

CORPORATE ADMINISTRATIONS AND RESCUE PROCEDURES

SECOND EDITION

EDITED BY

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INTERNATIONAL ASSOCIATION
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, Creditor Treatment in Corporate Insolvency Law Kayode Akintola,2020-11-27 The significant role of credit in obtaining corporate capital means that credit and the treatment of creditors interests raises distinctive issues in the event of company insolvency In this book Kayode Akintola addresses these issues providing an exceptional in depth analysis of the principles policy and practice of creditor treatment in corporate insolvency law **Rescuing Companies in England and Germany** Reinhard Bork,2012-03-08 This book examines the circumstances under which a company needs restructuring and for which companies that would be possible given the nature of the corporation and the economic viability It discusses the criteria for judging whether a reorganization has been a success Bork considers the legal mechanisms involved in restructuring including the extent to which the law provides the rules for a moratorium and the rights creditors may exercise over the debtor s assets It also tackles the legal processes and how a reorganization can be commenced The book includes analysis of the role of management and the partners or shareholders and the extent to which either legal system assigns the decision making powers to the right persons It considers how each regime deals with the assets involved and whether there are rules to reverse payments made during the crisis and the possibility of a set off claim Other aspects considered include special rules for terminating or modifying disadvantageous contracts including contracts of employment and costs of restructuring procedures under given legal conditions Providing a thorough consideration of the extent to which English and German company law including the proposed changes to German law enhances or limits the prospects of businesses seeking to reorganize this work offers a valuable reference source for practitioners advising companies on where to base their restructuring and gives scholars further research material concerning the remaining issues in English and German restructuring law *The Law of Derivatives* Simon James,2014-06-03 This volume focuses on the legal risks arising in English law in the course of derivatives transactions It discusses the following issues the legal risks arising in the negotiation and conduct of derivatives transactions the regulation of the derivatives market the capacity to enter into derivatives transactions and the standard term upon which this is done the consequences of default by a counterparty and the standard terms on which derivatives are entered into particularly the ISDA Master Agreement **Defences in Tort** Andrew Dyson,James Goudkamp,Frederick Wilmot-Smith,2015-02-26 This book is the first in a series of essay collections on defences in private law It addresses defences to liability arising in tort The essays range from those adopting a primarily doctrinal approach to others that examine the law from a more theoretical or historical perspective Some essays focus on individual defences while some are concerned with the links between defences or with how defences relate to the structure of tort law as a whole A number of the essays also draw upon concepts and literature that have been developed mainly in relation to the criminal law and consider their application to tort law The essays make several original contributions to this complex important but neglected field of academic enquiry **Schemes of Arrangement** Jennifer Payne,2014-06-26 This book

examines schemes of arrangement which are an invaluable tool for reorganising companies capital **Die Unabhängigkeit des Insolvenzverwalters** Björn Laukemann, 2010 English summary The rules of conflicts of interest in the German Insolvency Act are challenged by competing interests due to the insolvency practitioner's ambitious profile of duties and qualifications as well as a constant increase in potential conflicts Björn Laukemann thus tries to find an optimized conflict resolution in insolvency proceedings Using comparative law and studying insolvency proceedings in England which are shaped by case law he shows how it is possible to make a judicious assessment of these conflicts This book was awarded the Serick Prize by the Rolf and Lucia Serick Stiftung in 2009 German description Das Unabhängigkeitsgebot der Insolvenzordnung steht im Spannungsfeld eines ambitionierten Aufgaben und Qualifikationsprofils des Verwalteramtes sowie einer steten Zunahme an Konfliktgefahren Björn Laukemann geht der Frage nach wie Konfliktbewältigung im Insolvenzverfahren optimiert werden konnte Durch eine rechtsvergleichende Vorgehensweise mit Schwerpunkt auf dem richterrechtlich geprägten englischen Insolvenzverfahren zeigt er Wege für eine differenzierte Bewertung verwalterlicher Konfliktlagen auf Im Zentrum steht dabei eine dogmatische Einordnung der Unabhängigkeit aus berufs- und verfahrensrechtlicher Perspektive Sie legt den Grund für eine Konfliktdisposition der Verfahrensbeteiligten Eine rechtstatsachliche Untersuchung zur richterlichen Entscheidungspraxis im Umgang mit befangenen Verwaltern rundet die Arbeit ab Das Buch wurde 2009 mit dem Serick Preis der Rolf und Lucia Serick Stiftung ausgezeichnet **Chambers Guide to the UK Legal Profession**, 2002 **Die**

Sicherungsfunktion der Floating Charge in Deutschland Fritz Kleweta, 2018-05-18 English summary In German legal literature the floating charge has been discussed mainly with regard to its all assets encompassing scope Its actual value for a secured party the right to appoint an administrator or administrative receiver has rarely been discussed Fritz Kleweta shows how the concept could be implemented in Germany German description Die Floating Charge des englischen Rechts ermöglicht es einem Sicherungsnehmer durch einen einfachen Vorgang das gesamte Vermögen einer englischen Limited im In und Ausland zu besichern Dabei gewährt sie ihm in der Insolvenz des Sicherungsgebers jedoch lediglich ein sehr eingeschränktes Vorrecht Daher greift die Kreditpraxis häufig nur im Hinblick auf solche Vermögensgegenstände auf die Floating Charge zurück die nicht ohnehin anderweitig erstrangig dinglich besichert werden können Der massgebliche Vorteil dieses Sicherungsmittels liegt dagegen in der Möglichkeit zur Bestellung eines Unternehmensverwalters Der Unternehmensverwalter ersetzt dabei weitgehend die Geschäftsführung und ist nicht an Weisungen der Gesellschafter gebunden Idealerweise führt er das Unternehmen zurück in die Profitabilität oder verwertet die Floating Charge wenn der turn around nicht mehr möglich scheint Fritz Kleweta analysiert die Möglichkeit einer Floating Charge über das Vermögen einer Limited die den Mittelpunkt ihrer hauptsächlichen Interessen in Deutschland hat CoMI und zeigt inwiefern ein Unternehmensverwalter auch in Deutschland eingesetzt werden konnte **Effektivität der Kontrollmechanismen gegenüber dem Unternehmensinsolvenzverwalter** Johannes N. Henke, 2009 English summary Cases of abuse and breach

of trust in insolvency proceedings increasing competition among insolvency practitioners the creditors relatively low participation in the proceedings as well as the increasing relocation of insolvency proceedings to other countries mainly to England are burning issues These facts have prompted Johannes Henke to study the effectiveness of control mechanisms applied to the corporate insolvency practitioners He analyzes German and English law with reference to the selection and the supervision of the corporate insolvency practitioner In his comparative study the author deals with the reform efforts of both legal systems and draws conclusions for improving the practice of insolvency law in Germany German description Missbrauchs und Untreuefälle in Insolvenzverfahren der steigende Wettbewerb unter Insolvenzverwaltern um das Verwalteramt die relativ geringe Verfahrenspartizipation seitens der Gläubiger sowie die zunehmende Verlagerung von Insolvenzverfahren in das Ausland vor allem nach England sind derzeit hochaktuelle Themen Johannes Henke nimmt dies zum Anlass für seine Untersuchung zur Effektivität der Kontrollmechanismen gegenüber dem Unternehmensinsolvenzverwalter Er beleuchtet die deutschen und die englischen Kontrollmechanismen gegenüber dem Unternehmensinsolvenzverwalter Dabei trennt er zwischen staatlicher und privater Auswahl und Verfahrenskontrolle Nach Darstellung der Rechtslage und der Reformvorhaben zieht der Autor in einem Rechtsvergleich Schlussfolgerungen für den gesetzgeberischen Anpassungsbedarf und für eine verbesserte deutsche Insolvenzrechtspraxis *Corporate & Business Law Journal* ,1995 **Chambers Guide to the Legal Profession** ,2001 **Current Publications in Legal and Related Fields** ,1994 **Insolvency of Banks** Fidelis Oditah,1996 Offers a dictionary of the English language as it has been interpreted in the courts and in statutory material This work defines almost every legal term or expression and provides definitions for drafting legislation contracts and other documents The definitions are cross referenced to the case of legislation in which they were considered *Gedekte Schuldverschreibungen in Deutschland und Großbritannien* Tobias Koppmann,2009-10-28 Die vorliegende Dissertation beschäftigt sich rechtsvergleichend mit dem Pfandbrief und dem UK covered bond Das Pfandbriefrecht wird darin nach seiner Neuordnung im Pfandbriefgesetz PfandBG im Jahr 2005 und Novellierung im Jahr 2009 in weiten Teilen handbuchartig dargestellt und den UK Regulated Covered Bond Regulations aus dem Jahr 2008 RCB Regulations 2008 auch unter Berücksichtigung und Darstellung der Auswirkungen der Finanzkrise gegenübergestellt Neben der Vertiefung des Verständnisses von gedeckten Schuldverschreibungen und der Fortbildung des nationalen Rechts soll mit dem vorliegenden Werk ein Beitrag zur Bewertung der Sicherheit und Vorteilhaftigkeit von gedeckten Schuldverschreibungen und zur Diskussion der Integration der EU Hypothekarkreditmärkte und insbesondere zur Refinanzierung des Hypothekarkredits mittels gedeckter Schuldverschreibungen geleistet werden *The Journal of Corporate Law Studies* ,2005 *The Northern Ireland Legal Quarterly* ,1996 **European Legal Book Index** ,1994 *The Journal of the Law Society of Scotland* ,1996 *The New Law Journal* ,2005

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