

# Modern Financial Regulation

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The Future of Financial Regulation  
Strategies of Financial Regulation  
European Financial Regulation  
Mergers, Acquisitions and International Financial Regulation  
US Financial Regulation and the Level Playing Field  
Regulating the Modern Financial Firm  
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modern financial regulation is a practical guide to the uk s financial services act 2012 this new legislation will bring about major structural and regulatory changes to financial services including abolition of the uk s financial services authority which is to be replaced with the financial

conduct authority and the prudential regulation authority introduction of light touch regulation to be replaced by far more robust regime of regulatory civil injunctive and criminal enforcement a new consumer focused investigative and prosecution authority that will regulate consumer markets a focus on principles based enforcement which mirrors the approach to consumer law of the consumer protection from unfair trading regulations the financial services act 2012 amends and consolidates various statutory provisions and dovetails with several discrete areas of financial regulation including money laundering insider trading and cartel offenses this new guide explains how all these various strands interlock and how the new approaches are likely to work in practice modern financial regulation will be essential reading for anyone who requires an understanding of the uk legal framework underpinning the financial services sector contents include an introduction and history of uk financial regulation an overview of new regulatory framework prudential regulation authority financial conduct authority money laundering payment services regulations e money cartels competition and insider dealing consumer credit

the future of financial regulation is an edited collection of papers presented at a major conference at the university of glasgow in spring 2009 co sponsored by the economic and social research council world economy and finance programme and the the australian research council governance research network it draws together a variety of different perspectives on the international financial crisis which began in august 2007 and later turned into a more widespread economic crisis following the collapse of lehman brothers in the autumn of 2008 spring 2009 was in many respects the nadir since valuations in financial markets had reached their low point and crisis management rather than regulatory reform was the main focus of attention the conference and book were deliberately framed as an attempt to re focus attention from the former to the latter the first part of the book focuses on the context of the crisis discussing the general characteristics of financial crises and the specific influences that were at work this time round the second part focuses more specifically on regulatory techniques and practices implicated in the crisis noting in particular an over reliance on the capacity of regulators and financial institutions to manage risk and on the capacity of markets to self correct the third part focuses on the role of governance and ethics in the crisis and in particular the need for a common ethical framework to underpin governance practices and to provide greater clarity in the design of accountability mechanisms the final part focuses on the trajectory of regulatory reform noting the considerable potential for change as a result of the role of the state in the rescue and recuperation of the financial system and stressing the need for fundamental re appraisal of business and regulatory models

this book analyses different strategies and their results in implementing financial regulation in terms of rule making public enforcement and private enforcement the analysis is based on a comparative study of conduct of business regulation on mis selling of financial instruments in the uk and south korea it extends into liquidity regulation in the banking sector and credit rating agency regulation the book concludes that in rule

making purposive rules are more effective for achieving regulatory goals with minimal undesirable results but a rule making system with purposive rules can only work on a foundation of trust among rule makers enforcers and the regulates that with respect to public enforcement the enforcement strategies should combine the compliance oriented and deterrence oriented approaches and be continuously adjusted based on close monitoring of the regulatory outcomes and that in private enforcement regulation should be instituted as the minimum requirement in private law

mirroring the long established structure of the financial industry eu financial regulation as we know it today approaches banking insurance and investment services separately and often divergently in recent decades however the clear separation between financial sectors has gradually evaporated as business lines have converged across sectors and fintech solutions have emerged which do not fit traditional sector boundaries as the contours of the traditional tripartition in the financial industry have faded the diverging regulatory and supervisory treatment of these sectors has become increasingly at odds with economic reality this book brings together insights developed by distinguished researchers and industry professionals in a series of articles analysing the main areas of eu financial regulation from a cross sectoral perspective for each specific research theme including prudential regulation corporate governance and conduct of business rules the similarities as well as gaps overlaps and unjustifiable differences between banking securities and insurance regulation are clearly presented and discussed this innovative research approach is aimed at informing lawmakers and policymakers on potential improvements to eu financial regulation whilst also supporting legal and compliance professionals applying the current framework or looking to streamline compliance processes

this is a much needed work in the financial literature and it is the first book ever to analyse the use of special purpose acquisition companies spacs from a theoretical and practical perspective by the end of 2020 more than 240 spacs were listed in the us on nasdaq or the nyse raising a record 83 billion the spac craze has been shaking the us for months mainly because of its simplicity a bunch of investors decides to buy shares at a fixed price in a company that initially has no assets in this way a spac also known as a blank check company is created as an empty shell with lots of money to spend on a corporate shopping spree could the trend be here to stay are spacs the new legitimate path to traditional ipo this book tackles those questions and more the author provides a thorough analysis of spacs including their legal framework and how they are used as a risk mitigation tool to structure transactions the main objectives of the book are focused on finding a working definition for spacs and theorising on their origins definition and evolution identifying the objectives of financial regulation within the context of the recent financial crisis 2007 2010 and the one that is currently unfolding covid 19 and also describing practical examples of spacs through a comparative study that for the first time outlines every major capital market on which spacs are listed in order to identify a possible international standard of

regulation the book is relevant to academics as well as policymakers international financial regulators corporate finance lawyers as well as to the financial industry tout court

what will deregulation and globalization of financial markets mean for the future of us financial regulation this book argues that the uniqueness of us regulation derives from its success in promoting four principles of competitive fairness that us players demand from financial markets the peculiar us notion of a level playing field provides a novel approach to understanding the evolution of us regulation including recent reform and to predicting us attitudes toward questions of global financial market supervision

this is the seventh edition of the leading work on transnational and comparative commercial financial and trade law covering a wide range of complex topics in the modern law of international commerce and finance as a guide for students and practitioners it has proven to be unrivalled the work is divided into three volumes each of which can be used independently or as part of the complete work volume 3 deals with financial products and financial services the structure and operation of banking and of the capital markets the role of modern commercial and investment banks and financial risk stability and regulation including the fallout from the 2008 financial crisis and the subsequent regulatory responses in the us and europe in sections on products and services the blockchain and its potential are noted in the payment system in the custodial holdings of investment securities and in the derivative markets a section on regulation critically reviews the need for macro prudential supervision and an independent macro prudential supervisor the role of resolution authorities the operation of the shadow banking system and the extraterritorial reach and international recognition of financial regulation all three volumes may be purchased separately or as part of a single set

at the height of the 1990s boom jack grubman one of the most successful analysts in wall street proclaimed what used to be conflicts of interest are now synergies this myopia contributed dramatically to the elevation of a culture in which greed was deified oversight denigrated and misfeasance justified since the fall of the markets and the implosion of confidence in the american corporate business model one man has proved instrumental in deconstructing the rhetoric of the 1990s eliot spitzer the combative attorney general of new york in the process his innovative application of state law has reconfigured the governance of wall street over the past three years the pursuit of transparency and accountability in the structure of the markets has propelled spitzer to the forefront of regulatory policy his investigations into tainted analyst research the mutual funds industry the governance of the new york stock exchange and the insurance industry have focused attention not just on corrupted individuals but also the complicity of the financial structure itself spitzer exploited the inherent conflicts of interest to the full

forcing regulators to adopt a much more proactive approach and creating a national platform for his own wider political ambitions now holding the democratic nomination for the governorship of new york spitzer has begun a path for higher national office this groundbreaking book features exclusive access with many of the key actors in these changes to the governance of wall street it examines how eliot spitzer exploited gaps in the regulatory framework to capture the corporate reform agenda and explores the implications of his actions on policy formation and recalibration key incidents include changing the terms of reference governing analyst research the defenestration of dick grasso s tenure over the nyse which is now being heard in state court in new york and the battles for control between the former chairman of the securities exchange commission harvey pitt and spitzer the book details not only the contested contingent and interdependent connections between the american political and financial systems but reveals how spitzer s manipulation of those connections have proved instrumental in enhancing his own wider political ambitions

brings economic regulation to life by tracing theoretical insights through to real world applications in eight essential regulated sectors

the author examines the theory and practice of government interventions in the financial sector of two newly industrializing countries brazil and south korea findings from this study help to explain the widespread use of such interventions despite the generally negative predictions of inefficiencies and general failure which derive from more prominent and traditional theories this work contributes a political economic exploration of how when and what kinds of financial regulations can be successful historical and institutional analysis of the use of capital controls credit controls and economic planning in brazil and the republic of korea illuminate the ways in which strategic use of specific financial controls facilitate these countries s efforts to industrialize rapidly and solve the problems of capital creation productivity preservation and disciplined management

united nations conference s on trade and development unctad s longstanding call for stronger international monetary system and financial governances rings true in today s crisis which is global and systemic in nature this report has been established by the unctad interdivisional task force on systemic issues and economic cooperation to examine the systemic dimension of the crisis and formulate proposals for policy action nationally and multilaterally it analyses a number of market failures and triggers some reflecting fundamental imbalances in the global economy and others specific to the functioning of sophisticated financial markets

the trade and development report 2009 subtitled responding to the global crisis climate change mitigation and development addresses the

main issues of global economic outlook and short term policy response to the financial and economic crisis international monetary reform to complement stricter financial regulation and climate change mitigation as a process of structural change the report analyzes global economic prospects within the framework of the current economic and financial crisis it also heeds the short term fiscal financial and monetary policies that were adopted in response to the impacts of the 2008 2009 crisis it also looks at the question of how increased efforts aimed at climate change mitigation can be combined with forward looking development strategies and rapid growth in developing countries

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