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instance and on appeal and in a range of contextual settings including road accidents accidents at work and professional negligence claims The authors also consider how the study can be used to inform future developments in this area of law Substantial appendices set out the key data on which the book is based enabling academics to utilize the dataset in their own research and allowing practitioners to compare their cases easily with previously decided claims

English and European Perspectives on Contract and Commercial Law Louise Gullifer, Stefan Vogenauer, 2014-10-23 The purpose of this book is to honour the influential and wide ranging work of Professor Hugh Beale It contains essays by twenty five very distinguished authors each of whom has worked with Professor Beale as a co author as a teaching colleague during his time as Law Commissioner of England and Wales or as part of the study groups working in Europe on contract and commercial law The essays reflect different aspects of Professor Beale s interests Some concentrate on English contract law either from a historical or a current perspective while others are focused on aspects of European contract law There are four essays looking at current issues relating to security and financing and as befits a former Law Commissioner three essays on law reform The essays in the final section discuss trends in transnational and European commercial law This book brings together the reflections of eminent writers from all over Europe on important issues facing contract and commercial law and will be of interest to all scholars and practitioners working in these areas

The Professional Salvor's Liability in the Law of Negligence and the Doctrine of Affirmative Damages Miso Mudric, 2013 The research in this book examines the issue of professional salvor s liability for damage caused due to negligent performance of salvage services Analysis is focused on the relevant international law 1989 Salvage Convention 1976 LLMC Convention and the 1992 CLC Convention the professional liability provisions of the chosen number of jurisdictions England Wales Germany France and the US the standard salvage contract forms the standard of care the relevant salvage case law the sanctions for poor or non performance and the methods of calculating the limitation of liability Series Writings on Maritime and Port Law Schriften zum See und Hafenrecht Vol 20

The Sharing Economy Maria Regina Redinha, Maria Raquel Guimarães, Francisco Liberal Fernandes, 2018-11-21 The sharing economy is just one of several possible expressions to designate the complex model of social and economic relationships based on the intensive use of digital technology Constant permutations and combinations allow these relationships to be established through the intervention of a third party making traditional contractual positions flexible in such a way that today s employee is tomorrow s entrepreneur or today s consumer is tomorrow s supplier of goods and services The current legal framework is in many respects unable to accommodate such big changes and new legal regulations are required where adaptation of the existing ones proves to be inadequate This book highlights where changes are needed and where adaptations are required with a particular focus on the Portuguese Spanish Italian British and Brazilian contexts For that four different approaches are undertaken namely the meta legal macro legal micro legal and transnational approaches The study that results from these different approaches enables readers to acquire a general view

on the current legal problems arising from the sharing economy and was a direct result of a research project of the Centre for Legal and Economic Research at the University of Porto funded by Funda o para a Ci ncia e Tecnologia

Construction Law, Costs and Contemporary Developments: Drawing the Threads Together Julian Bailey, 2018-11-15 Lord Justice Jackson's retirement in March 2018 concluded a career of almost 20 years on the bench. His judicial career has seen a remarkable transformation of construction law, construction law litigation and the litigation landscape more generally. Drawing the Threads Together is a Festschrift which considers many of the important developments in these areas during the Jackson era. The Festschrift discusses most of the leading construction cases decided by Lord Justice Jackson with subject matter including statutory adjudication, fitness for purpose obligations, consideration delays and extensions of time, liquidated damages, time bar provisions, the prevention principle, neighbour rights, limitation clauses, negligence, good faith bonds and guarantees and concurrent duties of care. It also includes a discussion of the background to the Jackson Review of Civil Litigation Costs 2009-2010 and its impact on litigation as well as considering the development of the Technology and Construction Court during and subsequent to Mr Justice Jackson's tenure as judge in charge of that court.

Reforming Corporate Retail Investor Protection Diane Bugeja, 2019-12-12 The spate of mis-selling episodes that have plagued the financial services industries in recent years has caused widespread detriment to investors. Notwithstanding numerous regulatory interventions, curtailing the incidence of poor investment advice remains a challenge for regulators, particularly because these measures are taken in a fire-fighting fashion without adequate consideration being given to the root causes of mis-selling. Against this backdrop, this book focuses on the sale of complex investment products to corporate retail investors by drawing upon the widespread mis-selling of interest rate hedging products (IRHP) in the UK and beyond. It brings to the fore the relatively understudied field concerning the different degrees of investor protection mechanisms applicable to individual retail investors as opposed to corporate retail investors by taking stock of past regulatory reforms and forthcoming regulatory initiatives as well as more importantly the conclusions reached by the judiciary in IRHP mis-selling claims. The conclusions are particularly interesting: corporate retail investors are in a vulnerable position when compared to individual retail investors. The former are exposed to a heightened risk of mis-selling, meaning that regulatory intervention should be targeted accordingly. The recommendations made as a result of these findings are further supported by insights emerging from behavioural law and economic theories. This book is aimed at researchers, lawyers and students with an interest in the financial regulation field who are keen to explore potential regulatory reforms to the investment services regime that address the root causes of mis-selling and restore a level playing field amongst all retail investors.

Anlageberatungshaftung in Europa Sophie Burchardi, 2020-04-20 Die MiFID II sieht auf europäischer Ebene weitreichende Pflichten für Anlageberater vor. Die privatrechtliche Anlageberatungshaftung wird derzeit jedoch durch die nationalen Rechtsordnungen geregelt. Die vorliegende Arbeit untersucht die Haftung von Anlageberatern im deutschen, englischen und italienischen Recht. Sie

reflektiert die privatrechtlichen Auswirkungen der MiFID II und erwägt eine weitergehende Rechtsangleichung

Financial Advice and Investor Protection Booyesen, Sandra, 2021-12-07 This comprehensive book offers a rigorous analysis of the legal debates approaches and practice related issues surrounding financial advice and investor protection Despite widespread recognition of the importance of financial inclusion more broadly construed recent financial crises have highlighted deficits in retail investor protection this book informs the development of robust yet adaptable frameworks to protect investors including effective enforcement and dispute resolution

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