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European Succession Laws

Hayton



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European Succession Laws David J. Hayton, 1998 The Law of Succession Miriam Anderson, Esther Arroyo i Amayuelas, 2011 Preface Contents Abbreviations i Authors i part i Harmonization of Succession Law in Europe The Current Debate chapter 1 Need and Opportunity of Convergence in European Succession Laws Walter Pintens chapter 2 Testamentary Freedom or Forced Heirship Balancing Party Autonomy and the Protection of Family Members Andrea Bonomi part ii New Trends in Catalan Succession Law chapter 3 Between Tradition and Modernisation A General Overview of the Catalan Succession Law Reform Esther Arroyo Amayuelas Miriam Anderson chapter 4 Testamentary Freedom and Its Limits Esteve Bosch Capdevila chapter 5 Freedom of Testation Compulsory Share and Disinheritance Based on Lack of Family Relationship Antoni Vaquer Aloy chapter 6 Freedom of Testation Versus Freedom to Enter Into Succession Agreements and Transaction Costs Susana Navas Navarro part iii National Perspectives on the Law of Succession in the 21st Century chapter 7 Freedom of Testation in England and Wales Roger Kerridge chapter 8 Law of Succession and Testamentary Freedom in Germany A R thel chapter 9 The Law of Succession in Hungary Zolt n Csehi chapter 10 Freedom of Testation in Italy Andrea Fusaro chapter 11 Acquisition of Property by Succession in Dutch Law Tradition between Autonomy and Solidarity in a Changing Society J Michael Milo chapter 12 The Norwegian Approach to Forced Share the Surviving Spouse s Position and Irrevocable Wills Peter Hambro chapter 13 Restraints on Freedom of Testation in Scottish Succession Law Eric Clive chapter 14 Freedom of Testation in Slovenia Suzana Kralji chapter 15 Freedom of Testation Legal Inheritance Rights and Public Order under Spanish Law Sergio C mara Lapuente **EU Cross-Border Succession Law** Bariatti, Stefania, Viarengo, Ilaria, Villata, Francesca C., 2022-06-10 With cross border successions becoming increasingly common in the context of the European Union this timely book offers a systematic practical analysis of how cross border successions should be treated including examination of which courts may establish jurisdiction over succession disputes and which law governs such disputes Studying cross border successions in the context of estate planning and in the opening and liquidation of a succession it examines the specificities of the European Certificate of Succession contextualising it within its interface with the national laws and practice of EU Member States **European Succession Laws** David J. Hayton, 2002 European Succession Laws is the definitive guide to succession law and estate administration in all of the major European jurisdictions including cross border succession issues under the Hague Conventions Edited by a leading succession lawyer and with contributions from each of the foreign jurisdictions European Succession Laws provides expert guidance on European countries such as Austria Belgium Denmark Ireland Spain and others **Succession Law, Practice and Society in Europe across the Centuries** Maria Gigliola di Renzo Villata, 2018-03-19 This book presents a broad overview of succession law encompassing aspects of family law testamentary law and legal history It examines society and legal practice in Europe from the Middle Ages to the present from both a legal and a sociological perspective The contributing authors investigate

various aspects of succession law that have not yet been thoroughly examined by legal historians and in doing so they not only add to our knowledge of past succession law but also provide a valuable key to interpreting and understanding current European succession law Readers can explore such issues as the importance of a father's permission to marry in relation to disinheritance as well as inheritance transactions and private dynastic and cross border successions Further themes addressed by the expert contributors include women's inheritance rights the laws of succession for the prince in legal consulting and succession in the Rota Romana's jurisprudence

Succession Upon Death: A Comparison of European and Turkish Private International Law Biset Sena Günes,2023-09-04

The European Succession Regulation which harmonized private international and procedural law rules of Member States in the field of succession has been examined by scholars in almost every detail It has however not attracted the same degree of attention from a third state perspective The aim of this book is to offer a comparative analysis of the Regulations's regime from a Turkish perspective Turkey is indeed an important third state for cross border succession cases for the EU having a great number of nationals within the European Union and being one of the third countries which have bilateral treaties on succession with the Member States which are still applicable according to Article 75 of the Regulation Biset Sena Günes addresses the differences between the provisions of the Regulation the Turkish PILA and the Turkish German Treaty of 1929 the most practically relevant one of the treaties with third states and indicates the interplay between the three legal texts

The EU Succession Regulation Alfonso-Luis Calvo Caravaca,Angelo Davì,Heinz-Peter Mansel,2016-10-20 The European Succession Regulation is a landmark in the field of EU private international law It unifies the conflicts of laws jurisdiction and recognition of foreign judgments and some other legal instruments in the field of succession and wills This volume provides an article by article commentary on the individual provisions of the Regulation introduced by an overview of its general framework and underlying principles As a reference tool for the Regulation this book is intended to promote a high standard of interpretation and application With contributions from leading scholars in the field it uses a comparative approach in its analysis to enrich the academic debate and highlight the problems likely to arise in the practical application of the Regulation

Clawback Law in the Context of Succession

Jayne Holliday,2020-05-14 This book offers a global solution for determining the law applicable to a claim to clawback an inter vivos gift from a third party within the context of a succession The book aims to identify an appropriate and applicable legal framework which supports legal certainty for cross border estate planning and protects the legitimate expectations of the relevant parties This is an area of private international law that has yet to be handled satisfactorily as can be seen by the inadequate treatment of clawback from third parties in the 1989 Hague Convention on the Law Applicable to Succession to the Estates of Deceased Persons and the 2012 EU Succession Regulation

European Land Law Peter Sparkes,2007-11-30 In his remarkable path breaking new book Peter Sparkes takes stock of the development of a distinctive body of European land law taking as his starting point the idea that methods of land holding permitted by a legal system both shape and reflect

the attitudes of the land owners and society in general However it quickly becomes very difficult to test that idea when the society in question is governed by an internal market composed of 30 countries the EU 27 including Bulgaria and Romania and the EEA 3 whose property systems differ so markedly and which reflect such widely differing cultures Yet the internal market has already effected a gradual equalisation and standardisation across Europe as foreign capital spreads to create equality of yield We all become better off by joining a larger trading block but the social consequences will be profound Brits will need to emigrate to the continent to afford a home Bulgarians will need to make way for them along the Black Sea coast and title deeds will be reshuffled all over Europe on a giant Monopoly board writes the author in his preface before embarking on a dispassionate examination of the beginning of that process of profound change The opening chapters are devoted to an explanation of how the internal market has created a substantive European land law Chapter 3 examines the rise of a distinctive European land law and the development of conflicts principles applying to recovery of land Chapters 5 to 9 on the marketing and sale of land focus upon Community competence on consumer protection The decision to treat land as a product like any other in the Unfair Commercial Practices Directive will have wide ranging and far reaching implications and apart from marketing of land and of timeshares other chapters deal with conveyancing contracting and the emerging market in mortgage credit The book concludes with a miscellany of conflicts rules which are gradually coalescing and form the elements from which a substantive European land law can be forged A number of topics which it is not possible to cover in detail VAT other taxes environmental controls and agriculture are touched on briefly and the same is true of international aspects of trusts and succession

Research Handbook on European Property Law Sief van Erp,Katja Zimmermann,2024-10-03 Bringing together global experts in the field this Research Handbook presents an overview of recent developments in property law in European jurisdictions and in European Union law It analyses the ways in which these frameworks adapt to modern challenges such as climate change digitalisation an ageing population and the effects of pandemics

Comparative Succession Law Kenneth G C Reid,Marius J de Waal,Reinhard Zimmermann,2020-10-09 This third volume in a series on Comparative Succession Law concerns the entitlement of family members to override the provisions of a deceased person s will to obtain money or assets or more money or assets from the person s estate Some countries notably those in the civil law tradition such as France or Germany confer a pre ordained share of the deceased s estate or of its value on certain members of the deceased s family and especially on the deceased s children and spouse Other countries notably those in the common law tradition such as England Canada or Australia leave the matter to the discretion of the court the amount awarded depending primarily on financial need Whichever form it takes mandatory family provision is both a protection against disinheritance and also therefore a restriction on testamentary freedom The volume focuses on Europe and on countries influenced by the European experience In addition to detailed treatment of the law in Austria England and Wales France Germany Hungary Italy the Netherlands Norway Poland Scotland and Spain the book also has

chapters on Australia and New Zealand South Africa the United States Canada the countries of Latin America and the People's Republic of China Some other countries are covered more briefly and there is a separate chapter on Islamic law The book opens with accounts of Roman law and of the law in medieval and early modern Europe and it concludes with a comparative assessment of the law as it is today in the countries and legal traditions surveyed in this volume *European Succession Laws: Update 4* Hayton, 1996-02 *European Family Law Volume I* Jens M. Scherpe, 2016-01-29 The Impact of Institutions and Organisations on European Family Law looks at the impact that institutions and organisations have had and continue to have on European family law In many ways the chapters in this volume provide the easiest explanation for the existence of a European family law While there is no European body that could actually legislate definitively on family law even the European Union has no such mandate there are still some obvious institutions that have a very direct impact on European family law These can be divided into two groups namely those that have a direct impact such as the European Court of Human Rights and the European Union and those that have an indirect impact such as the Commission on European Family Law CEFL the Council of Europe and the International Commission on Civil Status ICCL CIEC as well as the private international law instruments of the Hague Conference HCCH and the EU Together with religion all of these institutions are contributing to the creation of a European family law This book and the others in the set will serve as an invaluable resource for anyone interested in family law It will be of particular use to students and scholars of comparative and international family law as well as family law practitioners *Family and Succession Law in Germany* Dieter Schwab, Peter Gottwald, 2017-02-24 Derived from the renowned multi volume International Encyclopaedia of Laws this concise exposition and analysis of the essential elements of law with regard to family relations marital property and succession to estates in Germany covers the legal rules and customs pertaining to the intertwined civic status of persons the family and property After an informative general introduction the book proceeds to an in depth discussion of the sources and instruments of family and succession law the authorities that adjudicate and administer the laws and issues surrounding the person as a legal entity and the legal disposition of property among family members Such matters as nationality domicile and residence marriage divorce and cohabitation adoption and guardianship succession and inter vivos arrangements and the acquisition and administration of estates are all treated to a degree of depth that will prove useful in nearly any situation likely to arise in legal practice The book is primarily designed to assist lawyers who find themselves having to apply rules of international private law or otherwise handling cases connected with Germany It will also be of great value to students and practitioners as a quick guide and easy to use practical resource in the field and especially to academicians and researchers engaged in comparative studies by providing the necessary basic material of family and succession law Inheritance Law - Challenges and Reform Torstein Frantzen, 2013-01-01 Hauptbeschreibung In 2011 the Norwegian government appointed a Committee to prepare a proposal for a new inheritance act to replace the inheritance act of 1972 A German Norwegian seminar on

inheritance law took place in Bergen 2012 with a special attention to the ongoing reform of Norwegian inheritance law The topics of the seminar were the protection of children and the surviving partner both spouse and cohabitant The seminar included presentations from scholars from both countries each presented from a Norwegian and a German perspective Several lectures also include a

Landmark Cases in Succession Law Brian Sloan, 2019-10-31 The Landmark Cases series highlights the historical antecedents of what are widely considered to be the leading cases in a discipline and seeks to provide contexts in which to better understand how and why certain cases came to be regarded as the landmark cases in any given field Succession law's long pedigree near universal application immense capacity for human interest stories somewhat uncertain future in England and Wales and close connection to demographics make it an ideal candidate for a Landmark Cases volume The distinguished contributors to this collection consider cases ranging from 1720 to 2017 covering issues such as will making and interpretation the position of beneficiaries and personal representatives testamentary promises and the extent of testamentary freedom in England and Wales and beyond The cases are relevant not only to scholars and students of succession law per se but also those working in fields such as tax trusts tort and land law They raise issues as diverse as class colonialism familial dynamics expectations and obligations mental health and the proper roles of the legal profession and the welfare state The collection will provoke much discussion on what makes a landmark case as well as on the peculiarities and limitations of the case law method

Cross-border couples property regimes in action before courts. Understanding the eu regulations 1103 and 1104/2016 in practice María José Cazorla González, Lucia Ruggeri, 2022 This book has the prime purpose of analysing practice through European and national case law from the entry into force of the Twin Regulations adding hypothetical cases in some of the countries participating in enhanced cooperation that do not yet provide for the direct application of the Regulations and resolving them by basing judgments on private international law The European family today is diverse and proof of this is the different models and their evolution in recent decades with family relationships being based not only on those constituted by marriage but also on those formed by couples living together in a stable manner

European Succession Laws, Update 2 David J. Hayton, 1994-01 *Perspectives for the Unification and Harmonisation of Family Law in Europe* Katharina Boele-Woelki, 2003 Is the unification and harmonisation of international family law in Europe necessary Is it feasible desirable and possible Reading the different contributions to this book may certainly inspire those who would like to find the right answers to these questions

The Oxford Handbook of Comparative Law Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how

comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field

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