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John McGarry

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knowledge about courts and judges Intention, Supremacy and the Theories of Judicial Review John McGarry, 2016-07-28 In the late 1980s a vigorous debate began about how we may best justify in constitutional terms the English courts jurisdiction to judicially review the exercise of public power derived from an Act of Parliament Two rival theories emerged in this debate the ultra vires theory and the common law theory. The debate between the supporters of these two theories has never satisfactorily been resolved and has been criticised as being futile Yet the debate raises some fundamental questions about the constitution of the United Kingdom particularly the relationship between Parliament and the courts the nature of parliamentary supremacy in the contemporary constitution and the possibility and validity of relying on legislative intent This book critically analyses the ultra vires and common law theories and argues that neither offers a convincing explanation for the courts judicial review jurisdiction Instead the author puts forward the theory that parliamentary supremacy and in turn the relationship between Parliament and the courts is not absolute and does not operate in a hard and fast way but rather functions in a more flexible way and that the courts will balance particular Acts of Parliament against competing statutes or principles McGarry argues that this new conception of parliamentary supremacy leads to an alternative theory of judicial review which significantly differs from both the ultra vires and common law theories This book will be of great interest to students and scholars of UK public law Equitable Compensation and Disgorgement of Profit Simone Degeling, Jason NE Varuhas, 2017-04-06 This collection of essays interrogates significant issues at the forefront of scholarship and legal practice in the field of money remedies in equity Chapters address the contentious and developing field of equitable compensation including the nature of equitable compensation the relevant causation inquiry for equitable compensation whether notions of contribution apply to multiple agents accessorial liability the role of discretion in limiting equitable compensation which wrongs yield equitable compensation and the extent to which compensation in equity differs from money remedies at common law Other chapters examine the remedy of disgorgement of profit and specifically the theoretical basis of that remedy its application in the context of fiduciary obligations and third party issues A number of chapters also examine the interrelationship between loss and gain based money relief In addressing these issues the book includes both doctrinal and theoretical perspectives and brings together leading equity scholars and judges from across the common law world

Lunney & Oliphant's Tort Law Donal Nolan, Ken Oliphant, 2023 The seventh edition provides a complete authoritative guide to the subject The book combines clear overviews of the law with well chosen extracts from cases and materials supported by insightful commentary The Arrest Conventions Paul Myburgh, 2019-07-25 The Arrest Conventions signed in 1952 and 1999 play a fundamental role in the worldwide enforcement of maritime claims Arrest of ships is one of the most distinctive features of international maritime law It provides a powerful efficient and effective means of enforcing maritime claims in rem obtaining sufficient asset security and preserving property pending substantive proceedings Ship arrest is however also a draconian power that cuts across property rights and can cause considerable commercial harm to shipowning

interests This book provides thematic and comparative analysis from leading international commentators on the most significant legal and policy issues including practical problems arising from the Arrest Convention texts as well as the direct implementation or indirect translation of the Arrest Conventions into domestic legal systems It critically analyses the political and historical development of the Conventions explores the key concepts underpinning the Arrest Convention frameworks and considers the future of ship arrest Return to Sport after ACL Reconstruction and Other Knee Operations Frank R. Noyes, Sue Barber-Westin, 2019-11-05 The wealth of information provided in this unique text will enable orthopedic surgeons medical practitioners physical therapists and trainers to ensure that athletes who suffer anterior cruciate ligament ACL injuries or who require major knee operations for other reasons have the best possible chance of safely resuming sporting activity at their desired level without subsequent problems Divided into seven thematic sections the coverage is wide ranging and encompasses common barriers to return to sport return to sport decision based models and the complete spectrum of optimal treatment for ACL injuries including preoperative and postoperative rehabilitation Advanced training concepts are explained in detail with description of sports specific programs for soccer basketball and tennis Readers will find detailed guidance on objective testing for muscle strength neuromuscular function neurocognitive function and cardiovascular fitness as well as validated assessments to identify and manage psychological issues In addition return to sport considerations after meniscus surgery patellofemoral realignment articular cartilage procedures and knee arthroplasty are discussed Generously illustrated and heavily referenced Return to Sport after ACL Reconstruction and Other Knee Operations is a comprehensive resource for all medical professionals and support staff working with athletes and active patients looking to get back in the game with confidence (5 th International Conference on Lifelong Education and Leadership for ALL-ICLEL 2019 Prof. Dr. Osman TITREK, Assist. Prof. Dr. Gozde SEZEN-GULTEKIN, Assoc. Prof. Dr. Fariz AHMADOV,2019-12-28 Copyright 2019 ICLEL Conferences All rights reserved by ICLEL Conferences Cities and Agriculture Henk de Zeeuw, Pay Drechsel, 2015-09-16 As people increasingly migrate to urban settings and more than half of the world's population now lives in cities it is vital to plan and provide for sustainable and resilient food systems which reflect this challenge This volume presents experience and evidence based state of the art chapters on the key dimensions of urban food challenges and types of intra and peri urban agriculture. The book provides urban planners local policy makers and urban development practitioners with an overview of crucial aspects of urban food systems based on an up to date review of research results and practical experiences in both developed and developing countries By doing so the international team of authors provides a balanced textbook for students of the growing number of courses on sustainable agriculture food and urban studies as well as a solid basis for well informed policy making planning and implementation regarding the development of sustainable resilient and just urban food systems Learned Brain Self-Regulation for Emotional Processing and Attentional Modulation: From Theory to Clinical Applications Sergio Ruiz, Ranganatha Sitaram, Niels

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offences the relevant rules of evidence prosecution structures decision making processes and alternatives to prosecution Specific topics include offshore evasion and the relationship of tax evasion with other crimes and aspects of the criminal justice system A topical and lively discussion of a heated debate Related Party Transactions and Corporate Groups Ivan Romashchenko, 2020-03-06 In a market environment where economic actors conduct themselves as diligent and conscientious managers the regulation of related party transactions RPTs would be largely irrelevant Unfortunately the corporate reality is far from an ideal world that is innocent of market abuse and corporate fraud It remains necessary to protect minority shareholders from the wrongdoings of majority shareholders and to protect all shareholders from opportunistic managerial behaviour This timely book the first on the subject since implementation of the European Union s EU s revised Shareholders Rights Directive provides in depth analysis of how and to what extent RPTs are covered by existing legal requirements on capital protection and corporate group regulation highlighting experiences and strategies adopted in Germany Poland and the Netherlands as examples for Eastern European countries and in particular Ukraine Beyond his comparative analysis of the current status the author offers recommendations for more effective handling of RPTs investigating such aspects as the following what constitutes a corporate group and how group issues are regulated in the various legal systems what constitutes a conflict of interest originating in ownership and control and what types of such conflicts occur whether RPTs within corporate groups should receive special treatment relative to transactions outside groups combatting corporate raiding most often carried out through illegal seizure of corporate assets approval and disclosure requirements for RPTs and how information about RPTs is disclosed publicly Drawing on resources including legislation case law scholarship and intensive discussions with practicing lawyers from several jurisdictions the author underscores the imperative of establishing limitations and requirements that oblige a company s officers shareholders and other potential related parties to follow certain rules whenever they wish to enter into an RPT As a contribution to the debate about the convergence between EU corporate law and that of major eastern European states the book has no peers Practitioners in both East and West who advise on compliance with regulations for RPTs or represent stakeholders interests against abusive RPTs will ensure appropriate remedies and protection mechanisms for their clients

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