National Reports on the Transfer of Movables in Europe
National Reports on the Transfer of Movables in Europe

Volume 2: England and Wales, Ireland, Scotland, Cyprus

edited by
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This is the second volume of a series of national reports on basic issues concerning the acquisition and loss of ownership of movable assets. The series is planned to cover 27 European legal systems, distributed over six volumes, and appears as a by-product of the research activities of the Graz & Salzburg working group ‘Transfer of Movables’ within the ‘Study Group on a European Civil Code’. Starting with general property law issues like the concepts of ownership and possession employed in the respective legal systems, and the related means of protection, the reports primarily deal with the ‘derivative’ transfer of ownership, but extend to good faith acquisition from a non-owner, acquisitive prescription, processing and commingling, and further related issues. Corresponding to the working group’s task within the Study Group, the reports are generally restricted to movable assets and basically leave aside fiduciary transfers, such as transfers for security purposes. After all, they do, however, not only cover mere property law issues, but also much of the related law of obligations, enforcement law and insolvency law – in a generally accessible language, i.e. English.

This second volume covers European common law countries and mixed legal systems, reflecting the numerous interactions between the legal developments in these countries. Literature and abbreviations are listed in common tables at the end of this volume. The texts of statutory provisions discussed in this book can largely be obtained via internet.

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1 For further information on this project, see Lurger, Introduction to the Project ‘Transfer of Movables’: Organisational Framework, Basic Issues and Goals, in: Faber/Lurger (eds.), Rules for the Transfer of Movables – A Candidate for European Harmonisation or National Reforms? (2008), 1.

2 The concept of these reports is further described in the preface to the first volume of that series: Faber/Lurger (eds.), National Reports on the Transfer of Movables in Europe – Volume I: Austria, Estonia, Italy, Slovenia (2008).

3 For England/Wales and Scotland, see http://www.statutelaw.gov.uk; for Ireland, see e.g. http://www.irishstatutebook.ie. For Cyprus, no full translations of statutes into English have been available, but the wording of important statutory provisions is usually reflected in the report.
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Contents

Preface V

List of Contributors VII

National Report on the Transfer of Movables in England and Wales 1
Sandra Frisby / Michael Jones

National Report on the Transfer of Movables in Ireland 155
Caterina Gardiner

National Report on the Transfer of Movables in Scotland 297
David L Carey Miller / Malcolm M Combe / Andrew J M Steven / Scott Wortley

National Report on the Transfer of Movables in Cyprus 471
Stéphanie Laulhé Shaelou / Stelia Stylianou / Karolina Anastasiou

Table of Literature 609

Table of Abbreviations 623