

Corporeal Moveables In Scots Law

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D. L. Carey Miller, David Irvine. Thomson/W. Green, 2005 - Personal property - 367 pages. 0 Reviews. Fully Revised and updated from the first edition in 1991, this eagerly awaited title is the definitive book on corporeal moveables in Scots law. This new edition maintains the emphasis of the first on the distinctive relevant common law of Scotland in the areas of: original and derivative acquisition; protection of ownership and possession; and security and reservation of title.

Corporeal Moveables in Scots Law - D. L. Carey Miller ...

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recognition of the unitary character of Scots property law, the new edition canvases ...

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This was a medium-term project in our Eighth Programme of Law Reform which was carried over to the Ninth Programme of Law Reform. It covers the original project on assignation and security over incorporeal moveable property from our Seventh Programme of Law Reform, and adds security over corporeal moveable property.

Scottish Law Commission :: Moveable transactions

So, a fixed charge on chattels (called "corporeal moveables" in Scots law) is impossible without the lender taking and keeping possession of the chattel, as in, for example, pawnbroking. Because of a specialty in the Sale of Goods Act, a sale and hire purchase back transaction is open to challenge in Scots law.

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Moveable Transactions (Scotland) Bill (the "Bill ...
David Carey Miller with David Irvine, CORPOREAL MOVEABLES IN SCOTS
LAW. Edinburgh: Scottish Universities Law Institute, W Green & Son Ltd
(www.wgreen.co.uk), 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. The abolition
of the feudal system by the new Scottish Parliament and

Edinburgh Research Explorer

Abstract. Section I outlines the Roman law of sale, on which the law
in Scotland before 1893 was largely based. An examination of Roman law
is essential to an understanding of the

Sale of Corporeal Moveables in Scots Law - Enlighten: Theses
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

Protection of Ownership and Transfer of Moveables by a Non-

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Practitioners will be aware that it can be pernicky to obtain security over moveable assets in Scotland. Moveable assets include corporeal property, and incorporeal property such as intellectual property, debts or claims. Moveable property more often than not constitutes a significant part of the lifeblood of a business, and difficulties with the current law in using moveables to obtain funding can often prove a disincentive for businesses to use Scots law, or lead to complex contractual ...

Moveable property: reform at last? | Law Society of Scotland
The Scottish Law Commission's recommendations for reform are outlined by the lead Commissioner on the project. The Scottish Law Commission's Report on Prescription and Title to Moveable Property (Scot Law Com no 228, 2012, available at www.scotlawcom.gov.uk/) addresses one of the fundamental gaps in modern Scottish property law – the lack of a clear rule allowing possession of a moveable asset to mature into ownership through the passage of time.

Prescription and title to moveable property | Law Society ...
Possession of corporeal moveable property is relevant in Scots criminal law with criminal offences involving possession; such as those relating to drugs, under the Misuse of Drugs Act 1971, for

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possession of an illegal substance, or theft.

Possession (Scots law) - Wikipedia

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Corporeal Moveables In Scots Law

A distinctive feature is a focus on Scots law and legal culture from an international and comparative perspective. Scots law is among the handful of legal systems which combines the common law with the civil law, and some of the initial volumes in the series explore aspects of such 'mixed' legal systems.

David Carey Miller with David Irvine, Corporeal Moveables ...

(1) Corporeal moveables : passing of risk and of ownership (Memorandum No 25). (2) Corporeal moveables : some problems of classification (Memorandum No 26). (3) Corporeal moveables: protection of...

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

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Scots property law governs the rules relating to property found in the legal jurisdiction of Scotland. As a hybrid legal system with both common law and civil law heritage, Scots property law is similar, but not identical, to property law in South Africa and the American state of Louisiana.

Scots property law - Wikipedia

As for David's academic credentials, you don't need to look any further than his book on Corporeal Moveables in Scots Law (of which there are two editions, the second with David Irvine). If you do happen to look further, you will find plenty more scholarly output in the form of his articles and chapters on the topic.

Scottish Law Commission Report on Moveable Transactions ...

On points of divergence between the Common Law and Civilian tradition,

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Scots law is generally found to be in the latter camp. Historical and comparative analysis appears throughout Possession of Corporeal Moveables, including in the book's core: the examination of the physical element in relation to the acquisition and loss of possession.

Craig Anderson, Possession of Corporeal Moveables ...

Studies in Scots Law The book series Studies in Scots Law is published by the Edinburgh Legal Education Trust and paid for by income generated from the seminars. The books themselves are based on PhD theses which, in many cases, were the products of postgraduate scholarships provided from seminar income.

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