1. Record Nr. UNINA9910451061303321 Commercial law and commercial practice / edited by Sarah Worthington Titolo Oxford: Portland, Oregon,: Hart Publishing, 2003 Pubbl/distr/stampa **ISBN** 1-4725-5951-7 1-280-80051-8 9786610800513 1-84731-135-0 Edizione [1st ed.] Descrizione fisica 1 online resource (710 p.) Disciplina 346.07 Soggetti Commercial law - England Commercial law Electronic books. Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Description based upon print version of record. Note generali Nota di bibliografia Includes bibliographical references INTRODUCTION -- 1. Aligning Commercial Law and Commercial Nota di contenuto Practice -- Sarah Worthington -- -- PART 1: GENERAL PRESSURES FOR CHANGE -- 2. Globalization: Its Historical Context -- Ross Cranston, QC -- Commentary: Catherine Newman, QC -- 3. Commercial Notions and Equitable Potions -- Sir John Mummery -- Commentary: Philip Wood -- 4. Statutory Ingredients in Common Law Change: Issues in the Development of Agency Doctrine -- Deborah DeMott -- 5. Property, Private Government and the Myth of Deregulation -- Paddy Ireland -- Commentary: Andrew Whittaker -- PART 2: CONTRACT TERMS AND THEIR INTERPRETATION -- 6. The Intractable Problem of the Interpretation of Legal Texts -- Lord Johan Steyn -- 7. The Interpretation of Contracts: Lord Hoffmann's Re-Statement -- Ewan McKendrick -- 8. The Uses of Ambiguity in Commercial Contracts: On Facilitating Re-Bargaining -- William T Allen and Galya Levy --Commentary: Paul Lomas -- 9. Objectivity and Committed Contextualism in Interpretation -- Hugh Collins -- PART 3: ADAPTING COMMERCIAL LAW TO MODERN CONDITIONS -- 10. Documents and

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## Sommario/riassunto

This edited collection brings together leading scholars and practitioners from various jurisdictions with essays and commentaries co-ordinated around the theme of alignments and misalignments between commercial law and commercial practice. The purpose of the book is to prompt a more critical and constructive reassessment of current commercial law and its practices, and to instigate a more fruitful dialogue between academics, judges, law reformers and practitioners. The result is a series of provocative and challenging essays addressing an enormous range of problems that are of intimate concern to commercial practice. Some essays focus on broad themes, such as globalization and trust. Others address more specific issues, such as contract interpretation or constraining modern management. Yet another group targets special problems, such as dematerialisation or super-priority, in order to assess the success of commercial law in meeting commercial demands. The depth and breadth of issues addressed is a credit to the authors. Taken as a whole, the volume makes some pointed suggestions for improving the practices and processes, and indeed the future progress, of commercial law