CONTENTS

Selected Bibliography Table of Statutes Table of Cases		xix xxix lxxiii
	I INTRODUCTION	
1.	Definition, Nature and Scope of Private International Law	3
	1. Introduction	3
	2. Space and Time	5
	3. Scope of Private International Law	6
	4. Meaning of "Foreign Law"	8
	5. International Variety of Private International Law Rules	8
	6. Avoiding Conflicts	9
	7. The Name of the Subject	15
2.	Historical Development and Current Theories	17
	1. Development of English Private International Law	17
	2. Modern Theories and Developments	21
	II PRELIMINARY TOPICS	
3.	Classification	41
	1. Introduction	41
	2. Classification of the Cause of Action	42
	3. Classification of a Rule of Law	45
4.	The Incidental Question	51
	1. What is an Incidental Question?	51
	2. The Elements of an Incidental Question	52
	3. The Problem Illustrated	52
	4. A Way Forward	54
	5. Dépeçage	55
5.	Renvoi	57
	1. The Problem Stated	57
	2. Possible Solutions	58
	3. Scope of the Application of Renvoi	69
6.	Substance and Procedure	73
	1. Difference Between Substance and Procedure	73
	2. Particular Issues	77

7.	Th	e Proof of Foreign Law	105
	1.	Foreign Law: A Question of Fact	105
	2.	How Foreign Law Is Proved	108
	3.	Witnesses Who Can Prove Foreign Law	110
	4.	The Role of the Court	111
8.	Ex	clusion of Foreign Law	114
	1.	Foreign Revenue, Penal and Other Public Laws	115
	2.	Foreign Expropriatory Legislation	126
	3.	Foreign Laws Repugnant to English Public Policy	132
	4.	Mandatory Rules	143
9.	Do	omicile, Nationality and Residence	145
	1.	Introduction	145
	2.	General Rules	147
	3.	The Acquisition of a Domicile of Choice	148
	4.	Domicile of Origin and Domicile of Choice Contrasted	162
	5.	Domicile of Dependent Persons	165
	6.	Domicile of Married Women	168
	7.	Domicile and Nationality	170
	8.	Concepts of Residence	172
	I	II JURISDICTION, FOREIGN JUDGMENTS AND AWARDS	
10.	Ju	risdiction of the English Courts—An Introduction	187
	_	Jurisdiction Under the Brussels/Lugano System	187
		Jurisdiction Under the Modified Regulation	189
	3.	Jurisdiction Under the Traditional Rules	189
	4.	The Hague Convention on Choice of Court Agreements	190
11.	Jui	risdiction Under the Brussels/Lugano System	191
	1.	Introduction	191
	2.	History and Interpretation	191
	3.	The Brussels I Recast	198
	4.	The Brussels Convention	312
	5.	The Lugano Convention	313
	6.	The Hague Convention on Choice of Court Agreements	315
	7.		
		Regulation	317
12.	Th	e Competence of the English Courts Under—The Traditional Rules	323
	1.	Actions in Personam	323
	2.	Actions in Rem	382

13.	Sta	ys and the Management of Parallel Proceedings	391
	1.	Introduction	391
	2.	Stays of English Proceedings Under the Common Law	392
	3.	Restraining Foreign Proceedings Under the Common Law: The Anti-Suit Injunction	422
	4.	Parallel Proceedings Under the Brussels I Recast: Lis Pendens	
		and Related Actions	442
	5.	Stays of Proceedings Under the Brussels I Recast	459
	6.	Restraining Foreign Proceedings and the Brussels I Recast	475
14.	Lir	nitations on Jurisdiction	483
	1.	Introduction	483
	2.	Jurisdiction in Respect of Foreign Property	484
	3.	Jurisdiction Over the Parties	496
	4.	Statutory Limitations on Jurisdiction	518
15.	Recognition and Enforcement of Foreign Judgments and Arbitral Awards in England—An Introduction		
	_	The Effect Given to Foreign Judgments and Arbitral Awards	520
		The Different Regimes Governing Recognition and Enforcement of Foreign Judgments	521
	3.	Foreign Arbitral Awards	524
16.	Recognition and Enforcement of Foreign Judgments—The Traditional Rules		
	1.	Introduction	525 525
	2.	Recognition and Enforcement at Common Law	527
	3.	Direct Enforcement of Foreign Judgments by Statute	588
	4.	Inter-relation of the Common Law and Statutes	605
	5.	The Recast of the Brussels I Regulation	607
17.		cognition and Enforcement of Judgments Under	
,		Brussels/Lugano System	608
	1.	The Brussels I Recast	608
	2.	The EC/Denmark Agreement	652
	3.	The Brussels Convention	652
	4.	The Lugano Convention	653
	5.	The European Enforcement Order Regulation	656
	6.	The European Order for Payment Procedure Regulation	660
	7.	The European Small Claims Procedure Regulation	663
18.	Foreign Arbitral Awards		
	1.	Enforcement At Common Law	667
	2.	Enforcement Under the Civil Jurisdiction and Judgments Act 1982	669
	3.	Enforcement Under the Arbitration Act 1950	670

	4.	Enforcement Under the Arbitration Act 1996	670
	5.	Enforcement Under the Administration of Justice Act 1920 and the Foreign Judgments (Reciprocal Enforcement) Act 1933	677
	6.	Enforcement Under the Arbitration (International	
		Investment Disputes) Act 1966	677
		IV THE LAW OF OBLIGATIONS	
19.	Co	ontracts	681
	1.	Introduction	681
	2.	The Rome Convention	683
	3.	The Rome I Regulation	686
20.	No	on-Contractual Obligations	770
	1.	Introduction	770
	2.	The Rome II Regulation	780
	3.	Maritime Non-Contractual Obligations	875
	4.	Mixed Issues Relating to Non-Contractual Obligations and Contract	879
	5.	Non-Contractual Obligations Outside the Scope of the Rome II Regulation	883
		V FAMILY LAW	
21.	M	arriage and Other Adult Relationships	891
		The Meaning of "Marriage"	891
	2.	Formalities of Marriage	893
	3.	Capacity to Marry	909
	4.	Reform of General Rules	927
	5.	Polygamous Marriages	928
	6.	Same Sex Relationships: Civil Partnership and Same Sex Marriage	946
	7.	De Facto Cohabitation	949
22.	Ma	ntrimonial and Related Causes	951
	1.	Introduction	951
	2.	Polygamous Marriages and Matrimonial Relief	952
	3.	Divorce, Nullity and Judicial Separation	954
	4.	Presumption of Death and Dissolution of Marriage	1037
	5.	Dissolution, Nullity and Separation of Civil Partnerships	1039
	6.	Divorce, Nullity and Separation of Same Sex Marriages	1045
23.	De	clarations	1049
	1.	Introduction	1049
	2.	Family Law Act 1986, Part III	1050

3. Child Abduction and Custody Act 1985	1056
4. Civil Partnership Act 2004	1057
5. Marriage (Same Sex Couples) Act 2013	1057
6. Presumption of Death Act 2013	1058
Financial Relief	1059
1. Jurisdiction of the English Court	1059
2. Financial Relief After a Foreign Divorce/Dissolution, Annulment or Legal Separation	1071
3. Choice of Law	1078
4. Recognition and Enforcement of Foreign Orders	1078
1. Introduction	1087
2. Jurisdiction in Matters of Parental Responsibility	1089
3. Choice of Law	1125
4. Recognition and Enforcement	1126
5. Other Developments	1177
Cross-border Surrogacy	1179
1. Introduction	1179
2. UK Approach to Surrogacy	1183
3. Human Rights Considerations	1189
Legitimacy, Legitimation and Adoption	1193
1. Introduction	1193
2. Legitimacy	1194
3. Legitimation	1202
4. Adoption	1205
Mental Incapacity	
1. Introduction	1232
2. Mental Capacity Act 2005	1233
3. Cases Outside the Mental Capacity Act	1245
VI THE LAW OF PROPERTY	
The Distinction Between Movables and Immovables	1251
1. Introduction	1251
2. Classification by the Law of the Situs	1252
3. Some Examples	1252
4. Relevance of Distinction Between Realty and Personalty	1254
5. Distinction Between Tangible and Intangible Movables	1254
	 Civil Partnership Act 2004 Marriage (Same Sex Couples) Act 2013 Presumption of Death Act 2013 Financial Relief Jurisdiction of the English Court Financial Relief After a Foreign Divorce/Dissolution, Annulment or Legal Separation Choice of Law Recognition and Enforcement of Foreign Orders Children Introduction Jurisdiction in Matters of Parental Responsibility Choice of Law Recognition and Enforcement Other Developments Cross-border Surrogacy Introduction UK Approach to Surrogacy Human Rights Considerations Legitimacy, Legitimation and Adoption Introduction Legitimacy Legitimacy Legitimacy Introduction Mental Incapacity Introduction Mental Capacity Act 2005 Cases Outside the Mental Capacity Act VI THE LAW OF PROPERTY The Distinction Between Movables and Immovables Introduction Classification by the Law of the Situs Some Examples Relevance of Distinction Between Realty and Personalty

30.	Immovables	1255
	1. Jurisdiction	1255
	2. Choice of Law	1255
31.	The Transfer of Tangible Movables	1263
	1. Introduction	1263
	2. The Various Theories	1264
	3. The Modern Law	1267
32.	The Assignment of Intangible Movables	1280
	1. Introduction	1280
	2. Debts	1280
	3. Negotiable Instruments	1294
	4. Shares and Securities	1298
33.	Corporations	1306
	1. Domicile	1306
	2. Residence	1307
	3. Status and Capacity	1307
	4. Internal Management	1308
	5. Winding Up	1309
34.	Insolvency	1312
	1. Scope	1312
	2. Jurisdiction	1313
	3. Choice of Law	1319
	4. Recognition of Insolvency Proceedings	1323
	5. Groups of Companies and Their Members	1324
35.	Administration of Estates	1325
	1. Introduction	1325
	2. English Grants	1330
	3. Choice of Law	1333
	4. Foreign Administrators	1335
36.	Succession	1338
	1. Introduction	1338
	2. Movables	1339
	3. Immovables	1351
	4. European Harmonisation Concerning Succession and Wills	1358
	5. Powers of Appointment Exercised by Will	1359
37.	Matrimonial Property	1365
	1. Introduction	1365
	2. Assignment Where There is no Ante-nuptial Contract	1366

	3.	Assignment Where There is an Ante-nuptial Contract	1372
	4.	Matrimonial Property Rights and Divorce	1378
	5.	Property Rights Arising from Other Adult Relationships	1379
	6.	European Proposals for Reform	1380
38.	Trusts		1382
	1.	Introduction	1382
	2.	Preliminary Issues	1383
	3.	Choice of Law	1386
	4.	Recognition	1391
	5.	Mandatory Rules and Public Policy	1392
	6.	Variation of Trusts and Settlements	1393
Inde.	x		1397