

The Law On Sales Agency And Credit Transactions

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Seminar paper from the year 2012 in the subject Law - Civil / Private / Law of Obligation / Property Law, grade: 72, Cardiff University (School of Law), course: LLB Module Sales of Goods and Agency, language: English, abstract: In this essay I will analyse the appropriateness of the reform of the law on the passing of property of a specific quantity of goods forming part of a bulk by measuring it against its objectives, examining how far it solves the problems of the old law and considering the inconsistencies which introduces into the Sales law. Firstly, the problems of the law before the reform and the reasons for the reform will be discussed. Secondly, the law introduced by the reform will be described; and thirdly, the solution offered by the reform and its interaction with the rules on passing of property and passing of risk will be critically analysed. The author will argue that while the reform seemingly successfully responds to all problems of the old law, after scrutiny it is clear that the reform suffers from inconsistency and immanent injustice and fails to provide the intended protection to the buyer. Until September 1995 where a buyer bought a specified quantity forming part of an identified bulk, i.e. 250 tons of wheat from a named ship carrying a cargo of 500 tons, he could not acquire property in the goods until the goods were ascertained. This was result of a mandatory rule in s. 16 which provided that "where there is a contract for the sale of unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained." The most

serious consequence of the mandatory rule in s. 16 was that the buyer did not acquire property in the goods even though he had paid for it and received a document purporting to be a document of title. If the seller became insolvent before the goods were ascertained, both the paid price and the goods in the bulk passed to the office-holder in insolvency for the benefit of secured cre
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 Originally published: 2nd ed. Boston: Little, Brown and company, 1853.

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 The Model Rules of Professional Conduct provides an up-to-date resource for information on legal ethics. Federal, state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule's purpose and provide suggestions for its practical application. The Rules will help you identify proper conduct in a variety of given situations, review those instances where discretionary action is possible, and define the nature of the relationship between you and your clients, colleagues and the courts.

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This new follow on work from An Outline of the Law of Agency provides a useful and accessible reminder of the principles of agency law for experienced practitioners as well as being of interest to students looking for an approachable text on this topic.

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