

Principles Of Corporate Insolvency Law

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Research Handbook on Corporate Restructuring
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The Anatomy of Corporate Insolvency Law
The Framework of Corporate Insolvency Law
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An Analysis of Theories, Objectives and Principles of Corporate Insolvency Law
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principles of insolvency law is widely regarded as the text on insolvency law professor sir roy goode s reputation as the doyen of commercial law has established a unique position for the work as a leading authority in the field the book provides a clear and concise treatment of the general philosophical principles underpinning insolvency law it works as an introduction to this complex area and as such it has a broad market ranging from students and newly qualified practitioners to barristers in court

vanessa finch provides an interesting look at corporate insolvency laws and processes she adopts an interdisciplinary approach to place two questions at the centre of her discussion are current uk laws and procedures efficient expert accountable and fair are fundamentally different conceptions of insolvency law needed for it to develop in a way that serves corporate and broader social ends topics considered in this wide ranging book include different ways of financing companies causes of corporate failure and prospects for designing rescue friendly processes also examined are alternative asset distribution of failed companies allocations of insolvency risks and effects of insolvency on a company s directors and employees finch argues that changes of approach are needed if insolvency law is to develop with coherence and purpose this book will appeal to academics and students at advanced undergraduate and graduate level and to legal practitioners throughout the common law world

with the increasing interdependence of global economies international relations are becoming a more complex system through this the growth of any economy is dependent upon the ease of business transactions however in recent times there has been a growing impact of corporate insolvency law corporate insolvency law and bankruptcy reforms in the global economy is an essential reference source that discusses the importance of insolvency laws in the financial architecture of emerging economies as well as its fundamental issues featuring research on topics such as business restructuring debt recovery and governance regulations this book is ideally designed for law students policymakers economists lawyers and business researchers seeking coverage on the jurisprudence and policy of corporate insolvency law in a globalized context

this volume analyses corporate insolvency law as a coherent whole stemming from common fundamental principles and amenable to being justified or criticised on that basis the author explains why consistency of principle must be sought and how it might be found in the relevant statutory and case law he then constructs an egalitarian theory for the analysis of corporate insolvency law based on the premise that all the parties affected by this law are to be treated as equals he argues that this theory can reconcile the dictates of fairness with the demands of economic efficiency the theory is employed to analyse some of the most important aspects of insolvency law why should the individualistic method of enforcing claims against solvent companies give way to a collective method during insolvency why are there different formal mechanisms for dealing with troubled companies what role does the pari passu principle play in the distribution of an insolvent company s assets the controversial issues of whether and when secured creditors should be accorded priority over others receive detailed consideration the functional role of the floating charge and its relationship with receivership are also analysed in this context the many questions relating to the operation of the new administration procedure introduced by the enterprise act 2002 are considered in the light of principle the book also analyses the role of the wrongful trading provisions it examines finally why insolvency law objects to certain transactions at an undervalue and those having a preferential effect this volume aims to enhance understanding of this important branch of the law and to suggest principled solutions to problems which have not yet received judicial attention

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 key features include an exploration of aspects of corporate insolvency law in need of reform an extensive examination of the rights and priorities of secured and unsecured creditors in english corporate insolvency law an analysis of the impacts of key legislative developments such as the insolvency england and wales rules 2016 and recent case law such as the supreme court decision in the lehman waterfall case a unique consideration of bank insolvency regimes in the context of creditor treatment creditor treatment in corporate insolvency law is a specialist guide for legal practitioners and members of the judiciary looking for a clear account of current law and practice in this field it is also a valuable doctrinal treatment of the law for scholars of corporate insolvency law and will be of interest to policymakers involved in debates about reforms to creditor treatment and secured transactions law

recent financial crisis and the global financial impacts of the covid 19 pandemic have brought renewed interest to the regulation and practice of corporate insolvency and restructuring modernisation of the insolvency profession and the regulation of its practitioners is a contemporary concern and recent years have seen significant reforms of insolvency law the success of such reforms can be enhanced through a clear understanding of difficulties faced by the insolvency profession in achieving successful restructuring and insolvency outcomes and through the determination of effective solutions to those difficulties however there is limited empirical data to inform the day to day practice of insolvency nor the difficulties experienced by insolvency practitioners in pursing insolvency and restructuring solutions this book addresses this absence of data and understanding examining the role and practice of corporate insolvency practitioners and exploring the challenges that they encounter offering an empirical study together with a comparative analysis of the experiences of practitioners around the world this book facilitates a greater understanding of corporate insolvency practice confronting a misunderstanding of and under confidence in corporate insolvency practitioners making it key reading for academics practitioners and regulators working in the area of corporate insolvency

this timely research handbook examines the increasingly economically vital topic of corporate restructuring reflecting a shift in the global approach to insolvency towards a focus on rescuing viable businesses rather than liquidation chapters consider all areas of the law closely connected to corporate insolvency rehabilitation and rescue as well as the introduction of the eu preventive restructuring directive and other reforms from around the world

bailey and groves corporate insolvency law and practice is a leading commentary on the substantive law of corporate insolvency and practical guidance on the various procedures arising in this important field written by recognised experts in the field it remains a user friendly text covering all aspects on corporate insolvency in one volume and is accessible to both legal and accountancy practitioners

this introductory work provides a complete account of the law of insolvency with reference to all of the major issues in insolvency practice such as rescue and restructure insolvency of corporate groups and cross border matters

this title provides invaluable guidance to all parties concerned with businesses in financial difficulties be they modestly sized enterprises mega corporations or indeed banks and insurers it is a comprehensive statement of the law regarding company insolvency and related aspects of receiverships examinerships and the winding up liquidation of companies key features comprehensive and up to date account of the entire corporate insolvency regime including the complex priorities and preferences among competing creditors focuses on examinerships receivers liquidations and the position of secured creditors an easy to understand reference that provides you with invaluable analysis and interpretation up to date and including all important case law and legislation contents creditors remedies debentures and charges compromise and reorganisations examinerships receiverships appointment and effects receivers powers and duties commencing insolvent liquidations effects of liquidations liquidators their powers and duties avoiding transactions imposing liability paying off debts and claims termination and aftermath of winding up priorities and preferences among creditors employment and insolvency the financial sector european and international aspects about the authors michael forde is a senior counsel hugh kennedy is a barrister daniel simms is a barrister

the insolvency of multinational corporate groups creates a compelling challenge to the commercial world as many medium and large sized companies are multinational companies with operations in different countries it is important to provide appropriate solutions for the insolvency of these key market players this book provides a comprehensive overview of the cross border insolvency theories practical solutions and regulatory solutions for the insolvency of multinational corporate groups whilst the book recognises certain merits of these solutions it also reveals the limitations and uncertainty caused by them an analysis of the provisions and tools relating to cross border insolvency of multinational corporate groups in the new eu regulation on insolvency proceedings 2015 the uncitral model law on cross border insolvency the directive on preventive restructuring frameworks and the bank recovery and resolution directive 2014 along with a study of directors duties are included in this book this book focuses on the insolvency and rescue of non financial corporate groups however it is also important to recognise the similarities and differences between corporate insolvency regimes and bank resolution regimes in particular lessons learnt from bank resolution practices may be useful for non financial corporate groups this book aims to provide an in depth examination of the existing solutions for the insolvency of multinational corporate groups it also aims to view cross border insolvency of corporate groups within a broad context where all relevant regimes and theories interact with each other therefore directors duties in the vicinity of insolvency preventive insolvency proceedings procedural consolidation international cooperative frameworks and bank resolution regimes are considered together this book may appeal to academics students and practitioners within the areas of corporate law cross border insolvency law and financial law

a new and substantially revised edition which looks critically at the broad effect and conceptual underpinnings of corporate insolvency law

insolvency law reform has become a subject of public urgency in many countries in the past two decades and particularly in much of asia over the last ten years this volume provides an overview of insolvency laws and related rules and procedures in the countries of east asia the book comprises two introductory chapters dealing with issues such as legal culture and cross border insolvency before examining the fourteen principal jurisdictions in the region each chapter addresses the key themes of different insolvency regimes such as the legal system and culture personal insolvency laws corporate insolvency rules court based schemes of arrangement winding up procedures liquidators enforcement and offences this title will be an invaluable guide to academics practitioners and policy makers working in the areas of comparative and commercial law

this paper explores insolvency and debt recovery procedures and political legal and institutional factors influencing financial decisions of corporations and banks during pre crisis years in six asian economies it also examines whether these factors may have contributed to the depth and duration of the 1997 crisis there are two key findings first bank behavior and other institutional factors and not the nature of stakeholder orientation seem to explain variations in capital structures and the depth of recessions across economies second aspects of insolvency procedures favoring rehabilitation of financially distressed firms seem to explain well the expected duration of the crisis

the anatomy of corporate insolvency law provides comparative analysis of how different jurisdictions treat critical legal devices and problems in doing so it facilitates cooperation between jurisdictions in lawmaking and explains how solutions adopted in one jurisdiction might be applicable in another

this book examines english corporate insolvency law in particular the procedures under the insolvency act 1986 from both conceptual and functional points of view it focuses on identifying either a rational explanation for the form that the rules and institutions of the modern law take or the history which has resulted in the present position

the classic text on corporate insolvency law providing a clear and comprehensive treatment of the fundamental principles underpinning insolvency law and long relied upon by practitioners and the courts in this work particular attention is paid to what assets are available for distribution on insolvency transactions vulnerable to being set aside and the liability of directors the core features of liquidation administration and administrative receivership schemes of arrangement and company voluntary arrangements are identified and explained with reference to practice and underlying policy this new edition has been thoroughly updated throughout

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