

# LAW BOOK NEWS INTERNATIONAL

AUGUST / SEPTEMBER 2011

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# FEATURE TITLE



Practice Area: Banking

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Sweet & Maxwell

## ROWLATT ON PRINCIPAL AND SURETY, 6TH EDITION

Gabriel Moss, Q.C. and David Marks

This new edition of **Rowlatt on Principal and Surety** provides you with in-depth commentary and analysis of the law of suretyship and the law of guarantees. Regularly cited in court, this well-known title examines the fundamental concepts and the latest developments in this area of the law, bringing you authority you can rely on.

- Provides a concise account of the law, including definitions and interpretations, allowing you to quickly and easily identify the key points when researching and preparing for a case or advising clients
- Revised and updated to incorporate modern developments such as the *Consumer Credit Act 2006*, performance bonds, misrepresentation and undue influence, as well as new case law such as *Royal Bank of Scotland v. Etridge*
- Makes reference to Commonwealth and U.S. authorities where relevant
- Includes practical drafting guidance, such as a draft Bid Bond and a draft Advance Payment Bond as well as selected sections from relevant statutes including the Insolvency Act and recent EU legislation
- Essential for lawyers and practitioners in all areas of commercial law, **Rowlatt on Principal and Surety** brings you trusted authority and extensive coverage of the law of suretyship and the law of guarantees

### NEW TO THIS EDITION

- Performance bonds
- Statute of Frauds
- Misrepresentation
- Undue influence
- Insolvency
- Unfair contract terms
- Construction of contract

### CONTENTS

Chapter 1 Scope of the Law of Principal and Surety

Chapter 2 Consideration

Chapter 3 Statute of Frauds

Chapter 4 Construction and Effect of Guarantees

Chapter 5 Misrepresentation and Concealment

Chapter 6 Illegality, Duress and Undue Influence

Chapter 7 Rights of a Surety

Chapter 8 Release of the Surety by Dealings of the Principal Contact

Chapter 9 Loss of Securities and Co-Sureties

Chapter 10 Statutes of Limitations

Chapter 11 Bankruptcy

Chapter 12 Winding Up and Receivers

Chapter 13 Bills of Exchange and Negotiable Instruments

Chapter 14 Landlord and Tenant

Chapter 15 Building Contracts

Chapter 16 Consumer Credit

Chapter 17 Performance Bonds

Chapter 18 Void

Chapter 19 Conflict of Laws

Chapter 20 Unfair Terms in Consumer Contract Guarantees

Appendices

Appendix 1

a) Draft Bid Bond

b) Draft Performance Bond

c) Draft Advance Payment Bond

Appendix 2

a) Sections of the Insolvency Act

b) Sections of the Unfair Contract Terms Act 1997

c) Sections of EU Legislation

d) Sections of the Law of Property (Misc Provisions) Act 1989

# NEW TITLES

## ACCOUNTANCY

### INSIGHTS INTO IFRS, 8TH EDITION

Editorial Board: The KPMG International Financial Reporting Group

**Insights into IFRS** is your guide to preparing and understanding financial statements that have been prepared in accordance with IFRSs.

Fully updated in the light of major changes to IFRSs over the past year, this new edition is your must-have companion.

- Helps you to follow the requirements of IFRSs
- Provides you with updates based on real IFRS queries encountered by KPMG member firms when working with clients around the world
- Emphasizes the application of IFRSs in practice and provides the conclusions reached by the KPMG International Standards Group on many interpretive issues
- Includes many detailed examples to help you apply that experience

The new edition:

- Details the impact of IFRSs and guidance published between August 1, 2010 and August 1, 2011 that will be effective from January 1, 2011
- Provides information about recently published IFRSs and amendments to IFRSs that currently are effective

Includes new or restructured chapters on:

- Financial instruments, including the additions to the new standard on recognition and measurement of financial liabilities
- IFRS 10 Consolidated Financial Statements (published May 2011)
- IFRS 11 Joint Arrangements (published May 2011)

It also highlights how the following may affect existing guidance on:

- IFRS 12 Disclosure of Interests in Other Entities (published May 2011)
- IFRS 13 Fair Value Measurement (published May 2011)
- Deferred Tax: Recovery of Underlying Assets – Amendments to IAS 12 (published December 2010)
- Amendment to IFRS 1 First-time Adoption of International Financial Reporting Standards – Severe Hyperinflation and Removal of Fixed Dates for First-time Adopters (published December 2010)
- IFRS Practice Statement Management Commentary (published December 2010)
- Disclosures – Transfers of Financial Assets (Amendments to IFRS 7) (published October 2010)

- New conceptual framework chapters on the objective of general purpose financial reporting and qualitative characteristics of useful financial information (published October 2010)

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## ADMINISTRATIVE

### ZAMIR AND WOOLF: THE DECLARATORY JUDGMENT, 4TH EDITION

Jeremy Woolf

This new 4th edition of the definitive work on the subject explains the wide scope of the declaratory judgment as a public law remedy for both individuals and public bodies and shows how it can be used. References throughout will be made to the changes brought about by the HRA and amendments to the Civil Procedure Rules and cases and legislation will also be updated.

- Looks at the development of the declaration in both private and public law proceedings. Goes through statutory provisions and case law to illustrate when a declaratory judgment might be granted.
- Clearly shows the advantages of using declaratory proceedings, in particular the importance of the discretionary element is given full consideration.
- Focuses on procedure, from commencement in the High Court to Judicial Review.
- Shows practitioners how to bring a case before the court.
- Includes the jurisdiction of the High Court, county courts and tribunals to grant declarations, to statutory powers and the prerogative of the Crown, to the rules of international law, implications of the *Human Rights Act 1998* and extra-legal issues.
- Examines in detail who is entitled to bring proceedings for declaratory relief – both claimant and defendant. A separate chapter is provided on each.
- Makes it clear which cases can and cannot be dealt with.
- A separate chapter provides a brief comparative study of the use of the declaratory process in Scotland.
- Extracts of statutes are annotated.

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## ALTERNATIVE DISPUTE RESOLUTION

### ARBITRATION IN HONG KONG: A PRACTICAL GUIDE, 2ND EDITION

Alex Stock, Chiann Bao, Christopher To, David Bateson, Denis Brock, Earnest Yang, Edmund Wan, Frances Van Eupen, Gary Soo, John Choong, Joseph Chu, Justin D'Agostino, Kathryn Sanger, Kim Rooney, Marianne Chao, Nils Eliasson, Paul Starr, Philip Yang, Rosita Lau, Russell Coleman SC, Tan Loke Khoon, Teresa Cheng SC, Timothy Hill, Ula Cartwright-Finch, Vincent Li, William Stone QC, and Yu Bing

Incorporates and explains all the changes brought about by the new Arbitration Ordinance

- Significantly rewritten to reflect the changes to the law and practice of arbitration in Hong Kong

Substantial new content

- Discusses the recent landmark decision of *Democratic Republic of Congo v. FG Hemisphere*
- Over 70% of new material with two new chapters

With the new Arbitration Ordinance in effect on June 1, 2011, Hong Kong continues to grow and position itself as a centre for dispute resolution, not only locally and regionally, but also internationally as a centre of arbitration and mediation excellence. Taking a practitioner approach, **Arbitration in Hong Kong: A Practical Guide, 2nd Edition**, builds on the strength of the first edition including over 70% new material with two new chapters and specifically addresses the new Arbitration Ordinance. It is simply the definitive text on one of the fastest growing areas of law in Hong Kong.

The new Arbitration Ordinance brings substantive changes to the law as it stands. This new edition of **Arbitration in Hong Kong: A Practical Guide** has been significantly re-written to reflect the changes in the law and practice of arbitration in Hong Kong by a group of leading practitioners. Adopting a comprehensive yet practical approach, **Arbitration in Hong Kong: A Practical Guide** brings together general principles, procedure, specialist arbitration and relevant reference material. It is guaranteed to be indispensable for anyone practising arbitration in Hong Kong.

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## CHINA ARBITRATION HANDBOOK

Dr. Raymond Leung

Not your typical law and practice text

- First part discusses the history, definition, resources and procedure of arbitration in China; second part uses case analyses to show how arbitration is actually performed in China

Comprehensive, up-to-date coverage

- Key chapter on enforcement of arbitral awards (both domestic and foreign) by PRC courts by a judge of the Supreme People's Court as well as analysis of actual disputes before arbitration commissions in areas such as construction, shareholder and investment, agency, intellectual property, real estate, labour, maritime and agricultural land

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With the growth and influence of China and Asia in general, the region is positioning itself as a centre for dispute resolution, not only locally and regionally, but also internationally as a centre of arbitration and mediation excellence. Taking a practitioner approach, this book will be the definitive text on one of the fastest-growing areas of law in China. Written by leading arbitration experts in China, it offers arbitration professionals clear, practical 'how-to' knowledge as well as analysis of relevant disputes across a breadth of areas.

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## BANKRUPTCY/DEBTOR-CREDITOR

### BANKRUPTCY PRACTICE FOR THE GENERAL PRACTITIONER, 3D, 2011 EDITION

W. Homer Drake, Jr. and Karen Visser

This practical guide covers all aspects of bankruptcy practice that you're likely to encounter in bankruptcy court. It also includes down-to-earth discussions, analysis, and summaries of every provision of the Bankruptcy Code, to help you unravel one of the most intricate, lengthy statutes today, the *Bankruptcy Reform Act of 1994*. Additionally, it includes coverage of noteworthy cases, court rules and more than 125 forms. Written in an easy-to-read format that reviews the Code by topic, not by section – to give you a working familiarity with the Code and sharply reducing your research time:

- Full coverage of estate administration, liquidation, reorganization
- Full coverage of jurisdiction and venue, debt payments, appeals, duties and benefits of debtors, creditors and claims

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- Contains comprehensive consolidated index
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## COMMERCIAL

### GOING GLOBAL: A GUIDE TO BUILDING AN INTERNATIONAL BUSINESS WITH FORMS ON CD, 2011 EDITION

Alan S. Gutterman and Robert L. Brown

This three-volume treatise provides guidance for counseling clients who engage in business with foreign entities. It addresses the important business as well as legal considerations of going global. Written by experienced practitioners, it offers clear, concise advice on how to start doing business overseas and how to build and manage the business as it grows. With an overview of U.S. and foreign legal and regulatory issues, it is a one-stop reference for the major issues involved in doing business abroad. Expert analysis is supplemented with model forms, checklists, and country-specific chapters addressing the business, political, cultural, and legal issues.

- Contains many sample forms (e.g., compliance policies, letters of intent, distribution agreements)
- Features a business perspective as well as a legal perspective – because counsel is expected to be knowledgeable in both
- Includes country-specific chapters that address business, political, and legal issues, and offer guidance on negotiating cross-border transactions
- Includes easy-to-understand discussion of all issues relevant to going global (e.g., business, political, legal, cultural)
- Offers a comprehensive overview of U.S. and foreign legal and regulatory issues
- Provides many helpful checklists for specific transactions, compliance issues, etc.

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## MERGERS & ACQUISITIONS IN CHINA, 2ND EDITION

Owen D. Nee Jr, and Jingzhou Tao

Additional, new and practical content including Outbound Mergers and Acquisitions

- New chapter highlights Chinese companies' efforts to invest their money in foreign companies and assets
- Offers most current analysis of key issues and pitfalls to avoid in placing foreign businesses into China

Goes Beyond the Law and Legal Practices

- Covers cultural and Chinese business customs
- Informs company officers as how to respect centuries old business customs, the cultural understandings and business norms that must be taken into account when dealing with Chinese businesses

This Second Edition is a clear, practical and the most up-to-date reference Book that practitioners and businesses need for knowledge and insight of mergers and acquisition matters in and out of China.

Mergers and acquisitions continue to be the most important topic for western businesses in The People's Republic of China. This Second Edition offers up-to-date analysis of key issues and pitfalls facing foreign businesses in mergers and acquisitions transactions. This Second Edition draws together overarching issues such as transaction structure and process, merger control, and government regulations and approvals while giving reference to real-life practices and procedures to explain such complex processes throughout the text.

In addition, the new chapter (Chapter 16) on outbound acquisitions speaks to and highlights Chinese companies' efforts to invest its surplus monies in foreign companies and assets. Despite China's stringent regulatory system regarding foreign investments, its outbound acquisition market continues to develop and grow. As such, practitioners as well as companies and investors will surely be interested in how China will spread its economic influence in foreign and overseas markets.

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## CONSTITUTIONAL

### WOMEN AND THE LAW, 2011 EDITION

Jane Campbell Moriarty

This informative text provides timely coverage of the major areas surrounding women's legal protection. Legal issues are examined through a practice-oriented approach, covering current law, analysis, procedure, litigation advice, and strategy. Areas explored include: pay equity/comparable worth, employment discrimination, sexual harassment, married women's property rights, child custody, and women in the courts. Section titles discuss: Women in the Workplace, Women in the Family, Women's Interpersonal Contracts, Women Against Violence, Reproductive Rights, Women in Education, and Women and Institutional Change.

- Acclaimed as the "Best Law Book" by the Association of American Publishers when first released
- Allows fast, easy, and on-point research
- Covers the major issues surrounding the legal protection of women
- Examines legal issues through a practice-oriented approach
- Provides current law, analysis, procedure, litigation advice, and strategy

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## CONSTRUCTION LAW AND LIENS

### CONSTRUCTION LAW IN AUSTRALIA, 3RD EDITION

Ian Bailey and Matthew Bell

**Construction Law in Australia** has long been regarded as an authoritative yet accessible text on the law relating to building and construction in Australia and has been completely revised for this third edition.

This highly respected work provides a comprehensive overview of the law and is an invaluable resource for students, legal practitioners and construction professionals including engineers, architects and builders.

Ian Bailey SC and Matthew Bell share their expertise through succinct, yet accurate, legal statements which assist the reader by explaining the legal and practical context in which the industry operates.

Key topics include

- The Australian legal system
- Understanding the law
- Regulation of construction
- Participants in the industry
- Contract law
- Tort law
- Property law
- Procurement methodologies
- Key issues in construction contracts
- Standard forms
- Professional liability
- Dispute avoidance, management and resolution
- Conduct of construction disputes

In addition, the book outlines a wealth of resources to help readers understand the latest developments in each area.

Many significant developments in the law since the last edition are considered, including:

- Security of payment/adjudication
- Proportionate liability
- Relationship-based contracting
- Consumer law
- Reform of arbitration and other forms of dispute resolution.

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John Scriven, Nigel Pritchard and Dan Cocker

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- Deals with construction financing, procurement and competitive bidding
- Covers letters of intent, international construction contracts and design risk allocation
- Looks at environmental matters
- Discusses insurance, insolvency and performance security
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- Features a wealth of practical tips and warnings at each stage
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## CONTRACTS

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Edwin Peel

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The new edition explains and analyzes all aspects of the law of contract, covering just about every conceptual and legal difficulty surrounding the subject. It is an accepted 'authority' on dubious points of law or where the law is non-existent.

- Takes account of more than 300 new cases including *The Achilles*, *Chartbook Ltd. v. Persimmon Homes Ltd.*, *OFT v. Abbey National Plc*, *Attorney General of Belize v. Belize Telecom Ltd.*, and *Cobbe v. Yeoman's Row Management Ltd.*
- Covers all legislative developments, including those resulting from the *Bribery Act 2010*
- Examines, and offers resolutions to, controversial and problematic points of law

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## CRIMINAL LAW AND OFFENCES

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General Editor: District Judge Barbara Barnes

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## ENERGY LAW

### GAS SALES AND GAS TRANSPORTATION AGREEMENTS, 3RD EDITION PRINCIPLES AND PRACTICE

Peter Roberts

This work provides a detailed hands-on guide to the drafting, negotiation and interpretation of natural gas and LNG trading and transportation contracts.

It brings you in-depth discussion of the law and practice of structuring projects for the sale and transportation of gas and LNG. The legal and commercial issues involved at each stage are highlighted and the book advises on how they should be handled. To add to this, it includes expertly drafted precedent agreements that demonstrate the practical mechanics of putting the deal together, provided on a CD for electronic access.

Together the commentary and precedents provide you with all the knowledge and tools that you need to put together a gas, LNG sales and transportation deal.

- Explains the critical components of the agreements which set out the terms between buyers, sellers, transporters and shippers, leading to the sale and transportation of gas and LNG
- Discusses the nature of gas and LNG and the contracting process
- Offers clause-by-clause commentary on the typical provisions within gas and LNG sales and transportation agreements
- Pinpoints the key issues and suggests solutions to problems that can arise
- Identifies the legal and commercial issues involved at each stage, from quality specification and force majeure to liabilities/limitations and dispute resolution, and advises how they should be handled in the contract
- Provides discussion on the commercialization of natural gas in light of recent concerns about climate change, cleaner energy sources and the security of energy supplies
- Includes expertly drafted precedents, also on a CD-ROM for rapid drafting
- Written from the perspective of English law but in the light of international experience and practice
- Foreword from the President of the International Gas Union

New to this edition

- A new chapter on the structuring and regulation of gas storage projects
- A new chapter on competition law and regulatory principles applicable to gas and LNG projects

- A new chapter on price reviews and reopens looking into price reviews, hardship and common principles
- Additional precedent drafting for gas and LNG project contracts

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## ENTERTAINMENT & MEDIA LAW

### ENTERTAINMENT, PUBLISHING AND THE ARTS HANDBOOK, 2011 EDITION

Karen B. Tripp

Comprehensive coverage and in-depth treatment of the latest issues, regulations, legislation, case laws, and business aspects affecting the entertainment and communications industries. Provides expert analysis and commentary on copyright and trademark, multimedia, freedom of speech, rights of publicity and privacy, music and television, and entertainment and business. Encompasses books, music, motion pictures, television, entertainment litigation, choreographic works and copyright, international financing arrangements, legal ramifications of future home entertainment technology, baseball's antitrust exemption, the impact of completion guarantee on producers and other parties, and alternative financing arrangements for motion pictures.

- Comprehensive coverage of latest issues and legal developments in entertainment and communications industries saves research and preparation time
- Each article includes citations to controlling authority and relevant source material to speed your research
- Easy to use
- Includes citations to state and federal statutes, rules, and case law for quick and easy reference
- Provides expert analysis and commentary to guide you

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## ESTATES/TRUSTS/WILLS

### INHERITANCE ACT CLAIMS: LAW AND PRACTICE, 3RD EDITION

Sidney Ross

**Inheritance Act Claims: Law and Practice** covers statutory provision in circumstances of inadequate provision in a will or under the laws of intestacy. It explains the law, practice and procedure in a straightforward and practical way, so practitioners can assess the merits of a potential claim along with its cost implications.

- Covers all the relevant legislation and cases, explains who it applies to, how the law is applied and what the court must take into account when considering a claim
- Discusses practice and procedure, dealing with matters that may arise before, during and after making a claim under the 1975 Act. The chapter is structured to follow the normal sequence of events within the framework of the proceedings
- Contains detailed set of appendices including all relevant legislation, case summaries, rules, orders and forms designed to help you build your claim
- Includes questionnaires in the appendices, designed to help you assemble all the relevant facts at the start of a case when either making or resisting a claim

New to this edition:

- Chapter on disposal of claims without trial
- Useful precedents, including a claim form, claimant's witness statement, and personal representative's witness statement in accordance with CPR r.57.16(5), cross-referenced to the appropriate questionnaires in the appendices
- Fully updated in the light of recent cases such as *Miller v. Miller*, and *Lindop v. Agus*
- Revised sections on pre-action protocols, Part 36 offers and their costs consequences, costs generally, and the appeals regime
- Updated treatment of the applicable Contentious Probate Rules in light of the Munby Committee findings

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## INSURANCE

### THE INSURANCE OF COMMERCIAL RISKS: LAW AND PRACTICE, 4TH EDITION

Dr. Digby Jess

**The Insurance of Commercial Risks: Law and Practice** examines how the general principles of insurance law apply to the insurance of commercial risks, and how to effectively evaluate the merits of a dispute in these insurance claims. Looking in turn at each form of commercial risk insurance, from employers' liability insurance, commercial vehicles, products and public liability insurances to buildings insurance, carriers insurance and contractors' insurance, it explains the law applicable to each one.

- Concise, practical and accurate advice to those seeking answers to insurance coverage disputes and the application of insurance law to commercial insurances.
- Split into four parts to provide:
  - A) An explanation of the general principles of insurance of greatest relevance to commercial insurances
  - B) A detailed examination of the law relating to the six main liability insurances
  - C) In-depth discussion on the law relating to the six main types of property risks insurance policies, including business interruption insurance.
  - D) Extensive consideration of the common conditions and exclusions for each type of insurance
- Looks at all relevant claims aspects
- Goes through the different types of loss and how to calculate indemnity
- Deals with litigation, including issues such as disclosure and jurisdiction
- This new edition covers significant changes to legislation and regulations, most notably the *Third Parties (Rights against Insurers) Act 2010* and the introduction of a number of statutory instruments such as the European Communities (Rights Against Insurers) Regulations 2002
- Explains the implications of important recent case law, such as the Court of Appeal's decision in the *E L Trigger Litigation*

New to this edition

- This new edition covers the significant developments in case law across commercial insurances and changes to legislation and regulations, in the 10 years since the last edition, including the potential changes in the Third Parties (Rights Against Insurers) Act 2010 and the introduction of a number of statutory instruments:

- European Communities (Rights Against Insurers) Regulations 2002
- Transfer of Undertakings (Protection of Employees) Regulations 2006
- Motor Vehicles (Compulsory Insurance) Regulations 2007
- Civil Jurisdiction and Judgments Regulations 2007

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## INTELLECTUAL PROPERTY

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