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The Law of Guarantees, sometimes also called the Law of Papal Guarantees (Italian: La Legge delle Guarentigie), was the name given to the law passed by the senate and chamber of the Italian parliament, 13 May, 1871, concerning the prerogatives of the Holy See, and the relations between State and Church in the Kingdom of Italy. It guaranteed sovereign prerogatives to the Roman Pontiff, who had ...

Law of Guarantees - Wikipedia

Law of Guarantees, (May 13, 1871), attempt by the Italian government to settle the question of its relationship with the pope, who had been deprived of his lands in central Italy in the process of national unification. The first section of the law sought to ensure the freedom of the pope to

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fulfill

Law of Guarantees | Italy [1871] | Britannica

Law of Guarantees covers the full range of legal issues that practitioners will encounter when dealing with the law and practice of guarantees and sureties. The authors provide detailed analysis of the statutory requirements and contractual considerations in relation to guarantees, combined with expert in-depth commentary on key judicial decisions.

Law of Guarantees | Banking & Financial Services

A name given to the law passed by the senate and chamber of the Italian parliament, 13 May, 1871, concerning the prerogatives of the Holy See, and the relations between State and

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Church in the Kingdom of Italy. The principal stipulations of the law may be summed up as follows: the pope's person to be sacred and inviolable;

CATHOLIC ENCYCLOPEDIA: Law of Guarantees

The new 7th edition of Law of Guarantees provides a comprehensive explanation of the law and practice of guarantees and suretyship. It covers everything required for work in this area, from analysis of definitions and the general contract requirements, through the elements and construction of a guarantee, to its enforcement.

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Law of Guarantees - Geraldine Mary Andrews, Richard ...

Guarantees tend to be more advantageous to the guarantor because they confer certain rights including: Right to indemnity. Once the guarantor pays the beneficiary under the terms of the guarantee, it has a right to claim... Right of set-off. Where the principal satisfies its obligations by way of ...

Guarantees and indemnities: a quick guide | Practical Law

A “contract of guarantee ” is a contract to perform the promise, or discharge the liability, of a third person in case of his default. The person who

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gives the guarantee is called the "surety";

Contract of Indemnity and Law of Guarantee

Common law England. In English law, a guarantee is a contract whereby the person (the guarantor) enters into an agreement to pay a... United States. In the United States, but not apparently elsewhere, there is a distinction between a surety and a... Other common law jurisdictions. In India a ...

Guarantee - Wikipedia

Warranties and guarantees add to your legal rights. Each one is different, but they tend to be useful if: something's gone wrong after the first 6 months and you want a repair or replacement - it's tricky to do this as you may have to prove you didn't

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cause the problem you bought an item abroad and the manufacturer is based in the UK

Claim using a warranty or guarantee - Citizens Advice

Law of Guarantees 10 January, 2012
Frequently cited in court, this text is the leading work on guarantees written by experts in their field; Millett and Andrews. A practitioner focused text examining the law and practice of guarantees and surety, it covers everything required for work in this area.

Law of Guarantees | Essex Court Chambers

EU law also stipulates that you must give the consumer a minimum 2-year guarantee (legal guarantee) as a protection against faulty goods, or

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goods that don't look or work as advertised. In some countries national law may require you to provide longer guarantees. After-sale responsibilities/faulty products

Consumer guarantees, warranties, claims and returns - Your ...

A thorough knowledge of the law and practice surrounding guarantees is essential for lawyers in all areas of commercial law, given the complex borrowing and finance requirements of modern industry and institutions. This is the 6th edition of the highly successful book on Guarantees by Geraldine Andrews QC and Richard Millett QC.

Law of Guarantees: Amazon.co.uk: Millett QC, Richard ...

In English law a guarantee is defined

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as “a promise to answer for the debt, default or miscarriage of another [6].” It is collateral engagement to be liable for the debt of another in case of his default. “Guarantee are usually taken to provide a second pocket to pay if the first should be empty [7].”

Contract Law in Guarantee

Agreements Application

Personal guarantee dictated by Articles 1925 – 1963 of the Maltese Civil Code still quite popular in local and international commerce. Part 2: Contract of Pledge Over the years, the contract of pledge has developed into a rather sophisticated guarantee mechanism in the case of intangible movables..

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The book provides the commercial lawyer with a detailed analysis of the various statutory and contractual

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requirements relating to the law of guarantees. It also examines the guarantor's liability and right against both creditors and debtors. A thorough knowledge of the law and practice surrounding guarantees is essential for lawyers in all areas of commercial law, given the complex borrowing and finance requirements of modern industry and institutions. This is the 6th edition of the highly successful book on Guarantees by Geraldine Andrews QC and Richard Millett QC. The book is considered the pre-eminent treatise on the subject of guarantees in the UK.

Navigating the law of guarantees is treacherous; the guarantee is subject to more litigation than any other

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financial instrument. In the wake of the credit crunch and much anticipated economic downturn, the use of court proceedings on and need to understand guarantees is set to increase. Salter's magnum opus tackles this tricky and uncertain area and provides the definitive practical explanation of the law on guarantees. Salter's approach gets to the core understanding of how the law can blend contract law principles with equitable doctrine, standard forms and statute. This book provides a practical explanation of the law of guarantees in modern commercial practice. Analysis of other instruments such as performance bonds and standby letters of credit, as well as guarantees in their international context, is included. The book also provides guidance on the drafting of various

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types of instrument and the practice and procedure for enforcement by the English courts.* Critically examines the effects of the most common standard form provisions which purport to extend or remove limits of creditors' rights against the surety* Discusses effect of insolvency on guarantees* Analyses rise in judicial protection for surety* Dissects wording of performance bonds* Gives hints on drafting* Analyses practice and procedure of courts in enforcing guarantees

This book is the first seriously comprehensive and practical treatment of guarantees under English law by a renowned authority on the subject.

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Bank Guarantees in International Trade is a comprehensive study of the legal and practical aspects and implications of independent (first demand) guarantees and standby letters of credit. It serves to broaden the understanding of the law on the

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subject of bank guarantees, while placing marked emphasis upon the practical implications and issues which can arise in the daily functioning of these legal instruments. The work comprises all reported case law from the Netherlands, Germany, France, the United Kingdom and Belgium. It also takes into account the law in certain other European countries and the United States and provides valuable insight into the governing law of bank guarantees in numerous regions, particularly within the Middle East and North Africa. Written from a transnational perspective, this book can be used in other jurisdictions. The texts of the 1992 ICC Uniform Rules for Demand Guarantees and the UNCITRAL Convention have been included.

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For decades, this remarkable book – now in its updated fourth edition – has served practitioners in international trade and banking law as a thorough ‘codification’ of the law and practice of bank guarantees. The new edition has been thoroughly revised, updated, and amended in the light of new developments in the law and changing patterns in practice. Bertrams uses case law, arbitral decisions, and legal writing from five European jurisdictions – The Netherlands, Germany, France, Belgium, and England – to build an analysis of how the practical applications of bank guarantees have established a pattern of law. The new edition takes into account all legal and arbitral decisions and relevant legal writing through 2012 from these countries, as well from other European countries and the United States.

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Written from a transnational perspective, Bank Guarantees in International Trade can be used in both civil and common law jurisdictions and it has been cited as an authoritative source of case law in several jurisdictions from each system. With reference throughout to the effect and significance of the Uniform Rules for Demand Guarantees (URDG) of the International Chamber of Commerce, International Standby Practices (ISP), and the UNCITRAL Convention on Independent Guarantees and Stand-by Letters of Credit, the author continuously elucidates the way guarantees function in actual practice and the numerous practical aspects and issues to which they give rise. The analysis covers the following subjects and much else: types of guarantee (tender,

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performance, maintenance, repayment, retention); payment mechanisms (first demand, third-party documents, arbitral or court decision); risks and negotiations, drafting and clauses; bank guarantees as a financial service, the bank's perspective; direct and indirect guarantees, counter-guarantees; formation, enforceability of expiry dates, assignment and transfer; demand for payment and the rule of strict compliance; fraud and restraining orders; applicable law and jurisdiction; reference to URDG 2010 revision and ISP98 throughout the text. In addition to his thorough coverage of law and legal writing, the author has drawn on intensive contacts with the banking community, construction firms, export credit insurance companies, and local lawyers. His insight into 'the daily life'

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of the world of independent (first demand) guarantees and the practices, difficulties, and peculiarities in a great number of countries and regions, including the Middle East and North Africa, cannot be matched in any other source. Bank guarantees can present major difficulties, and this book is the lawyer's best guide in any situation likely to arise. As a comprehensive study of the legal and practical aspects of bank guarantees and standby letters of credit, it offers practitioners in international trade law the most complete analysis of banking law in the field. In its wealth of practical detail, it is unlikely to be surpassed.

A refund guarantee is an essential component of almost every shipbuilding project, without which the

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buyer will be unwilling or unable to proceed. There is no standard form of refund guarantee in universal usage, and both the form and substance of refund guarantee instruments vary widely from case to case. The ambiguity or uncertainty of the meaning of refund guarantee instruments, against a backdrop of a sharp downturn in the shipping markets, has led to numerous disputes in recent years concerning refund guarantees, which have been the subject of a number of important decisions of the English Courts. This is the first English law text book dedicated to the subject of refund guarantees. It provides essential guidance as to the issues arising and the pitfalls to be avoided. It analyses the specimen form of guarantee annexed to Bimco's NEWBUILDCON

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form, and covers topics such as the circumstances in which the liability of the guarantor may be discharged, and when a builder may be entitled to obtain an injunction to restrain payment under a refund guarantee. It will be an essential and practical guide for those engaged in the shipbuilding industry, including shipbuilders, shipowners, banks and insurance companies, P&I clubs, and those advising them.

Familiarity with guarantees and how they function under various national jurisdictions are essential for principals, guarantors, and beneficiaries of international contracts. This enormously useful handbook provides a practical overview of the guarantee regimes in twenty-eight European countries, with country-by-

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country contributions from regional expert practitioners and academics. For easy comparison, each country report follows the same structure, from preliminary discussion on the provisions of a guarantee to its negotiation, drafting, and enforcement. Focusing on specific issues to consider at every stage, each chapter provides detailed information and guidance on such aspects as the following:

- . who can issue guarantees;
- . limitations as to the type of obligations which may be subject to a guarantee;
- . issues relating to the protection of the contracting parties;
- . formal requirements which need to be complied with;
- . stamp duties or other tax payable;
- . presence of implied terms;
- . legal framework applicable to joint and several obligations;
- . modification of the situation;
- .

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conditions for release and actions to be taken to ensure a valid release; . opening of bankruptcy proceedings against the principal; . court enforcement; and . incorporation of uniform rules. Each chapter includes references and model guarantee forms that readers can use to draft their own documents. Invaluable to corporate counsel and law firms with an international practice, this peerless handbook will prove the first order of business in trade negotiations across Europe, among European nations themselves as well as with their global partners.

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