Scottish Legal History This introductory text covers all the core aspects of Scots criminal law and is suitable as an introduction for students on LL.B. and non-LL.B. degrees who are new to this area. It presents the main aspects and principles of criminal law in a clear and comprehensive fashion, including coverage of recent developments such as aspects of devolution and the impact of the European Convention on Human Rights (in particular as regards unreasonable delay in bringing the accused to trial). There is also an introduction to aspects of computer crime. Treatment of the subject focuses on explanation and analysis of the main aspects of each topic, and emphasis is placed on modern cases in order to illustrate key principles. Each chapter is structured so as to help the student to navigate their way through the text, with clear sub-headings, chapter summaries, flow diagrams giving the skeleton structure of each main topic, self-assessment questions and graded further reading.

The Government of Scotland, 1560-1625 Get started with using the library; find out what statutory interpretation and judicious precedent are; learn about finding and using case law and legislation; discover how to access and cite books, journals and other sources; take your study international with a guide to sources from Europe and further afield; and sail through your coursework and exams with handy tips for legal writing and research.

The Scots Law Chronicle; Or, Journal of Jurisprudence and Legislation In June 1998, the Faculty of Law of the University of Edinburgh held a conference of academics, judges and distinguished practitioners from the UK and abroad to discuss the implications of the incorporation of the ECHR into Scots law. The contributors to this book consider the impact of the Human Rights Act in light of the new constitutional settlement for Scotland and their experiences of other rights regimes in Europe, the Commonwealth, and the United States. Topics included are an analysis of the Human Rights Act and Scotland Act; human rights and the law of crime, property, employment, family and private life; Scottish court practice and procedure; Scots law and the European dimension; and building a rights culture in Scotland.

Mental Health and Scots Law in Practice

Private Water Rights in Scots Law Inchoate crimes - attempts, incitement and conspiracy - are a complex area of law, affected by both common law doctrine and statutory regimes. Inchoate Crimes provides much needed guidance on the subject. The author draws on developed doctrines in other relevant jurisdictions to suggest alternative approaches for Scots law. This title also combines substantive material with discussion on the nature and justification for the punishment of such crimes. It should assist criminal lawyers in everyday practice by explaining the current state of Scots law surrounding inchoate crimes and suggesting alternative approaches where Scottish authority is deficient or entirely absent.

After Public Law

Human Rights and Scots Law Presents an account of the legal issues relevant to Scottish psychiatric practice, explaining how the Scottish legal system deals with mental health issues, and outlines psychiatric care systems. Meant for those involved with mental health and the law in Scotland, this title provides analysis of the Mental Health legislation.

International Private Law in Scotland In the event of a 'yes' vote in the Scottish independence referendum, MPs for Scottish constituencies, including ministers, should retain their seats in the House of Commons until the day of independence itself. However, they should not negotiate for the rest of the UK on the terms of independence, scrutinise the UK’s negotiating team nor ratify a resulting agreement, as their first duty would be to their Scottish constituents rather than the interests of the rest of the UK. The Constitution Committee also says that the wider status of MPs for Scottish constituencies, in terms of their ability to take part in other Commons proceedings not relevant to Scotland, would have to be decided before the 2015 general election if there were a 'yes' vote on 18 September. The Committee concludes that in the event of Scottish independence the remainder of the UK would be the 'continuator' state and so retain its current international status and treaty obligations, as well as UK institutions such as the BBC and the Bank of England. Scotland would become a new 'successor' state and would not have any automatic claim on those institutions. There would be no constitutional or legal requirement for the UK Government to adhere to the Scottish Government's proposed timetable for full independence by March 2016 and that they should not do so if that would undermine the interests of the rest of the UK.

State and Society in Early Modern Scotland

A Candid Inquiry into the present state of the laws relative to the Game in Scotland Excerpt from Lectures on Scots Law: Delivered Under the Auspices of the Stirlingshire Faculty of Solicitors and Procurators,
in February, March and April, 1889 In it was enacted that it should no longer be necessary to proceed to the lands, or to perform any act of infeftment thereon, but that sasine should be given by producing to a
notary the warrants of sasine, and expending and recording an instrument of sasine. In the case of burgage subjects it was made optional to give sasine within the Council Chambers of the burgh by delivery of
a pen. This was truly the introduction of symbolical possession, - a mere symbol standing in the place of a fact. The giving of earth and stone on the ground of the lands is improperly spoken of as symbolical
delivery. It was real, actual, and corporal delivery, and the piece of earth or stone was really a part of the whole. It may be instructive at this point to note the close historical analogy between the English law of
real property and our own as bearing on the law of possession. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This
book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present
in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any
imperfections that remain are intentionally left to preserve the state of such historical works.

Legal Method Essentials for Scots Law The fourth edition of the standard reference in the field includes updated material on principal political developments since 1983, i.e. The General Election of 1987, to
reveal current attitudes and trends.

The History of the Affairs of Church and State in Scotland Between the Union of the Crowns in 1603 and the Union of Parliaments in 1707, numerous proposals were made to strengthen relations between
England and Scotland. Here, Brian P. Levack draws on a large body of pamphlet literature, state papers, and parliamentary records to explore the 17th- and early 18th-century schemes to unite the political,
legal, religious, economic, and social elements of the two countries. An important contribution to English and Scottish history, The Formation of the British State sheds new light on how the British state
acquired many of the features it still possesses today, and why it differed significantly from both the English and the Scottish states out of which it was formed.

The State of Scots Law Excerpt from A Maxims of Latin Maxims Law Rules, in Law and Equity. Selected From The Most Eminent Authors, on the Civil, Canon, Feudal, English and Scots Law: With an English
Translation, and an Appendix of Reference to the Authorities From Which Thecollection of Maxims here presentedto the Public, is, I believe, as extensive as any that has hitherto been none that I could
discover to be of any utility. With regard to the translation, it does not become me to say much. It has cost me some labour, and I trust will be found to be useful. That it is in every respect perfect, it would be
wrong in me to suppose. I trust, however, that on the whole it will be found pretty correct. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at
www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst
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imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

The Scottish Law Reporter Excerpt from Green's Encyclopedia of the Law of Scotland, Vol. 9: Negligence to Prescription In England it is, further, a distinguishing characteristic of a negotiable instrument that
the holder of it may sue on it in his own name, whereas the general rule, when a chose in action is assigned, is that the assignee must sue, not in his own name, but in the name of the person to whom the
obligation was originally undertaken. In Scotland, however, the assignee of any debt may have a right to sue in his own name; and, accordingly, the fact that the transferee of a document of debt can sue in his
own name affords, in Scots law, no criterion for determining whether the document is negotiable or merely assignable. About the Publisher Forgotten Books publishes hundreds of thousands of rare and
classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving
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imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

European Contract Law Bringing together leading commercial and contract law scholars from the United Kingdom and United States, Comparative Contract Law: British and American Perspectives offers an
insightful and comprehensive assessment of the commonalities and divergences in the contract law of these two jurisdictions. Approaching the subject area from a variety of perspectives - doctrinal analysis,
behavioural analysis, law and economics, and theoretical - the book examines familiar areas of contract law as practiced in the UK and US. Topics include contract theory and structure; contract formation and
defects of consent; policing contracts and the duty of good faith; contract interpretation; damages; specialty contracts; and legal reform. The volume provides a thorough assessment of the current state of
commercial contract law in the UK and US, and addresses the strengths and weaknesses of the national and European approaches to many issues of contract law. In particular it focuses on how commercial
contract law should be improved, and whether harmonization of the different contract law regimes is a suitable, and appropriate, solution.

The Liabilities of Trustees Human Rights Law in Scotland, Fourth Edition provides essential practical guidance to the Scottish legal profession. Written by two distinguished authors, the work explores the
impact of human rights legislation in Scotland and provides a comprehensive review of ECHR (European Court of Human Rights) jurisprudence and relevant domestic legislation and case law as well as an
overview of Strasbourg enforcement machinery. The fourth edition of this highly regarded work has been fully updated to reflect legislative changes to the Scotland Act 2012 (amending the Scotland Act 1998)
and coverage of two new Protocols to the ECHR, as well as new case law and developments in jurisprudence. This highly regarded title is essential reading for legal practitioners, government agencies,
students and others who require a clear and up-to-date guide to the application of European human rights law in Scotland. Contents: 1. The ECHR and Scots law 2. European protection of human rights 3.
Applying the European Convention of Human Rights 4. Physical Integrity: life, torture and inhuman treatment, servitude and liberty of person 5. Fair administration of justice 6. Private and family life; and

Introductory Scots Law 3rd Edition develops the core knowledge and skills demanded in advanced law classes as part of Higher National courses and university-level business courses containing a strong
legal component. Attractively designed, this user friendly textbook offers straightforward and accessible coverage of the key areas of Scots Law and the most recent developments within it The third edition: -
Is fully revised to include the most up to date legal developments and case law e.g. developments in constitutional law, equality and diversity and human rights - Places particular emphasis on the practical
side of contemporary Scots Law by featuring exemplar legal documents to aid understanding - Contains frequent summary Key Points and in-depth Test Your Knowledge questions/case studies to consolidate learning and comprehensionProvides full answers and a range of invaluable e-resources on the accompanying website, including additional case studies and samples of procedures and paperwork - Is also suitable for introductory law units in other fields (such as professional studies) as well as offering a source of highly accessible reference material for a more general readership.

Brief Summary of the Law of Intestate Succession in Scotland A comparative investigation into the revolution in private law in the era of human rights Scotland and South Africa are mixed jurisdictions, combining features of common law and civil law traditions. Over the last decade a shared feature in both Scotland and South Africa has been a new and intense focus on human rights. In Scotland the European Convention on Human Rights now constitutes an important element in the foundation of all domestic law. Similarly, the Constitution of the Republic of South Africa, adopted in 1996, has as its cornerstone a Bill of Rights that binds not only the legislature, the executive, and all organs of state, but also private parties. Of course the "constitutional moments" from which these documents sprang were very different and the Scottish and South African experience in some aspects could not be more dissimilar. Yet in many respects the parallels are close and compelling. This book, written by experts from both jurisdictions, examines exactly how human-rights provisions influence private law, looking at all branches of the subject. Moreover, it gives a unique perspective by comparing the approach in these kindred legal systems, thus providing a benchmark for both.

An inquiry into the state of the Legal and Judicial Polity of Scotland. Part 1 Public law has been conceived in many different ways, sometimes overlapping, often conflicting. However in recent years a common theme running through the discussions of public law is one of loss. What function and future can public law have in this rapidly transforming landscape, where globalized states and supranational institutions have ever-increasing importance? The contributions to this volume take stock of the idea, concepts, and values of public law as it has developed alongside the growth of the modern state, and assess its continued usefulness as a distinct area of legal inquiry and normativity in light of various historical trends and contemporary pressures affecting the global configuration of law in general. Divided into three parts, the first provides a conceptual, philosophical, and historical understanding of the nature of public law, the nature of private law and the relationship between the public, the private, and the concept of law. The second part focuses on the domains, values, and functions of public law in contemporary (state) legal practice, as seen, in part, through its relationship with private domains, values, and functions. The final part engages with the new legal scholarship on global transformation, analysing the changes in public law at the national level, including the new forms of interpenetration of public and private in the market state, as well as exploring the ubiquitous use of public law values and concepts beyond the state.

Green’s Encyclopedia of the Law of Scotland, Vol. 9 This volume brings together legal philosophers, political philosophers, and EU legal academics in the service of developing the philosophical analysis of EU law. In a series of original and complementary essays they bring their varied disciplinary expertise and methodological perspectives to bear on central issues facing the Union and its law.

Evidence of the Accused's State of Voluntary Intoxication and Scots Law

Inchoate Crimes

Church and State in Scotland The first textbook on Scottish legal history from the genesis of Scots law to the Union, written from a legal perspective From the roots of a law that applied to all subjects of the Scottish King to the Union with England, this new legal history textbook explores the genesis, evolution and enduring influence of early Scots law. Discover how and why Scots law came into being, how was it used in dispute resolution during the medieval and early modern periods and how its authority developed over the centuries.

Mixed Jurisdictions Compared International private law is a subject of increasing prominence. The nature and content of Scots conflict rules have undergone many changes. Moreover, innovations in domestic Scots law have demanded the creation of corresponding conflict rules. This book provides an account of all branches of Scots private law in their conflict of laws dimension.

Human Body and the Law

The Formation of the British State Explores the law on rights of personality in Scotland compared to other jurisdictionsTaking a comparative perspective, this book explores the trends and issues affecting the law on rights of personality in jurisdictions drawn from the families of common law, civilian law, and mixed legal systems. The main focus is on the private law of personality rights, with due regard paid to the impact of constitutional legislation and other instruments protecting human rights.

Rights of Personality in Scots Law In this admirably objective and lucid exposition, the author examines from a medico-legal standpoint the comparative position in various countries, particularly in the UK and the USA, of currently controversial medical procedures: voluntary sterilisation, compulsory sterilisation and castration, trans-sexualism, experimentation, transplantation, and euthanasia - few of which, if any, enjoy a settled or clearly defined place in the eyes of the law. He considers the problems from two perspectives: first, that of the individual in society and how far he himself may determine the extent of physical intrusion on his body; secondly, that of the state or society and how far it may impose or limit medical intrusion on the human body. Thus, Mr. Meyers provides a valuable account, not only of current medical attitudes, but also of relevant case and statute law as it stands at present. It is inherent in the nature of this book that it should arouse controversy and argument. There are many important questions to be debated: Has the state the right to enforce its conception of morality without showing that the behaviour it proscribes has a harmful effect on other members of society? To what extent does consent by the individual create a duty to protect the individual from physical intrusion? In connection with compulsory sterilisation, who is to judge those unfit to procreate? What is a proper definition of medical experimentation? What constitutes death? If a man has a right to live has he not an equal right to die? These are a few of the issues raised. The author has not hesitated to express his own opinions but has clearly relegated them to the summary at the end of each chapter, thereby leaving the objectivity of his main text unimpaired.David W. Meyers is a practicing lawyer in California, with American and British legal qualifications at the firm of Dickenson, Peatman & Fogarty. He has taught at the University of Edinburgh Law School and the University of Tasmania Law School as well as

Scots Criminal Law This is the first full scholarly study of state formation and the exercise of state power in Scotland. It sets the Scottish state in a British and European context, revealing that Scotland -- like
larger and better-known states -- developed a more integrated governmental system in the sixteenth and seventeenth centuries. This study provides an invaluable new contribution to the history of Scotland. Julian Goodare shows how the magnates ceased to exercise autonomous local power, and instead managed the new administrative structure through client networks. The state no longer drew its main revenues from land, but developed new taxes; its fighting forces were modernized and detached from landed power. With the Reformation, powerful church institutions were created, and were gradually integrated into the state. The states territorial integrity increased; giving it a closer and more troubled relationship with the Highlands. Scotland remained a sovereign state even after the union of crowns in 1603, but it was finally absorbed by England in 1707, and Dr Goodare examines the long-term context of this development.

Human Rights Law in Scotland This volume tests the claim that, as combinations of Civil and Common Law influences, the mixed systems of contract law in Scotland and South Africa have anticipated the content of the Principles of European Contract Law (PECL) concluded and published in 2003 by the unofficial Commission on European Contract Law. Going further, it rigorously explores what the implications of a Europe-wide contract law would be. The current official moves towards a European contract law within the European Union make the critiques of PECL in this volume especially urgent and significant. With a European contract law nearer to reality than ever before, mere policy critiques are no longer enough. This book provides the essential technical and substantive assessments of PECL from the perspective of Scots and South African contract lawyers, and is offered to the European debate without prejudice as to the deeper policy questions. At the same time, this volume will inform Scots and South African lawyers about the substance of international developments in the field, and suggest ways to develop their still vigorous and vital national laws to remain in step with the needs of the present day.

The Scottish Law Review and Reports of Cases in the Sheriff Courts of Scotland The interaction of faith and the community is a fundamental of modern society. The first country to adopt Presbyterianism in its national church, Scotland adopted a system of church government, which is now in world-wide use. This book examines the development and current state of Scots law. Drawing on previous material as well as discussing current topical issues, this book makes some comparisons between Scotland and other legal and religious jurisdictions. The study first considers the Church of Scotland, its 'Disruption' and statutorily recognised reconstitution and then the position of other denominations before assessing the interaction of religion and law and the impact of Human Rights and various discrimination laws within this distinctive Presbyterian country. This unique book will be of interest to both students and lecturers in constitutional and civil law, as well as historians and ecclesiastics.

Private Law and Human Rights

MacCormick's Scotland Returning to a theme featured in some of the earlier volumes in the Edinburgh Studies in Law series, this volume offers an in-depth study of 'mixed jurisdictions' - legal systems which combine elements of the Anglo-American Common Law and the European Civil Law traditions. This new collection of essays compares key areas of private law in Scotland and Louisiana. In thirteen chapters, written by distinguished scholars on both sides of the Atlantic, it explores not only legal rules but also the reasons for the rules, discussing legal history, social and cultural factors, and the law in practice, in order to account for patterns of similarity and difference. Contributions are drawn from the Law Schools of Tulane University, Louisiana State University, Loyola University New Orleans, the American University Washington DC, and the Universities of Aberdeen, Strathclyde and Edinburgh.

Introduction to Scots Criminal Law

Philosophical Foundations of European Union Law

Introductory Scots Law Third Edition In The Government of Scotland 1560-1625 Goodare shows how Scotland was governed during the transition from Europe's decentralized medieval realms to modern sovereign states. The existing institutions of government - crown, parliament, privy council, local courts - are detailed, but the book is structured around an analysis of governmental processes. A new framework is offered for understanding the concept of 'centre and localities': centralization happened in the localities. Various interest groups participated in government and influenced its decisions. The nobility, in particular, exercised influence at every level. There was also English influence, both before and after the union of crowns in 1603. It is argued that the crown's continuing involvement after 1603 shows the common idea of 'absentee monarchy' to be misconceived. Goodare also pays particular attention to the harsh impact of government in the Highlands - where the chiefs were not full members of 'Scottish' political society - and on the common people - who were also excluded from normal political participation.

Comparative Contract Law This book analyses in depth the distinctively Scottish themes in the work of Sir Neil MacCormick, the world-renowned legal philosopher and prominent Scottish public intellectual who died in 2009 after holding the Regius Chair in Public Law and the Law of Nature and Nations at Edinburgh University for 36 years. MacCormick's work, and works about MacCormick, attract both a domestic and an international audience. Readers will gain an understanding of how MacCormick's Scottish roots, interests and commitments coloured his work - both his distinctively Scottish writings and the overall intellectual outlook that informed his broader legal and philosophical writings. The book provides a well rounded appreciation of the Scottish dimension in MacCormick's thinking and writing. It focuses on a number of prominent Scottish themes in MacCormick's work and life and is structured around four key themes: 1) the nature and identity of a legal system; 2) sovereignty, European integration and Scottish independence; 3) the legacy of the legal and political thought of the Scottish enlightenment; and 4) the role of the academic in the Scottish public sphere.

Lectures on Scots Law Excerpt from The Law of Horses MY object in undertaking the following work has been to bring within a volume of moderate size a view of the principles, enactments, and cases in Scots Law that relate to horses. In endeavouring to do this to the full, I have thought it right to go, when necessary, beyond the narrow limitation of the subject; to refer, for example, to English authorities in illustration of the law of Scotland; to Point out differences between the legal systems of the two countries; and to cite cases relating to other subjects than horses as authority for the general principles of contract, fraud, and negligence which emerge in transactions about horses. The work thus aims, while dealing with a restricted subject, at treating it completely. I desire to acknowledge the obligations I am under to Mr. A. Orr Deas, advocate, who has kindly revised the proof sheets, and to him and other friends for many valuable and practical suggestions. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.
HL 188 - Scottish Independence: Constitutional Implications of the Referendum Excerpt from The Liabilities of Trustees: Inaugural Address to the Scots Law Society, Edinburgh, 6th November, 1922 In the first place English trustees, in cases of doubt as to what course they ought to adopt, can safeguard themselves by taking out what is called an originating summons and in that way they obtain judicial guidance on any particular question arising in the administration of the trust. More over, the procedure referred to is simple and summary and inexpensive and the trustees may be allowed expenses as between agent and client out of the trust estate. Consider what an advantage and what a comfort this would prove to men and women who are desirous of doing their duty as trustees but feel doubt as to how they ought to act and would like to be kept safe. They may have accepted office with no legal training and perhaps only a limited business experience and they may have no proper appreciation of the nature and degree of the care and diligence which the law expects of them or of the particular risks and liabilities to which the law subjects them from start to finish. Now in Scotland the Court will not administer a trust and will not advise trustees on their administration. In the words of Lord President Inglis trustees are not entitled to come to the Court for advice as to how they ought to exercise their powers. They must exercise their own discretion and if they do so rightly they will be safe (berwick, 1874, 2 R. 92; Nobles Trustees, 1912, 1230; Dunbar’s Trustees, 1915, sc. Yes, but the anxiety of the trustees is that although they do what they think best it may afterwards be held that they had exercised their discretion wrongly and accordingly what trustees desire is judicial advice which will keep them safe. In many of the cases in which trustees have been held liable for breach of trust it appears that they had not expressly asked the advice of the trust solicitors and that no guidance or advice had been volunteered by the trust solicitors; while, [7.

The Scottish Political System

The Law of Horses (Classic Reprint) Scots Criminal Law &quot; A Critical Analysis provides a clear statement of the current law for students and practitioners, with a theoretical and critical focus. This new edition has been updated to reflect changes in the law since the first edition publish

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