

Corporeal Moveables In Scots Law

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Corporeal moveables: usucapion, or acquisitive ...

ship) fortifies rights over corporeal moveables indirectly -through a procedural limitation -while other systems favour usucapion or acquisitive prescription The latter method seems to us not only to be more consistent with the basic structure of Scots law, but also to promote greater certainty in that it

Edinburgh Research Explorer

David Carey Miller with David Irvine, CORPOREAL MOVEABLES IN SCOTS LAW Edinburgh: Scottish Universities Law Institute, W Green & Son Ltd (www.greencouk), 2nd edn, 2005 xlii + 367 pp ISBN 0414014006 £145 The first edition of this magisterial work appeared in 1991 Much has happened in Scottish property law since then

Protection of Ownership and Transfer of Moveables by a Non-

This thesis explores the protection of ownership of corporeal moveables in Scots law with particular reference to the position of a good faith acquirer from a non-owner It exposes three fundamental tenets of Scots property law to critical scrutiny: the sharp theoretical distinction between possession and ownership, the requirement that the

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Irvine, Corporeal Moveables in Scots Law (2nd ed, 2005), paras 806-811 The distinction between obligations to donate and the transfer of property

by donation is explored further in a comparative context (including Scots law) in M Hogg, 'Promise and donation in Louisiana and comparative law' (2011) 26

International Corporate Rescue

erty is quite cumbersome under Scots law, as is creating fixed security over corporeal moveable property How-ever, in December 2017, the Scottish Law Commission (the 'SLC') published its Report on Moveable Trans-actions, with a view to reforming some of Scots law's cumbersome rules in these fields - along with a draft Bill

Ownership and obligation: restitution, vindication and the ...

16 Indeed, the mediaeval and early modern law relating to moveable property in Scotland has been relatively little investigated For a preliminary account of some of the key sources, see B Holligan, Protection of Ownership and Transfer of Moveables by a Non-Owner in Scots Law (PhD thesis, University of Edinburgh 2015) ch 2

This Memorandum in a series of ... - Promoting Law Reform

trend towards further assimilation of Scots law to English law will consequently be checked It is, therefore, a11 the In particular we find that the English law on corporeal moveables is concerned with the better right to possess rather than with the right of ownership, property or dominium

The Attachment of the Floating Charge in Scots Law

Carey Miller, Corporeal Moveables D Carey Miller (with D Irvine), Corporeal Moveables in Scots Law, 2nd edn (2005) Cork Report Report of the Review Committee on Insolvency Law and Practice (Cmnd 8558) (1982) Eighth Report Law Reform Committee for Scotland, Eighth Report of the Law Reform Committee for Scotland:

Prescription and Title to Moveable Property (Scotland) Bill

101 The Report on Prescription and Title to Moveable Property (Scot Law Com, No 228, 2012) was published by the Sc ottish Law Commission (the corporeal moveables A subsequent consultation paper in relation to corporeal Prescription and Title to Moveable Property (Scotland) Bill

Abandonment of land and the Scottish Coal case: was it ...

logic of Roman-Dutch law¹⁰ and German law¹¹) concluded that abandonment of land was possible in Scots law, being an essentially Civilian system of ownership He also drew an analogy with corporeal moveable property, but noted that the procedure would need to be

Better Late than Never: The Reform of the Law on the Sale ...

and Rodgers, 'Pledge and Bills of Lading in Scots Law' (1971) Juridical Review Part 111, 193-213 4 The Sale of Goods Act 1979 replaced the Sale of Goods Act 1893 which codified the law of sale in England and Ireland Late in its passage through Parliament the application of the 1893 Bill was 260 0 The Modern Law Review Limited 19%

The Boundaries of Property Rights in Scots Law Report to ...

individuality of Scots law¹⁵ Probably the most noteworthy piece of UK legislation for Scots property law is the Sale of Goods Act 1979, first passed in 1893 This legislation swept aside a fundamental feature of Scots law in abandoning the requirement of an act of delivery to give a ...

Report on prescription and title to moveable property (SLC ...

Report on Prescription and Title to Moveable Property Laid before the Scottish Parliament by the Scottish Ministers May 2012 Updated to include corrections to pages vi, 44 and 45, May 2012 SCOT LAW COM No 228 SG/2012/77 EDINBURGH: The Stationery Office £1600

ELR10 3 00 Prelims - Edinburgh University Press

to land law It is a more difficult task to think of developments in the law of corporeal moveables The case of Chief Constable of Strathclyde v Sharp 2002 SLT (Sh Ct) 95, about a Porsche in Glasgow, is of less moment than its partial namesake Sharp v Thomson 1997 SC (HL) 66 about, it need hardly be said, a flat in Aberdeen

Raising Lazarus: Why Spuilzie Should Be Resurrected

Raising Lazarus: Why Spuilzie Should be Resurrected 24 It is also commonly thought that spuilzie originated at least partly in the exceptio spolii of canon law¹⁰ The underlying basis of the remedy is that the status quo of possession should be restored prior to determination of any

accountability depict Edinburgh,

considers the matter at paras 806-810 of Corporeal Moveables in Scots law and revisits the issue in his article "Systems of Property: Grotius and Stair" in DCarey Miller and W Meyers (eds), Comparative and Historical Essays in Scots Law: A Tribute to Professor Sir Thomas Smith QC (1992) at 28-30

University of Edinburgh - SSRN

University of Edinburgh School of Law Research Paper Series No 2015/25 Body Parts and Property Kenneth G C Reid Professor of Scots Law University of Edinburgh, School of Law KennethReid@ed.ac.uk Forthcoming in Andrew Simpson, Roderick ...

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the sale of corporeal moveables Scots law was based on the maxim traditionibus non nudis pactis dominia rerum transferuntur The Act imported the classifying of goods as a condition of determining when the property passes and the learned author regrets the change In particular he does not approve of the exaltation of the doctrine

Commercial Law (Honours) View Online - Talis

Contract law in Scotland - Hector L MacQueen, J M Thomson, Askews & Holts Library Services, 2016 Book The law of contract in Scotland - William W McBryde, 2007 Book Corporeal moveables in Scots law - D L Carey Miller, 2005 Book Assignation - Ross Gilbert Anderson, 2008 Book