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Scotland's Independent Law Publisher

Scots Law Catalogue

Summer 2009



Avizandum Publishing Ltd is an independent and privately owned law publisher based in Scotland. Our aim is to publish quality texts on Scots law for both the student and practitioner markets, and to do so at fair prices.

This year sees the publication of a number of new practitioner titles, notably *Licensing and Gambling Law in Scotland* and *Scottish Agricultural Law Handbook*. We are also pleased to be publishing the third edition of Alastair Brown's *Criminal Evidence and Procedure*. The success of the Avizandum Statutes series continues and four of the volumes are going into new editions in 2009.

We are committed to the highest standards of excellence in law publishing. We recognise that collaboration between author and publisher is vital to the success of any book and, as a small publisher, we are able to offer our authors individual support through the writing and production process. Our many years' experience of Scots law publishing and our focus on the Scottish market enable us to offer effective and efficient promotional campaigns.

We are interested in receiving proposals for new texts on all aspects of Scots law and practice. If you have an idea for a textbook – whether or not you want to write it yourself – please get in touch with us.

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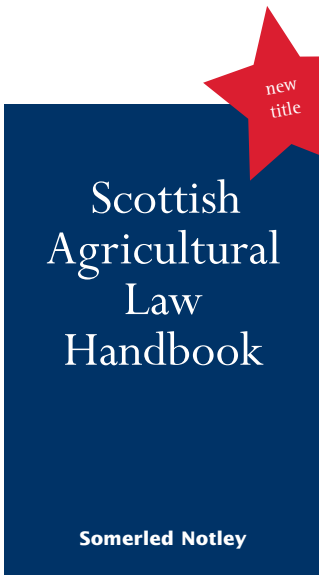
Margaret Cherry

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Scottish Agricultural Law Handbook

Somerled Notley

The Agricultural Holdings (Scotland) Act 2003 has radically altered the legislative framework for agricultural tenancies. The 2003 Act introduces limited duration and short limited duration tenancies and modifies grazing and mowing lets. Other reforms relate to diversification into non-agricultural use, tenants' rights to buy, compensation for improvements, partnership tenancies, and resolution of disputes.

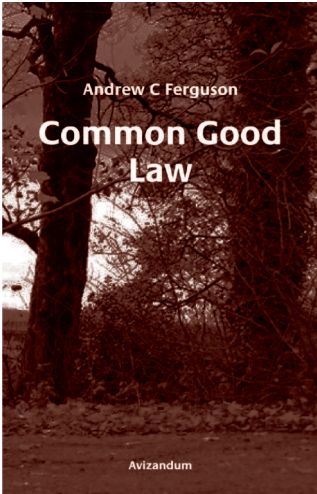
This is the first commentary on the recent reforms. It covers:

- types of agricultural tenancy and their creation
- rent review
- diversification
- tenant's right to buy
- termination of tenancies
- assignation and succession to tenancies
- waygoing claims and compensation
- dispute resolution

Scottish Agricultural Law Handbook provides all those involved with agricultural law – solicitors, estate factors, land agents and surveyors – with a practical, accessible and up-to-date guide to the complex legislation.

Somerled Notley is a solicitor with many years' experience practising in agricultural law.

ISBN 978-1-904968-29-0
Price c £90.00
Due late 2009



ISBN 978-1-904968-09-2
Price £27.00
Published March 2006

Common Good Law

Andrew C Ferguson

Common good law has come to prominence in recent years as Scottish councils increasingly seek to raise revenue by promoting development of council-owned land. As several local authorities have found to their cost, proposals involving common good land and assets, particularly in regard to disposal, often bring them into conflict with local communities.

This is the only book to deal with this neglected area of property law. It covers:

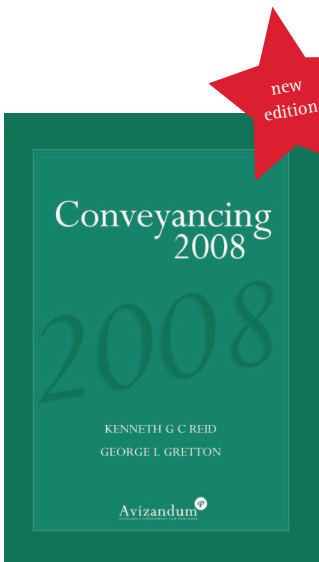
- historical background
- administration of common good fund
- classification of common good property
- disposals of common good property
- taking cases to court

Common Good Law provides local authority practitioners, those acting for purchasers of local authority property, and advisers to community councils with a clear and practical guide to the law.

“ ... an invaluable guide to this tricky but nonetheless very interesting area of the law. The treatment is full yet concise and the book is well written.”

JOURNAL OF THE LAW SOCIETY OF SCOTLAND

Andrew Ferguson is a local authority solicitor.



Conveyancing 2008

Kenneth G C Reid and George L Gretton

Conveyancing 2008, the tenth volume in the series, offers a full and authoritative account of conveyancing law and practice in Scotland during 2008. The coverage includes:

- all reported cases
- all statutory developments
- other material of interest to practitioners

The authors analyse court decisions on topics as diverse as the statutory test of interest to enforce real burdens; whether signage is among the servitudes recognised in Scots law; the proper meaning of the possession “as of right” needed to establish a servitude by prescription; the variation and discharge of title conditions; the legal effect of reserving a new house; the problem of unsatisfactory coal mining reports; irritancy of leases; leases to partnerships; the interpretation of break options; tenants-at-will; a heritable creditor’s duty to obtain the best price on sale following a debtor’s default; survivorship clauses; judicial rectification; and breach of warrandice. Particular attention is given to *PMP Plus v Keeper of the Registers of Scotland*, a decision which calls into question the way in which developers deal with common parts, and the manner in which common parts are entered on the Land Register.

ISBN 978-1-904968-11-5
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Published April 2009

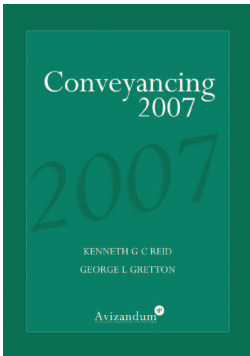
Kenneth Reid is Professor of Scots Law at the University of Edinburgh.

George Gretton is Lord President Reid Professor of Law at the University of Edinburgh.

“The book remains an essential noting up tool for conveyancers offering excellent value for money.”

SCOTTISH LAW GAZETTE

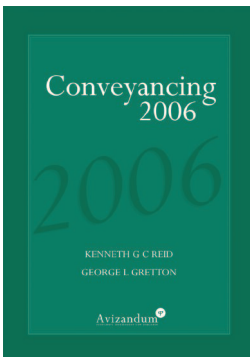
CONVEYANCING AND PROPERTY



ISBN 978-1-904968-25-2
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Publication April 2008

Conveyancing 2007

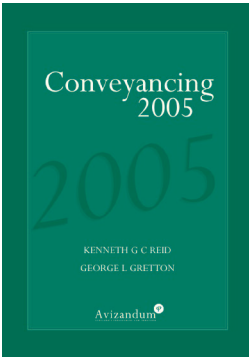
Conveyancing 2007 covers court decisions on servitudes of parking; implied terms in servitudes; the exception to prescriptive extinction for servitudes which qualify as res merae facultatis; interest to enforce real burdens; section 53 of the Title Conditions (Scotland) Act 2003; the date on which the irritancy of a lease takes effect; the rules for majority voting in a tenement; the validity of a preservation notice registered by a superior under the Abolition of Feudal Tenure etc (Scotland) Act 2000; and the impact of the European Convention on Human Rights on positive prescription. It considers the first decisions on access rights under the Land Reform (Scotland) Act 2003 and the case law on the variation and discharge of title conditions by the Lands Tribunal is the subject of an extended treatment.



ISBN 978-1-904968-17-7
Price £24.00
Published April 2007

Conveyancing 2006

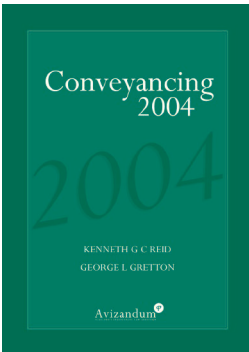
Conveyancing 2006 analyses court decisions on the creation of servitudes by prescription; the exception to prescriptive extinction for servitudes which qualify as res merae facultatis; warrandice; competition of title and negative prescription; the drafting of family agreements for the financing of council house purchases; the interpretation of real burdens; and the “offside goals” rule as it applies to purchase options in leases. Particular attention is given to a series of cases on the interest clause in missives, and a replacement style is provided to overcome the difficulties which the cases expose. It also discusses the conveyancing implications of recent legislation including the Bankruptcy and Diligence (Scotland) Act 2007.



ISBN 978-1-904968-12-2
Price £24.00
Published April 2006

Conveyancing 2005

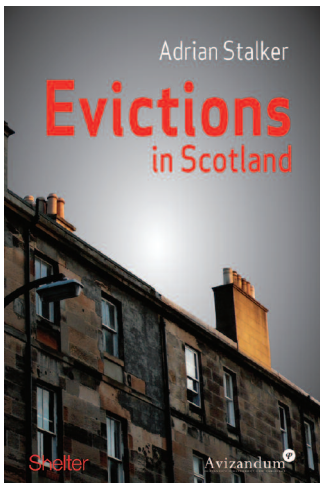
Conveyancing 2005 includes analysis of court decisions on dispositions by A to A; special destinations; implied servitudes; servitudes of parking; delay in settlement; positive prescription and the ECHR; liability for common repairs in tenements; succession to leases; and judicial rectification. The authors consider the first decisions of the Lands Tribunal under the Title Conditions (Scotland) Act 2003 on the variation and discharge of real burdens, and also discuss the conveyancing implications of legislation including the Housing (Scotland) Act 2006 and the Family Law (Scotland) Act 2006.



ISBN 978-1-904968-01-6
Price £24.00
Published April 2005

Conveyancing 2004

Conveyancing 2004 assesses the impact of the Tenements (Scotland) Act 2004 and the Antisocial Behaviour etc (Scotland) Act 2004. It also covers cases on missives of sale; leases; servitudes; real burdens; descriptions; competition of title; and solicitors. There is extended discussion of the scope and value of trust clauses, and styles and commentary are provided on the subject of co-purchase agreements for unmarried couples. Alan Barr describes the important changes to stamp duty land tax made by the Finance Act 2004.



ISBN 978-1-904968-18-4
Price £35.00
Published December 2007

Evictions in Scotland

Adrian Stalker

Evictions in Scotland is a practical guide to the recovery of possession of residential property. It covers:

- unlawful evictions
- pre-action notices
- termination of tenancy contracts
- assured and short assured tenancies
- Scottish secure tenancies and short Scottish secure tenancies
- court procedure

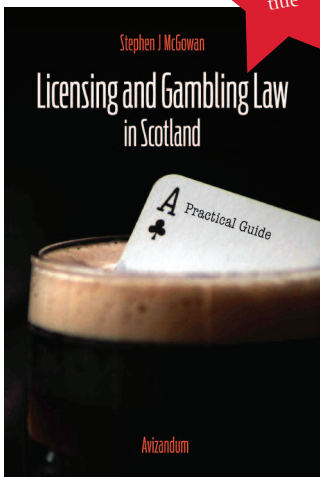
It analyses the complex statutory schemes which give security of tenure to occupiers and examines, in particular, the grounds for recovery of possession under the Housing (Scotland) Acts 1988 and 2001.

The text focuses on practical issues and provides solicitors, lay advisers and tenants with an invaluable resource.

Adrian Stalker is in practice at the Scots Bar. He was formerly senior solicitor to Shelter Scotland.

“Mr Stalker’s book is an excellent guide to this complex area... . For those practising in this area this is an essential purchase.”

SCOTTISH LAW GAZETTE



Licensing and Gambling Law in Scotland: A Practical Guide

Stephen J McGowan

The law and practice surrounding the operation of licensed and gambling premises have been radically overhauled in recent years. The Licensing (Scotland) Act 2005 and the Gambling Act 2005 have introduced new forms of licence, increased supervisory powers and made approved training mandatory.

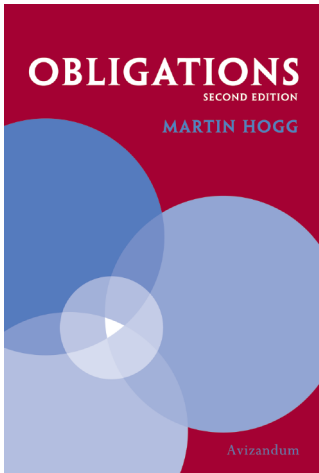
This new text is a comprehensive and accessible guide to how the 2005 statutes operate in practice. It is also the first Scottish publication to examine how other regulatory regimes – including planning, building standards, private security, and copyright – impact on licensed premises.

The text illustrates the operation of the licensing laws by the use of real-life and colourful examples, addresses potential problems and pitfalls, and offers solutions to them. It is written to be of use not only to legal practitioners, but also to all those involved in licensing and gambling administration.

Stephen McGowan has worked for Glasgow Licensing Board and in the licensed trade and is now in private practice. He lectures on the Paralegal Certificate on Licensing Law and is an approved BII trainer.

ISBN 978-1-904968-30-6
Price £60.00
Published June 2009

OBLIGATIONS



ISBN 978-1-904968-10-8
Price £29.95
Published September 2006

Obligations

2nd edition

Martin Hogg

This is the first Scots text to take a unitary approach to the law of obligations, and to investigate and explain the interaction of the obligations with each other. The text applies legal theory to concrete examples, and sets out the issues of liability in a clear and coherent way. By the use of worked examples and analysis of relevant case law, particularly in commercial actions, the law is set in its practical context.

Topics covered include:

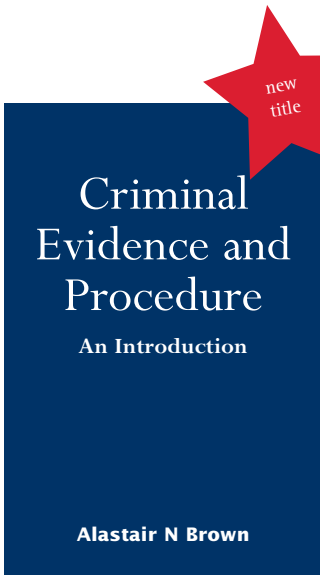
- concurrent liability
- unilateral promise
- unjustified enrichment
- liability for pre-contractual expenditure
- unjustified sacrifice

Obligations is suitable for students, and also for practitioners who may be faced with complex transactions involving more than one obligational claim or defence.

Martin Hogg is a senior lecturer in law at the University of Edinburgh

“ ... a serious, yet highly readable look at obligations in the round. ... Arguments, theories and ideas are simply and clearly explained. It is an enjoyable read, surprisingly comprehensive ... and challenging in its approach.”

SCOTTISH LAW GAZETTE



Criminal Evidence and Procedure: An Introduction

3rd edition

Alastair N Brown

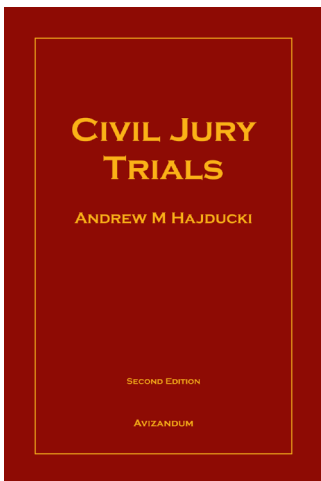
Criminal Evidence and Procedure is a practical and accessible introduction to the conduct of criminal cases. The text is structured according to the various stages of a criminal case, from mitigation to appeal.

It approaches the subject in an integrated way, recognising that there is a substantial degree of interpenetration between evidence and procedure. Procedure is considered in the general order in which steps occur in prosecutions, with solemn and summary procedure dealt with together as far as possible. Matters of evidence are covered as they become relevant to the topics being dealt with. The Criminal Procedure (Scotland) Act 1995, as amended, remains the core of the text.

This popular text provides a way into the subject for those coming new to criminal evidence and procedure and is also a valuable vade mecum for established practitioners.

Alastair Brown is a solicitor advocate.

ISBN 978-1-904968-32-0
Price c £45.00
Due Early 2010



ISBN 978-1-904968-00-9
Price £65.00
Published June 2006

Civil Jury Trials

2nd edition

Andrew Hajducki QC

Civil juries remain the primary method by which damages for solatium in Scotland are calculated. In recent years they have regained a measure of popularity and have retained and expanded their role.

Civil Jury Trials sets out everything the practitioner needs to know about the law and practice governing a case that goes to jury trial. It sets the subject in its historical context and then takes a chronological approach to the subject, covering:

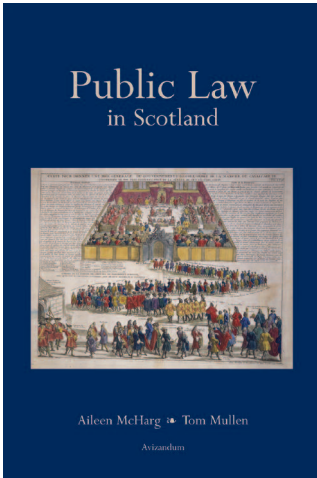
- proof or jury trial
- initial procedure
- the trial
- appeal and review

Updates on the law and practice of civil jury trials are available on the author's website www.civiljurytrials.com.

Andrew Hajducki is in practice at the Scots Bar.

"[T]he book is far more than a dry exposition of the law; for a legal textbook it is unusually interesting and entertaining. ... The whole thing is, in the opinion of this reviewer, a tour de force."

JOURNAL OF THE LAW SOCIETY OF SCOTLAND



ISBN 978-1-904968-08-5
Price £29.95
Published December 2006

Public Law in Scotland

General Editors: **Aileen McHarg** and **Tom Mullen**

The advent of a Scottish Parliament has heightened the distinctiveness of Scots public law and has given rise to a range of new issues. This is due partly to the fact of devolution itself, but also because it has acted as a catalyst for a range of contingent changes to the governance of Scotland.

Public Law in Scotland, an edited collection of essays, deals in a thematic manner with those aspects of Scots public law which differ significantly from the law of the rest of the UK. It consists of an introduction and 15 substantive essays in three sections:

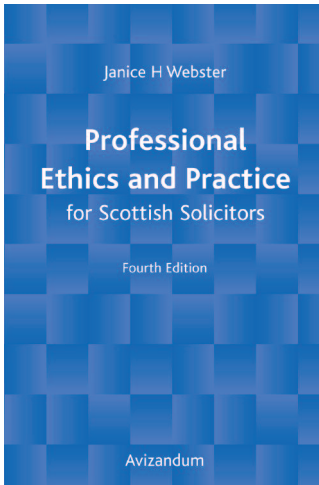
- Scotland's constitutional context
- The governance of Scotland
- Controlling public power in Scotland

Contributors are drawn, in the main, from Scotland's leading law schools and all are recognised experts in their respective fields.

Aileen McHarg is a Senior Lecturer in Public Law at the University of Glasgow and Tom Mullen is Professor of Law at the University of Glasgow.

"a collection of consistently high quality ... that reflects well on the authors and editors"

PUBLIC LAW



ISBN 978-0-9543423-5-7
Price £34.00
Published May 2004

Professional Ethics and Practice for Scottish Solicitors

4th edition

Janice H Webster

For almost 30 years this title has provided solicitors, trainees and students with an accessible and practical guide to best professional practice and to the ethical issues involved. It covers areas of concern in day-to-day practice, including confidentiality, conflict of interest, financial regulation, discipline, solicitors' duties to the client, the court and third parties.

The text covers recent developments in law and practice, including:

- effect of Human Rights Act 1998
- money laundering regulations
- IT in day-to-day practice
- Adults with Incapacity (Scotland) Act 2000
- role and duties of solicitor advocates

Janice Webster is a solicitor, who has worked with the Law Society of Scotland, the CCBE and the Scottish Law Agents Society, and has lectured in professional ethics.

"it covers the complete range of topics ... provides good practical advice, the source of it and the authority underlying that source."

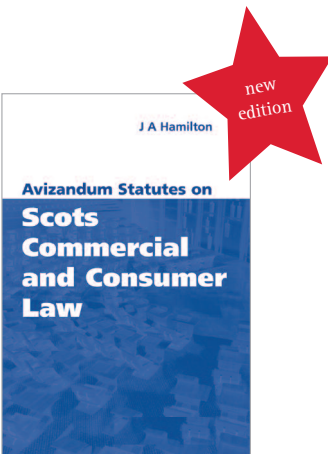
SCOTS LAW TIMES

STATUTES

AVIZANDUM STATUTES

Avizandum Statutes are designed specifically to provide undergraduates at Scottish universities with legislation and, where appropriate, other core materials in a readily accessible format. All materials have been selected on the basis of their relevance to university courses, and appear in amended form. The lack of annotation and commentary means that the volumes are ideal for use in examinations.

All Avizandum Statutes are updated and reissued on a regular basis.



Avizandum Statutes on Scots Commercial and Consumer Law

Editors: **Ross G Anderson**, Lecturer, University of Glasgow and **Martin J Doris**, Lecturer, University of Glasgow

This volume contains selected materials relating to commercial and consumer law as it affects Scotland. Key contents include: Consumer Credit Act 1974; Sale of Goods Act 1979; Bankruptcy (Scotland) Act 1985; Consumer Protection Act 1987; and Bankruptcy and Diligence etc (Scotland) Act 2007.

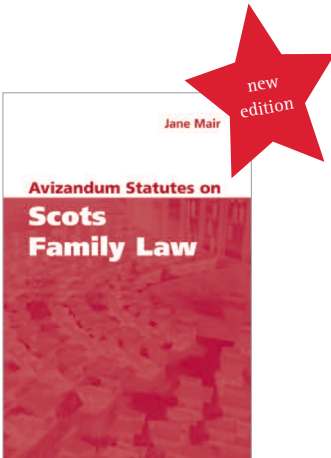
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STATUTES



Avizandum Statutes on Scots Family Law

Editor: **Jane Mair**, Senior Lecturer, University of Glasgow

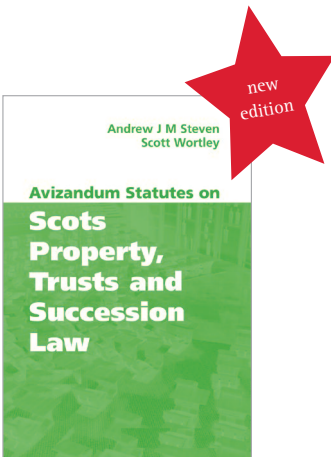
This volume includes the statutory provisions relating to adult domestic relations and parent and child. Key contents include: Matrimonial Homes (Family Protection) (Scotland) Act 1981; Children (Scotland) Act 1995; Civil Partnership Act 2004; and Family Law (Scotland) Act 2006.

2009–2010 edition

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Avizandum Statutes on the Scots Law of Property, Trusts and Succession

Editors: **Andrew J M Steven**, Lecturer, University of Edinburgh and **Scott Wortley**, Lecturer, University of Edinburgh

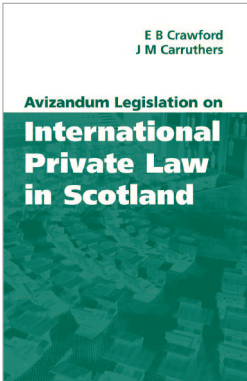
This volume contains the main statutory provisions relating to both heritable and moveable property, as well as to trusts and succession law, in Scotland. Key contents include: Conveyancing and Feudal Reform (Scotland) Act 1970; Land Registration (Scotland) Act 1979; Title Conditions (Scotland) Act 2003; Tenements (Scotland) Act 2004; and Succession (Scotland) Act 1964.

2009–2010 edition

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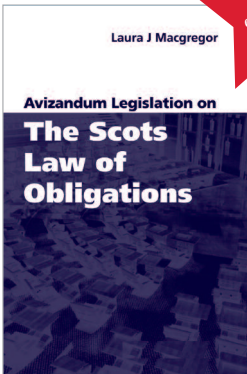


ISBN 978-1-904968-23-8
Price £19.95
Published September 2007

Avizandum Legislation on International Private Law in Scotland

Editors: **Elizabeth B Crawford**, Professor of International Private Law, University of Glasgow and **Janeen M Carruthers**, Reader in Conflict of Laws, University of Glasgow

The rules of international private law in Scotland have become increasingly legislative in nature in recent years. This new volume provides a readily accessible collection of materials – Scottish, UK and EU – on those areas of private law – the laws of persons, obligations, property – in which a foreign element may arise. It is a useful work of reference for IPL-related courses at Scottish universities and for practitioners advising on IPL matters.



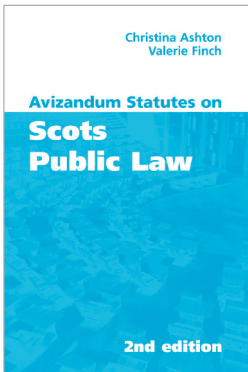
4th edition
ISBN 978-1-904968-38-2
Price £23.95
Due September 2009

Avizandum Legislation on the Scots Law of Obligations

Editor: **Laura J Macgregor**, Senior Lecturer, University of Edinburgh

By bringing together all the relevant materials on obligations – statutes, statutory instruments, EU Directives and Codes – this volume provides a useful resource for both contract and delict courses. Key contents include: Occupiers' Liability (Scotland) Act 1960; Damages (Scotland) Act 1976; Unfair Contract Terms Act 1977; Age of Legal Capacity (Scotland) Act 1991; and Requirements of Writing (Scotland) Act 1995.

STATUTES



2nd edition

ISBN 978-1-904968-34-4

Price £23.95

Published September 2008

Avizandum Statutes on Scots Public Law

Editors: **C Ashton**, Senior Lecturer and Teaching Fellow Napier University and **V Finch**, Senior Lecturer, University of the West of Scotland

Devolution has meant that Scots public law has become increasingly distinctive, and the pace of legislative change is rapid. This volume contains provisions on the structures of government, basic constitutional doctrine, executive powers, administrative law and civil liberties. Key contents include: Crown Proceedings Act 1947; Scotland Act 1998; Freedom of Information (Scotland) Act 2002; and Prevention of Terrorism Act 2005.

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Studies in Scots Law

Avizandum is the sole distributor for the Studies in Scots Law titles published by the Edinburgh Legal Education Trust. The aim of this new series is to further legal scholarship by publishing on key – and often neglected – topics in the law of Scotland.

Assignment

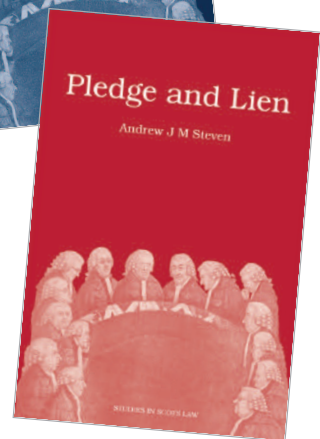
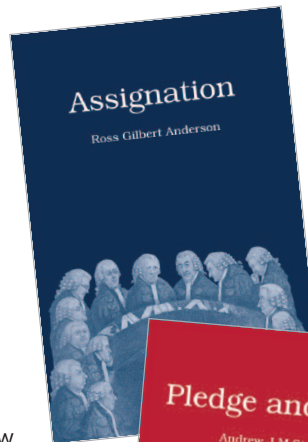
Ross Gilbert Anderson

This is the first detailed study of the Scots law of assignation. Key issues covered include:

- debtor notification
- the debtor's defences
- insolvency
- effect of arbitration clauses on assignability
- contractual prohibitions on assignability

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Price £30.00



Pledge and Lien

Andrew J M Steven

This text offers a detailed analysis of the current law of pledge and lien, tracing the historical development of the two securities, and examining Roman, English and other influences in the context of Scotland as a mixed legal system. Key issues covered include:

- use of pledge and lien in practice
- obligations which can be secured
- constitution of pledge and pre-requisites for lien
- property which can be encumbered
- enforcement
- extinction

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