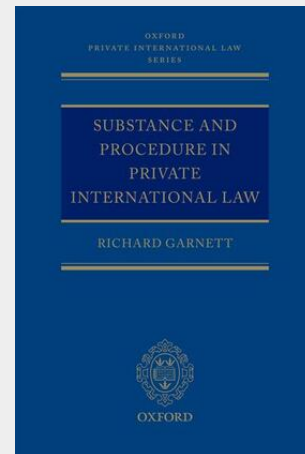


Substance and Procedure in Private International Law

Examines the rules governing substance and procedure in private international law to provide a clear and precise delimitation of their function. Outlines the procedural classification and its importance as a tool within forum law. Discusses important areas of legal doctrine, such as damages, evidence, and statutes of limitation, to demonstrate the distinctions used. Provides practical guidance on how the substance-procedure distinction might be applied in future cases. When the law of a foreign country is selected or pleaded by a claimant or defendant, a question arises as to whether the issue pertains to substance, in which case it may be resolved by foreign law, or procedure, in which case it will be governed by the law of forum. This book examines the distinction between substance and procedure questions in private international law, and analyses where and whether each is appropriate. To do so, it examines previous attempts to define the scope of procedure in private international law, considers alternative choice of law methods for referring matters to the law of forum, and examines the influence of the doctrine of characterization on procedure. Substance and Procedure in Private International Law also provides detailed analysis of the decisional law in which the substance-procedure distinction has been employed, creating a clear assessment of its application in various practical situations and providing valuable guidance for practitioners on how the distinction should be applied. The book also considers 'procedural' topics such as service of process and the taking of evidence abroad, in order to show how the application of forum law may further be limited by foreign laws. With a foreword by the Hon Sir Anthony Mason.



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