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Deciphering Section 37: A Look at Family Law in Scotland

Family Law In Scotland

David Hayton



Family Law In Scotland:

Scottish Family Law Kenneth McK. Norrie, 2016-09-28 A clear and concise study and revision guide for students of family law in Scotland Covering all the major legislation Scottish Family Law is designed for new students of the subject It gives you a framework for understanding how family law operates and will help you to prepare for your exams Each chapter includes lists of essential facts and cases to illustrate how the rules described are applied in practice Key Features Takes full account of the substantial statutory developments in the field since the Family Law Scotland Act 2006 Covers two major recent Acts the Childrens Hearings Scotland Act 2011 and the Marriage and Civil Partnership Scotland Act 2014 Includes important new legislation such as the Adoption and Children Scotland Act 2007 and the Human Fertilisation and Embryology Act 2008 *Family Matters* Scotland. Scottish Executive, 2004 *Family Law in Scotland* Joseph McGeachy Thomson, 1996 A text for students of family law and a guide for practitioners It provides an account of the rules of Scottish private law which govern family relationships covering matrimonial property divorce financial provision on divorce custody and care proceedings

Family Law in Scotland Joe Thomson, 2015-04-23 Family Law in Scotland 7th edition is a well established clear and comprehensive survey of Scots family law and is of practical use to practitioners and students alike Topics are laid out in a clear logical manner covering the formalities and legal consequences of marriage and civil partnership divorce and dissolution and important issues relating to children such as parental rights and responsibilities protection and adoption The seventh edition includes all recent legislative changes including the Children and Young Persons Scotland Act 2014 and the Marriage and Civil Partnership Scotland Act 2014 Previous print edition ISBN 9781847665607 [Research Handbook on International Family Law](#) Janeen M. Carruthers, Bobby W.M. Lindsay, 2024-06-05 The Research Handbook on International Family Law brings together a carefully selected array of experts to address legal topics pertaining to family relationships in a cross border context and international family law disputes It shows how this independent field of study has developed and continues to develop and adeptly surveys the practice and regulation of international family law

Law's Future(s) David Hayton, 2000-09-15 To mark the 2000 Annual Conference of the Society of Public Teachers of Law the Society has organised a distinguished team of contributors to write a set of reflective and critical essays on the future of law in the United Kingdom considering how it will or should develop over a wide range of areas The essays are concerned not only with all the main branches of the law but also with socio legal studies legal education and legal practice In most of these areas the essays are written by two contributors so that the dialogue between them adds perception to their forecasts taking account of past experience of developing the law via judicial activism or statutory reform processes and also of the European dimension This reflection upon the possible future milestones of UK law will provide stimulating and illuminating reading for all lawyers whether academics or practitioners Contributors Andrew Ashworth Stephen Bailey Rebecca Bailey Harris Nicholas Bamforth Kit Barker John Birds Anthony Bradney Margaret Brazier Richard Card Elizabeth Cooke Fiona Cownie Keith Ewing Conor

Gearty Nicola Glover Desmond Greer Brigid Hadfield Johnathan Harris David Hayton Jo Hunt John Jackson Tim Jewell John Lowry Laura Macgregor Judith Masson David McClean Gillian Morris David Oughton John Parkinson Alan Paterson Colin Reid Sir Richard Scott Jo Shaw Lionel Smith Brenda Sufrin Phil Thomas Joseph Thomson Adam Tomkins Martin Wasik Sally Wheeler Richard Whish Sarah Worthington

Critical Studies in Ancient Law, Comparative Law and Legal History

John Cairns, Olivia Robinson, 2001-01-19 This important collection of essays is at the cutting edge of contemporary research on Roman law comparative law and legal history The international and distinguished group of authors address some of the most lively contemporary problems in their respective fields and provide new perspectives and insights in a wide range of areas With a firm focus on texts and contexts the papers come together to provide a coherent volume dedicated to one of the greatest contemporary Romanists legal historians and comparative lawyers The book covers Professor Watson's main fields of interest in a clear and accessible form while also making available the scholarship of some individuals who do not normally publish in English This fully indexed volume will be of interest to all scholars and students of Roman law ancient Jewish and Chinese law legal history and comparative law and will be useful for teaching and research in these fields

Cohabitation

Great Britain: Law Commission, 2006-05-31 This consultation paper considers options for reform of the current law in relation to the property and financial rights of cohabiting couples either opposite sex or same sex couples when a relationship ends Although the paper does discuss the situation in relation to when one of the partners dies it focuses on whether a new scheme is needed to provide financial remedies on separation when a relationship breaks down Amongst the provisional proposals the Committee identifies the need for the introduction of new statutory remedies to address the separation of cohabiting couples who have children however the situation for cohabitants without children is found to raise more difficult social policy questions and the views of consultees are sought about their eligibility within the proposed scheme Other proposals include that courts should be given discretion in determining financial claims on separation rather than having fixed rules for property division based on principles of the contributions of both parties to the joint household and to the welfare of dependent children both before and after separation with the provision for an opt out agreement for couples under the proposed statutory scheme Responses to the proposals should be received by 30th September 2006 and a final report is due to be published by August 2007 An overview document summarising the key issues considered is available separately ISBN 011730266X

Routledge Handbook of International Family Law Barbara Stark, Jacqueline Heaton, 2019-01-30

Globalisation and the vast migrations of capital and labour that have accompanied it in recent decades has transformed family law in once unimaginable ways Families have been torn apart and new families have been created Borders have become more porous allowing adoptees and mail order brides to join new families and women fleeing domestic violence to escape from old ones People of different nationalities marry have children and divorce not necessarily in that order They file suits in their respective home states or third states demanding support custody and property Otherwise law abiding parents

risk jail in desperate efforts to abduct their own children from foreign ex spouses The aim of this Handbook is to provide scholars postgraduate students judges and practioners with a broad but authoritative review of current research in the area of International Family Law The contributors reflect on a range of jurisdictions and legal traditions and their approaches vary Each chapter has a distinct subject matter and was written by an author who was invited because of his or her expertise on that subject This volume provides a valuable contribution to emerging understandings of the subject

Renmin Chinese Law Review Shi, Jichun,2022-07-22 Renmin Chinese Law Review Volume 9 is the ninth work in a series of annual volumes on contemporary Chinese law which bring together the work of well known scholars from China offering an insight into current legal research in China

The Scope and Structure of Civil Codes Julio César Rivera,2014-02-04 This detailed analysis of the content and configuration of civil codes in diverse jurisdictions also examines their relationship with some branches of private law as family law commercial law consumer law and private international law It analyzes the codification decodification and recodification processes illuminating the dialogue between current codes and private law legislation in general with Constitutions and International Conventions The commentary elucidates the changing requirements of civil law as it shifted from an early protection of patrimony to a support for commercial and contractual law It also explains the varying trajectories of civil law which in some jurisdictions was merged with religious legal tenets in its codification of familial relations while in others it was fused with commercial law or indeed codified from scratch as a discrete legal corpus Elsewhere the volume provides material on differing approaches to consumer law where relevant legislation may be scattered across numerous statutes and also on private international law a topic of increasing relevance in a world where business corporations have interests in multiple jurisdictions and often play one off against another The volume features invited contributions from leading scholars in the field of private law brought together for an in depth analysis of the current regulatory attitude in this field of the law in jurisdictions with diverse legal systems and traditions In current times we are witnessing the adoption of diverging regulatory solutions Through the analysis of the past and present of private law regulation the volume unveils the underlying trends and relevance of the codification method across the world

The Application of Foreign Law in the British and German Courts Alexander DJ Critchley,2022-12-15 This book explores the application of foreign law in civil proceedings in the British and German courts It focuses on how domestic procedural law impacts on the application of choice of law rules in domestic courts It engages with questions involved in the investigation and determination of foreign law as they affect the law of England and Wales Scotland and Germany Although the relevant jurisdictions are the focus the comparative analysis extends to explore examples from other jurisdictions including relevant international and European conventions Ambitious in scope it expertly tracks the development of the law and looks at possible future reforms

Implementing Article 3 of the United Nations Convention on the Rights of the Child Elaine E. Sutherland,Lesley-Anne Barnes Macfarlane,2016-12-22 The UN Convention on the Rights of the Child is acknowledged as a

landmark in the development of children's rights Article 3 makes the child's best interests a primary consideration in all actions concerning children and requires States Parties to ensure their care and protection This volume written by experts in children's rights from a range of jurisdictions explores the implementation of Article 3 around the world It opens with a contextual analysis of Article 3 before offering a critique of its implementation in various settings including parenting religion domestic violence and baby switching Amongst the themes that emerge are the challenges posed by the content of best interests welfare and well being the priority to be accorded them and the legal socioeconomic and other obstacles to legislating for children's rights This book is essential for all readers who interact with one of the Convention's most fundamental principles

The Simulated Client (1996) Fran Wasoff, R. Emerson Dobash, 2018-02-06 Published in 1996 this book presents an innovative method for studying the work of professionals with clients that was applied to an evaluation study of legislation and of lawyers working with clients seeking a divorce With the simulated client methods the researcher plays the role of simulated or hypothetical clients with predetermined characteristics who are consulting a lawyer the research subject The research is carried out in the natural setting of the lawyer's office and the lawyer conducts business as usual The method overcomes problems of access due to client confidentiality that are commonly found in research of professional groups It is a qualitative but focused method for evaluation research which has strengths for making comparisons across professional practice The book will be useful to those conducting research on professionals and other elite groups working with clients as well as those interested in the socio-legal study of legal professionals This book was originally published as part of the Cardiff Papers in Qualitative Research series edited by Paul Atkinson Sara Delamont and Amanda Coffey The series publishes original sociological research that reflects the tradition of qualitative and ethnographic inquiry developed at Cardiff The series includes monographs reporting on empirical research edited collections focussing on particular themes and texts discussing methodological developments and issues

Property, Trusts and Succession George Gretton, Andrew Steven, 2021-08-16 Property Trusts and Succession Fourth Edition provides full coverage of the property trusts and succession parts of the LLB syllabus in Scotland in one convenient volume The relevant rules of statute and common law are surveyed and frequent examples used making this a highly practical and accessible text The Fourth Edition of this popular text takes account of significant recent developments including the draft Moveable Transactions Scotland Bill and the ongoing land reform agenda There is a new section on succession to digital assets The key contents also includes Personal and real rights and types of property Ownership and how it is transferred Prescription Land registration Possession Subordinate real rights including servitudes real burdens leases and securities Proper and improper liferents Trusts constitution administration and termination Testate succession Intestate succession Execution of documents Human rights Appendix on the feudal system Whilst aimed primarily at undergraduates this important title is also a useful source of reference for practitioners seeking a modern introduction to this area of law George L Gretton is Lord President Reid

Professor of Law Emeritus at the University of Edinburgh and a former Scottish Law Commissioner Andrew J M Steven is Professor of Property Law at the University of Edinburgh and a former Scottish Law Commissioner This title is included in Bloomsbury Professional s Scottish Law and Scots Law Student online services Forensic Psychiatry Nigel Eastman,Gwen Adshead,Simone Fox,Richard Latham,Seán Whyte,2019 Forensic Psychiatry is the first book to cover the clinical legal and ethical issues for the treatment of mentally disordered offenders for all of the United Kingdom and Republic of Ireland jurisdictions Written by an expert interdisciplinary team from the fields of both law and psychiatry including the eminent Nigel Eastman who has engaged with many high profile legal cases this is a comprehensive and up to date guide which includes clinical observations guidance and ethical advice across the psychiatric discipline Uniquely focusing on the interface between psychiatry and law and including suggestions using case examples on how to navigate this interface successfully this book contains clear guidance on all aspects of forensic psychiatry for both mental health and legal professionals It also contains extensive cross referencing which allows the reader to access all the relevant clinical legal and ethical information quickly and effectively Alongside the practical advice on managing clinical and legal situations there are also case examples summaries of relevant legislation and introductions to different ethical approaches and clinical observations derived from the experience of the authors Also included are brief summaries of important legal cases and inquiries relevant to the subject

International Family Law ,2000 **What is The Family of Law?** Alan Brown,2019-02-07 This book argues that the legal understanding of family in the UK continues to be underpinned by the idealised image of the nuclear family premised upon the traditional gendered roles of father as breadwinner and mother as homemaker This examination of the law s model of the family has been prompted by the substantial reforms that have taken place in family law in recent decades and the significant evolution in social attitudes and familial practices that has occurred in parallel Throughout the book the influence of the nuclear family is noted in several different contexts various specific legal definitions of family the legal regulation of adult conjugal relationships the attribution of legal parenthood and the construction of the role of the parent within the law Ultimately this book argues that while these reforms have resulted in additional categories of relationship coming to be situated within the nuclear family model there has not as yet been any fundamental alteration of the underpinning concept of the nuclear family itself This book concludes by considering the possibilities offered beyond the nuclear family exploring the reconceptualising of the legal understanding of family around alternative and potentially radical models of family

Promoting Children's Wellbeing Collins, Janet,Foley, Pam,2008-04-02 This title examines the wide ranging and growing number of policies and practices which are intended to contribute to children s wellbeing **Marital Agreements and Private Autonomy in Comparative Perspective** Jens M Scherpe,2012-02-24 This book deals with a subject that has recently been the focus of debate and law reform in many jurisdictions how much scope should spouses have to conclude agreements concerning their financial affairs and under what circumstances should such agreements be binding and

enforceable These marital agreements include pre nuptial post nuptial and separation agreements The book is the result of a British Academy funded research project which investigated and compared the relevant law of England and Wales Australia Austria Belgium France Germany Ireland the Netherlands New Zealand Scotland Singapore Spain Sweden and the jurisdictions of the United States In addition to chapters on these jurisdictions the book includes a chapter on the English practitioner s view It also provides a comparative analysis of the different matrimonial property regimes and the rules on marital agreements that explores underlying themes and principles and makes recommendations for regulating marital agreements A key theme is the function and effect of marital agreements in the different jurisdictions Thus each chapter first explains the underlying default rules for ancillary relief matrimonial property and maintenance It then analyses the current rules for marital agreements and gives a brief account of the private international law rules The book provides a comprehensive source of reference on ancillary relief matrimonial property and maintenance and the rules on pre nuptial post nuptial and separation agreements in 14 jurisdictions It offers guidance for academics and practitioners dealing with international matters and a basis for discussions on law reform I applaud the vision and perseverance of Jens Scherpe in having conceived this book and with so much distinguished help in now bringing it to birth I will be using it for many years and I warmly invite my fellow family lawyers across the world to do likewise Foreword by The Rt Hon Lord Wilson of Culworth Justice of the Supreme Court of the United Kingdom This title is included in Bloomsbury Professional s Family Law online service

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