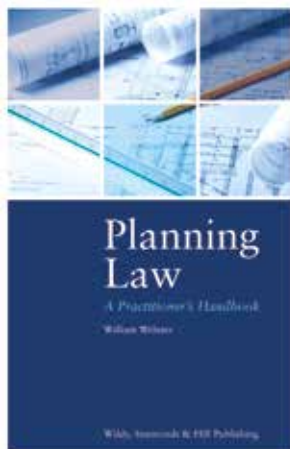
Positive covenants are obligations binding the owner of land for the time being which require some form of action or expenditure such as keeping a roof or wall in repair or paying instalments of service charge over many years.

Positive Covenants and Freehold Land concerns the rule of property law that a positive covenant cannot bind successors in title to the original covenantor. It considers the origin of the rule, the legal reasoning behind it, and the historical, social and political context in which it has developed. The book then looks at the various methods to circumvent it by using restrictions on the register of title, estate rentcharges, rights of re-entry, the principle of benefit and burden and the use of long leases as virtual freeholds.

A modern structure designed to overcome the problem is the system of commonhold which is currently under review by the Law Commission. The law of easements, particularly in relation to fencing, and the law of nuisance can have the effect of imposing positive obligations on landowners. Statutes can also either require owners to take specified steps such as keeping listed buildings in repair or they can authorise a landowner to enter into obligations as under the Town and Country Planning Act s 106. Separate chapters examine the issues to be considered on assignment of the benefit of positive covenants, on the transfer of land which is subject to the burden of them, and on the way that covenants operate in the management of housing and commercial estates.

Reform of the law of positive covenants has been in prospect for over 50 years without any response by Parliament but there is now the possibility of Government support. A chapter is included on issues to be borne in mind in drafting covenants and an examination of the juristic nature of positive covenants and their nature as part of a neighbour relationship. The book also features a number of suggested precedents for the practitioner.

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).



PLANNING LAW

A Practitioner's Handbook

William Webster

Price:	£125.00
ISBN:	9780854902552
Extent:	766pp
Binding:	Hardback

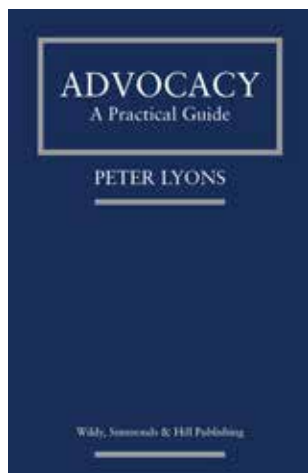
Keeping pace with planning law is no easy matter. The mass of primary and secondary legislation in this field, allied to local and national policy and guidance, make this the most intensively regulated area of the law.

This comprehensive practitioner's handbook covers the widest possible range of planning topics in a single volume and is written for planning practitioners in the private and public sectors. This book combines a readily accessible narrative with a substantial body of footnotes for those looking for more detail when it comes to case law and statutory materials.

Planning Law: A Practitioner's Handbook provides the busy planning professional with answers to a whole range of problems which commonly arise in the day-to-day practice. Its advantage lies in the fact that it is a single up-to-date reference book covering a broad range of topics which might otherwise only be found in a number of specialist texts.

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

Price:	£19.95
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Binding:	Paperback

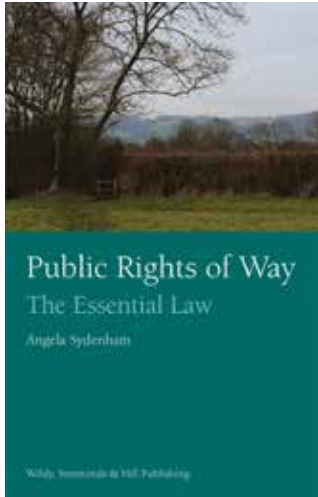
“I have read no better guide to the practicalities of good advocacy than Peter Lyons’ book. It is informed by years of experience and by a wealth of illuminating anecdotes that will instruct and entertain all advocates from the novice to the QC. It is easy to understand, comprehensive (from opening submissions,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

From the foreword by Lord Pannick QC

Advocacy: A Practical Guide is for those who wish to learn essential advocacy skills as well as those seeking to make their advocacy more effective. It shows you how to overcome nerves; how to present clearly and ethically; and how to undertake case analysis. It will also show you how to succeed in Interim Applications (Motions); Handling Witnesses in Examination-in-Chief (Direct Examination) and in Cross-Examination; Re-examination; Making Submissions of Law to a Court or Panel; and Trial Speeches. There is also a section on Written Advocacy which teaches you to write persuasively and how to draft submissions and effective skeleton arguments.

The book is aimed at barristers, solicitors, arbitration lawyers, patent attorneys and students. International lawyers will also find the book helpful, providing as it does, a better understanding of common law practice such as cross-examination.

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

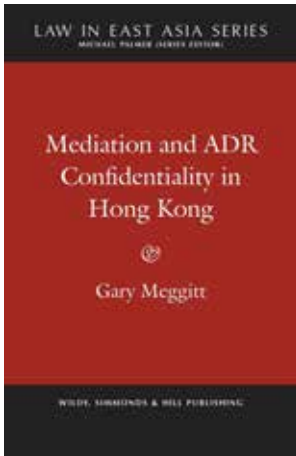
Price:	£45.00
ISBN:	9780854902088
Extent:	230pp
Binding:	Paperback

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*.



Law in East Asia Series

MEDIATION AND ADR CONFIDENTIALITY IN HONG KONG

Gary Meggitt

Price:	£65.00
ISBN:	9780854902644
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Binding:	Hardback

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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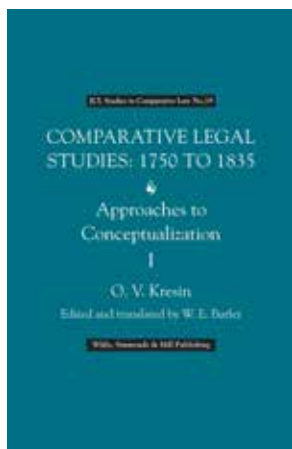
TRANSPARENCY CHALLENGES FACING CHINA

Edited By

FU Hualing, Michael Palmer and ZHANG
Xianchu

Price:	£65.00
ISBN:	9780854902606
Extent:	392pp
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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Binding:	Hardback

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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A chance to meet our representatives at conferences and other venues

13-16 July, John Eaton and Jason Crimp will be attending the annual AALL conference in Washington

21st July to 25th July, John Pethick and Matthew Regnard will be attending the CARALL 2019 conference will be held in Antigua

Sept, Abbie Sinkins and John Pethick will be attending the OECS annual conference in Antigua

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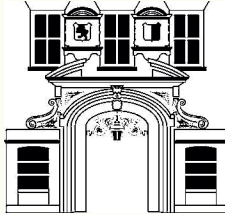
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