

Abstract

Thesis Subject: The thesis is: The Legal Framework of Order Cheque Transfer of Property by Endorsement: A Comparative Study.

Contents: The thesis starts with a general introduction that presents the difficulties involved in undertaking this study, and the research methodology. The subsequent Chapter is a preliminary investigation, entitled "The Definition of Cheques; their Origins," that focuses on the historical beginnings of Cheque, and its purposes and functions in commercial life. The thesis also explores international conferences that led to the unification of commercial papers and the Law of Uniform Cheques, at the Geneva Conference in 1931. This law was adopted by governments worldwide, and served as a legal blueprint for legislation, including Palestine's Commercial Draft Law, that employed sections of the Geneva Law. The chapter also focuses on obligatory and non-obligatory commitments relating to Cheque.

The thesis proceeds to outline types of endorsement; nominal endorsement, blank endorsement, and holder endorsement. The section highlights overall endorsement, in its three types, endorsement transfer property; endorsement agency, and insured endorsement.

The thesis talks on the regulations of endorsement transfer property. The regulations focus on the endorser, endorsee, and the actual endorsement within legal frameworks. It continues with writing and signing as conditions for endorsement, and finally, non-obligatory commitments, that do not contradict the general system and ethics.

The thesis discusses the effects of endorsement and its legality.

The effects of endorsement are divulged in detail. These effects include the legal owner of the Cheque; the transfer of rights to the endorsee; the commitment of the endorsement through deposit; and the disinfection of

refutations. The thesis discusses analyzing partial, conditional, and agency-induced endorsement, among others in the thesis.

In this thesis, operational laws in Palestine are paid special attention, looking at the Draft Commercial Law in Palestine, in comparison to the Geneva Uniform Law (1931), the new Egyptian Commercial Law (No. 17, 1999), and others.

Main Conclusion: The Draft Commercial Law in Palestine will aim to unite all commercial legislation in the West Bank and Gaza Strip. Its introduction will nullify the current Israeli Military Commercial Directives and other applicable laws. Despite the fact that the Draft Commercial Law in Palestine fills the vacuum left by the currently applicable laws, the Law is not comprehensive, lacking key elements. For example, the Law explicitly legalizes the financial institution's role in standardizing cheques that was previously lacking in the West Bank.

Main Recommendation: There is an urgent need to review the articles of the Draft Commercial Law in Palestine, and add required articles that have been overlooked.