Cross-border Insolvency: UNCITRAL Model Law on Cross-border Insolvency and guide to enactment (1997) Schaw Miller and Bailey: Personal Insolvency - Law and Practice offers a full treatment of the law and procedure of bankruptcy and personal insolvency. This edition takes full account of legislative changes as well as developments in the case law. Commentary on the effect of bankruptcy on other areas of the law is included. Now in its fifth edition, this popular title continues to offer...
authoritative and practical guidance, including forms and precedents, on everything
lawyers or insolvency practitioners practising in the field are likely to need in their
day-to-day work.

Commentary on the European Insolvency Regulation This is the first volume in the
new Oxford International and Comparative Insolvency Law Series. The series will
provide a comparative analysis of all important aspects of insolvency proceedings
and domestic insolvency laws in the main economically developed and emerging
countries, starting with the opening of proceedings. This volume addresses the
commencement of insolvency proceedings over business debtors and the conditions
in which they may arise. It explains the types of proceedings available and the
participants involved. The book also analyses the effect of such action on the various
players, assets and liabilities concerned. The detail and uniform nature of the
treatment of topics helps practitioners to understand specific features of a foreign
legal system and effectively brief foreign counsel. For all readers, the book provides
access, through analysis in the detailed commentary, to material that was previously
only available in a foreign language. Most major legal families (including various
mixed legal systems) are covered to reflect the needs of the international insolvency
community and intergovernmental organizations. This is the only book that offers a
thorough comparative analysis of existing domestic insolvency laws concerning the
opening of insolvency proceedings in the main economically developed and
emerging countries.

The Law of Insolvency This publication provides a consolidation of Australian
corporate insolvency legislation as at 1 January 2021. Key Features - Amending Act
and legislative instrument details, including amending item numbers and the dates
on which the amendments come into force. - Modifications to the Corporations Act
2001 (Cth) by the Corporations Regulations 2001 (Cth) (as amended by the
Corporations and Other Legislation Amendment (Insolvency Law Reform)
Regulation 2016 (Cth)). - Application, savings and transitional provisions. -
Coverage of all ASIC insolvency approved forms. - Cross-references to ASIC
Regulatory Guides and legislative instruments. - Interactions between the
Corporations Act 2001 (Cth) and the Corporations (Stay on Enforcing Certain
Rights) Declaration 2018 (Cth). - Interactions between the Cross-Border Insolvency
Act 2008 (Cth) and the Cross-Border Insolvency Regulations 2008 (Cth). - Links
between the Corporations Act 2001 (Cth) and the Corporations Regulations 2001
(Cth). - Links between the Corporations Act 2001 (Cth) and the Insolvency Practice
Rules (Corporations) 2016 (Cth). - Commentary is included under various sections of
the Corporations Act 2001 (Cth) and Corporations Regulations 2001 (Cth).

Insolvency Legislation This book examines the effect of the adoption of the United
Nations Committee on International Trade Law (UNCITRAL) Model Law on Cross-
Border Insolvency in five common law jurisdictions, namely Australia, Canada, New
Zealand, the United Kingdom, and the United States of America. It examines how
each of those states has adopted, interpreted and applied the provisions of the
Model Law, and highlights the effects of inconsistencies by examining jurisprudence in each of these countries, specifically how the Model Law affects existing principles of recognition of insolvency proceedings. The book examines how the UNCITRAL Guide to enactment of the Model Law has affected the interpretation of each of its articles and, in turn, the courts’ ability to interpret and hence give effect to the purposes of the Model Law. It also considers the ability of courts to refer to amendments made to the Guide after enactment of the Model Law in a state, thereby questioning whether the current inconsistencies in interpretation can be overcome by UNCITRAL amending the Guide.

Corporate Insolvency Law This book provides the most detailed article-by-article commentary on the revised EC Regulation on Insolvency Proceedings (EIR), written by a group of experts drawn from several jurisdictions. The commentary is prefaced by an introductory chapter which provides an overview on scope and the key features of the EIR. This new commentary has been published in time to cover the long-awaited and much-debated revised Regulation which was finalized in 2015. The timing of publication will enable practitioners and scholars to equip themselves with a thorough understanding of the EIR ahead of full implementation in 2017. The article-by-article analysis has a multi-jurisdictional focus which reports and evaluates significant developments in the application of the Regulation across member states. This is a key new work for all those who advise on or research European insolvency law.

Transnational Commercial Law: International Instruments and Commentary "Cross-border insolvency is an increasingly topical issue and cross-border insolvency practice continues to develop rapidly. [This book] is an updated, enhanced edition covering the national implementation of the United Nations Commission on International Trade Law model law on cross-border insolvency. Written by specialists from each jurisdiction, this new edition provides an analysis of the local enactment and application of the model law in each of the jurisdictions concerned, alongside consideration of the relationship between the model law and any existing cross-border insolvency jurisprudence. Each chapter adopts essentially the same format for ease of reference, addressing key concepts such as the centre of main interests, court-to-court communication, enforcement of security interests and the protection of debtors and creditors. New to the fourth edition are chapters on Chile, Gibraltar and the Philippines with an expanded South African chapter to include the OHADA countries. This major new edition is an invaluable guide to the local application and comparative analysis of the model law for anyone dealing with cross-border insolvency issues."--

UNCITRAL Legislative Guide on Insolvency Law International Cooperation in Bankruptcy and Insolvency is published in cooperation with the International Insolvency Institute and the American College of Bankruptcy. The Honorable Bruce A. Markell, Dr. Bob Wessels and Prof. Jason Kilborn provide readers with invaluable insights into the origin, development and future of communication and cooperation in
cross-border insolvency cases between insolvency practitioners and the courts. The globalization of the world's economy has led to highly complex international aspects of financial reorganization and restructuring. This publication analyzes the structures, systems, and practices that have developed and are quickly emerging to coordinate and enhance international administrations.

Cross-border Insolvency The United Nations Commission on International Trade Law (UNCITRAL) Model Law on Cross-Border Insolvency aims to provide legal certainty and efficient administration of cross-border insolvencies. This volume covers national implementation of the UNCITRAL model law in 10 jurisdictions.

Cross-Border Protocols in Insolvencies of Multinational Enterprise Groups The ninth edition of Keay's Insolvency has come at a time when major insolvency reforms, foreshadowed in previous editions, have just been announced. While none of these has become law, the authors have introduced readers to the proposed changes and the considerable impact they will have on the operation of the law and the administration of insolvencies. These include the introduction of a safe harbour defence to insolvent trading, allowing more emphasis on informal restructuring, restrictions on counter-parties terminating contracts under "ipso facto" clauses, and allowing small companies to go through a streamlined liquidation process. The timing of these reforms, and their significance, is such that those studying and practicing in insolvency need to have an understanding of what is coming, which Keay will provide, even if by way of brief comment at various points throughout. Those reforms have confirmed the authors' continued and increased focus on corporate restructuring law and practice, including outside the context of formal insolvency, an on-going trend in Australia, and internationally. This edition also has new commentary on the roles and duties of lawyers acting in insolvency. PPS law and practice and further embedded in the commentary, along with cross-border insolvency, tax, banking and other related laws. The text has necessarily been updated with commentary on new and important case law, with an emphasis on decisions from the High Court and Courts of Appeals, or on decisions that add new perspectives on the law and practice. The authors have given greater emphasis to legal and insolvency practice - with references throughout to ASIC and AFSA regulatory guidance, Court rules, the ARITA Code, tax issues and forms. Useful tables have been added to explain the details in the text and each chapter now has a summary table of references to the particular parts of the legislation, regulatory guidance, and court rules. The book also cross-references to cases in the new case book, Insolvency Law - Commentary and Materials. Commentary on the statistical trends available from the October 2015 annual reports of the regulators, and other data, is explained, in particular in as far as they may support the law reform trends. The final chapter in the last edition of the text critically assessed Australia's insolvency regime. The authors stand by that commentary and have necessarily updated and added to it in light of the law reform announcements, remaining of the view that while the laws work well enough, the environment local and international environment in which they operate has significantly changed such that, while the
reforms are welcomed, a wholesale review of the regime in Australia is still needed.
The authors are pleased to see the recognition given to Australian insolvency law
and practice through the election of Mr Mark Robinson of PPB Advisory as President
of INSOL International in 2015, and of Professor Rosalind Mason, of Queensland
University of Technology (QUT), as Chair of INSOL Academics. Both have
contributed enormously to the development of the practice and law of insolvency
both in Australia and internationally. We are very pleased to have Mark Robinson
contribute a foreword to this edition of the book. Michael Murray remains a visiting
fellow at the Queensland University of Technology, and is now a Fellow of the
Australian Academy of Law, and continues to work in and contribute to the
development and thinking of insolvency and restructuring law, practice and policy.
Jason Harris is now an Associate Professor in Law at the University of Technology,
Sydney, and continues to teach and write extensively in the area, in particular in
corporate law and restructuring. Each brings his respective knowledge, experience
and thoughts to this important area of law and practice.

Recasting the Insolvency Regulation Maritime Cross-Border Insolvency is a
comprehensive comparative examination of both insolvency regimes (UNCITRAL
and EU) in shipping with reference to the main jurisdictions having adopted the
UNCITRAL regime, i.e. USA, UK, Greece.

Corporate Insolvency Legislation 2021 Insolvency Legislation: Annotations and
Commentary provides practical guidance on the key UK primary and secondary
insolvency legislation. In addition to the complete texts of the Insolvency Act 1986
(as amended), the Insolvency Act 2000, the EC Regulation on Insolvency
Proceedings 2000, the Cross-Border Insolvency Regulations 2006 with the
UNCITRAL Model Law, the Enterprise Act 2002 and the Insolvency Rules 1986 (as
amended), readers are provided with a detailed analysis on the statutory provisions
within a single, portable volume. Combining the experience and knowledge of an
established practitioner and a leading academic in the field, Insolvency Legislation:
Annotations and Commentary provides detailed commentary under headings
including general observations, terminology or specific wording, practical issues,
and procedure. The text supplies a succinct practical discussion of relevant
insolvency provisions and case law. It has been written specifically for the purpose of
assisting not only in the identification of the key legal principles, but also in
facilitating practical problem solving. This second edition has been indexed and
tabled to page for ease and speed of reference.

International Cooperation in Bankruptcy and Insolvency Matters This successful
textbook remains the only offering for students of European company law, and has
been fully updated.

European Insolvency Regulation Cross-Border Insolvency Law in Australia engages
with several current multi-billion dollar insolvencies such as those of Nortel Networks
and Lehman Brothers to provide the reader with state of the art knowledge of the
complex problems posed by transnational insolvency. As the number of transnational insolvencies grows due to prevailing economic conditions, practitioners are increasingly required to navigate the mass of legal rules applicable to cross-border insolvency situations. The associated challenges are heightened by the diversity of legal structures employed by modern business entities and a patchwork of costly, inefficient, and unpredictable national legal rules. The response has been a proliferation of international legal instruments such as the UNCITRAL Model Law, supra-national rules such as the EU Insolvency Regulation, and judicial practice, adding further layers of complexity. Writing from an Australian perspective, the authors analyse this network of legal rules and subsequent case law. In addition, they explain the theoretical underpinnings of these rules in an accessible manner to build a solid foundation for practice, facilitate advanced reasoning, and enable the development of sophisticated arguments for law reform. Comparative case law from jurisdictions such as the United States and United Kingdom is also included. This book is highly relevant to insolvency practitioners faced with the recovery of assets transnationally, transactional lawyers for whom knowledge of potential insolvency pitfalls is essential, and academics. It is invaluable for students at both undergraduate and postgraduate level seeking a sound understanding of this challenging area of law. Features oÂeo Provides a concise theoretical account of international insolvency to develop clear understanding of the concepts underpinning the cross-border insolvency practice oÂeo Includes a comparative overview of key international developments and case law oÂeo Highlights key trends in practice to ensure practitioners remain current oÂeo Offers innovative arguments and approaches to this complex area of law Related Titles Assaf, Shields & Kincaid, Voidable Transactions in Company Insolvency, 2014 Brown, Symes & Wellard, Australian Insolvency Law: Cases & Materials, 2015 Rodrigo, Demand Guarantees: Operation, Enforcement and the Autonomy Principle, 2015 Symes, Australian Insolvency Law, 3rd ed, 2015

UNCITRAL Model Law on Cross-border Insolvency with Guide to Enactment and Interpretation This book covers the pressing issues of cross-border cases involving admiralty and bankruptcy law. For example, what should happen when a shipowner files an insolvency proceeding in one country, while at the same time facing an in rem action against its vessel in another country? Should the in rem action arising in one country be stayed or dismissed because of the existence of insolvency proceedings in another country? The book discusses the relevant issues regarding the treatment of maritime creditors throughout insolvency proceedings, the determination of the 'centre of main interest' of an offshore shipping company, and the scope of a debtor's assets. The author uses a comparative law analysis, selecting four leading shipping countries – Australia, the UK, the US, and Singapore – and examines their approaches to the above three problems when applying the UNCITRAL Model Law regime. The book also proposes a solution to help eliminate the ambiguity arising from maritime cross-border insolvency cases under the UNCITRAL Model Law regime, with a view to enhancing the development of the shipping industry.
Moss, Fletcher and Isaacs on the EU Regulation on Insolvency Proceedings Cross-Border Insolvency, 4th edition provides a comprehensive and up to date consideration of the topic of cross border insolvency. Written in a clear and accessible manner it guides the user seamlessly through this complex area of law. The coverage of the book is divided into two parts. The first part describes the key cross-border insolvency regimes including the EC Insolvency Regulation, the UNCITRAL Model Law on Cross-Border Insolvency, section 426 of the Insolvency Act 1986, and the common law. The second part focuses on specific issues in more detail, such as the court's insolvency jurisdiction, ancillary winding-up, enforcement of foreign insolvency judgments, foreign discharge of debts and insolvency set-off. The fourth edition gives full analysis of the fundamental changes to cross border insolvency law and practice in England including: The impact of the Supreme Court decision in Rubin v Eurofinance; The revised UK Insolvency Rules; Proposals for revision of the EC Insolvency Regulation; Scope of section 426 – HSBC v Tambrook Jersey; Developments in offshore jurisdictions: Primeo Fund and Saad Investments (Cayman), Re C (BVI); Kelmsley v Barclays Bank PLC. Previous print edition ISBN: 9781845921040

Cross-Border Insolvency Law "This book offers an empirically grounded theory that reframes the study of law and society from a predominantly national context, which dichotomizes the study of international law and national compliance into a dynamic perspective that places national, international, and transnational lawmaking and practice within a coherent single frame. By presenting and elaborating on a new concept, transnational legal orders it offers an original approach to the emergence of legal orders beyond nation-states. It shows how they originate, where they compete and cooperate, and how they settle on institutions that legally order fundamental economic and social behaviors that transcend national borders. This original theory is applied and developed by distinguished scholars from North America and Europe in business law, regulatory law and human rights"--

Personal Insolvency This practical book provides complete analysis of the revised EU Regulation on Insolvency Proceedings (EIR), the main Regulation on cross-border insolvencies in the EU. This is an essential work for anyone who requires knowledge of insolvency law in the UK or in any of the other 26 EU countries to which the Regulation is directly applicable. Timed to take into account the final amended version of the EIR, this third edition of the leading work contains detailed analysis and opinion on the effect of the changes to Regulation in practice. It also considers the numerous ECJ and relevant national cases which have been decided since the last edition. As in previous editions the work is organized thematically with chapters considering jurisdiction, choice of law rules, enforcement, security, and financial services. Chapter 8 provides an article-by-article commentary of the Regulation itself. This is the leading work on the subject in English and has been cited by numerous courts in the EU, including the Advocate General of the European Court of Justice in the Eurofood case and by the appellate courts of Austria in Re: Stojevic. It is a must-have reference work for lawyers advising on insolvencies with
an international element and provides valuable resource in the run up to implementation of the amended Regulation in 2017.

Wilkinson’s Road Traffic Offences We live in an age of economic turmoil. The recent crises emphasize the need for modern, sophisticated rules to govern businesses in financial distress in order to realize value from distressed companies and to protect economic institutions. This book provides information for legislators, policymakers, lawyers, accountants, academics, and administrators who seek to understand the workings of insolvency laws. Guided by the World Bank’s Principles and Guidelines, it supplements the work in this field done by UNCITRAL.

Cross-Border Insolvency After many years of negotiations among Member States, a uniform set of private international law rules has been established to determine the conduct of cross-border insolvency proceedings within the European Community. This is the European Insolvency Regulation of May 2000. Although each state still retains its own insolvency law, the regulation greatly reduces the risk of opportunistic behaviour by providing certainty as to which European courts have jurisdiction to open insolvency proceedings and which state’s laws apply, in addition to ensuring the cross-border effectiveness within the EU of the decisions handed down by those courts. This in-depth commentary offers practitioners in international business transactions and litigation a definitive guide to the workings of the Insolvency Regulation. The authors—one of whom co-wrote the official explanatory report on the 1995 Convention on Insolvency Proceedings, a report that still plays a fundamental hermeneutic role—leave no stone unturned in their probing analysis, which explains in detail such elements as the following: relationship with other community legal instruments and international conventions; territorial scope; substantive scope; third-party rights in rem and reservation of title; set-off; contracts relating to immovable property; employment contracts and relationships; payment systems and financial markets; community patents and trademarks; publication and registration; lodgement of claims; and special considerations affecting credit institutions and insurance undertakings. Company lawyers handling insolvency cases and issues will find nothing comparable to this expert work. Its direct practical usefulness is immediately apparent. In addition, however, it stands out as a preeminent work on a critical and hard-won legal instrument (and by extension on the entire field of European insolvency law) and as such is an essential resource for jurists and legal academics.

Maritime Cross-Border Insolvency This book provides an analysis and comparison of international insolvency rules, maritime laws and their inevitable intersection in maritime cross-border insolvencies. Until today, the on-going shipping crisis resulted in the insolvency of numerous shipping companies all over the world. The tensions arising between the legal systems of maritime and insolvency law, paired with conflicts of law in maritime insolvencies, are a major source of legal uncertainty and risk. In 2010, the Comité Maritime International installed an international working group on international maritime insolvencies and until today it is work in progress.
This book gives an overview on maritime insolvencies, with a focus on Germany, England & Wales and the USA, and assesses the chances of achieving meaningful harmonization in the complex scenarios, where ships as mobile assets add a further complication to international insolvency proceedings.

Company Directors Disqualification Act 1986, UNCITRAL Model Law on Cross-Border Insolvency, Cross-Border Insolvency Regulations 2006, selected statutes and statutory instruments Recent insolvency cases highlight the growing importance of cross-border insolvency matters in international transactions. In order to obtain relevant information essential for conduct in such transactions, an insolvency lawyer needs to have access to the many relevant instruments that have been introduced and implemented in recent years, but that until now have not been available in any single place. This very useful volume collects, for the second time in one source, all important international and regional legal instruments relating to insolvency of companies and consumers, as well as to corporate rescue law. The book includes international and regional conventions, model laws, EU regulations and directives, and guiding principles produced by various international bodies (such as the World Bank, the United Nations Committee on International Trade Law ('UNCITRAL'), the American Law Institute, INSOL International, and INSOL Europe), and international and European restatements of insolvency law by scholars. In addition to reproducing the complete texts of these instruments, the editors provide insightful commentary covering such important matters as the following: • key issues of each text; • expected amendments and revisions; and • comparative analysis of instruments. A unique resource bringing together core material in the field of cross-border insolvency law and legislation, this book will be welcomed by international insolvency practitioners worldwide.

Insolvency in Private International Law Your One-Stop Guide This new two-volume looseleaf set provides international & comparative analysis of commercial insolvency law for over forty countries! It is an essential hands-on guide to the law & practice governing insolvencies, bankruptcies, workouts, winding ups, etc. in major jurisdictions of the world. A Step-by-Step Roadmap Following a uniform outline for each country, the set provides a handy & easy-to-use roadmap to help you navigate the complicated territory of bankruptcy treaties, statutes, rules, & case law. For each country, you get essential information on creditor rights, officer & director liability, courts & jurisdiction, types of insolvency proceedings, initiation of proceedings, claims, discharge, dismissal & much, much more! Commentary Includes Essential Information On: * Receivers * Winding Ups * Workouts * Currency Exchange * Administration Orders * Conflicts of Law * Consolidation & Pooling of Assets * International Judicial Assistance * Liability of Shareholders, Trustees & Guarantors * Recognition of Foreign Judgments & Arbitral Awards * Reservation of Title Countries Covered Include: * Argentina * Australia * Bahamas * Bermuda * Brazil * Canada * China (PRC) * Colombia * Czech Republic * Denmark * Egypt * England * France * Germany * Hong Kong * Hungary * India * Ireland * Israel * Italy * Japan * Jersey * Korea * Liechtenstein * Malaysia * Mexico * Netherlands * New Zealand * Norway *
Transnational Legal Orders This third edition of one of the leading textbooks on world trade law offers what is, in a number of ways, a unique perspective on this important subject. Combining the best aspects of both casebook and treatise, this comprehensive textbook provides detailed explanations and analysis of the law to help understand the issues as well as case extracts to offer a flavour of the judicial reasoning of trade adjudicators. Moreover, the book is truly global in outlook, being equally useful for students of international trade law in the UK, Europe, the US, Asia and elsewhere around the world. This updated edition includes in-depth discussions of the most recent developments in international trade jurisprudence, setting out important precedents that help establish the boundaries between global trade rules and domestic national autonomy. In this era, when political developments place even more importance on international trade, it will be essential reading for all students, scholars and practitioners in the field.

Maritime Cross-Border Insolvency This book comprises contributions relating to the Insolvency Regulation Recast, which recently entered into force. The authors analyse the changes introduced and give their views on the improvements that are thereby achieved. In other words, they assess to what extent the amendments have mitigated the disadvantages of the previous Insolvency Regulation. Three of the chapters concentrate on the issues pertaining to jurisdiction, such as the problem of forum shopping by re-locating the debtor’s centre of main interests. Furthermore, the extent to which the parties have the freedom to contract within the framework of the Insolvency Regulation Recast is discussed. Also, the relevance and consequences of recent developments in corporate law for the current cross-border insolvency framework, as well as the jurisdictional issues concerning approval requirements are amongst the matters addressed. Aside from the jurisdictional matters, the question of the law applicable to so-called ‘avoidance actions’ is analysed and cross-border cooperation between national authorities in the field of insolvency is touched upon. To conclude, this book covers a range of specific and intriguing topics brought up by the Insolvency Regulations Recast. This third volume in the Short Studies in Private International Law Series is primarily aimed at legal academics dealing with cross-border insolvency, but it will also prove useful to insolvency judges and practitioners, as well as those specialised in financial and fiscal law. Finally, advanced students as well as those with a general interest in insolvency law will also find it of added value.

Vesna Lazić is Senior Researcher at the T.M.C. Asser Institute and Associate Professor of Private Law at Utrecht University in The Netherlands. Steven Stuij is an expert in private international law and PhD Candidate at the Erasmus School of Law, Rotterdam.
Member States. This article-by-article commentary on Regulation (EU) 2015/848 provides expert guidance through the entire course of insolvency proceedings, clearly showing how to solve specific problems that arise in insolvency cases with a cross-border element, including aspects such as jurisdiction, applicable law, recognition and enforceability of judgments and coordination of group of companies’ insolvencies. For any party instituting an insolvency proceeding in an EU Member State, the commentary provides such detailed guidance as the following: identifying the appropriate internationally competent court for filing; terms pursuant to which a judgment can be recognised; duties of an insolvency practitioner (IP); IP’s authority in the territory of another state; IP’s obligations towards creditors in another state; rights of foreign creditors; admissibility of conducting secondary insolvency proceedings; conducting simultaneous insolvency proceedings against the same debtor; permissible forms of contact and cooperation between judges and parties to the proceedings; and conducting proceedings involving a group of companies. An important feature of the commentary highlights the standpoints of lawyers from Central and Eastern Europe, where the commercial judiciary operates in a distinctly different way from that in countries with a well-established market economy system. Interpretation of provisions of the Regulation by lawyers from this part of Europe enhances the scope of legal argument both in the economic sphere and in the sphere of justice. With its detailed and in-depth description of international jurisdiction, recognition, and universal and territorial effects of insolvency proceedings, this practical book will be welcomed by counsel to business persons conducting international activity, trustees in bankruptcy, tax advisers, court enforcement officers, academics dealing with insolvency law, banks dealing with the collection of receivables, and debt collection companies. In addition, as a contribution to the debate on the optimal model for the international consequences of insolvency proceedings, its discussion of issues related to national jurisdiction, bankruptcy and restructuring of groups of companies, and international judicial cooperation will be particularly valuable for researchers.

EU Banking and Insurance Insolvency The Model Law on Recognition and Enforcement of Insolvency-Related Judgments (MLIJI) is designed to provide States with a simple, straightforward and harmonized procedure for recognition and enforcement of insolvency-related judgments and complements the UNCITRAL Model Law on Cross-Border Insolvency to further assist the conduct of cross-border insolvency proceedings.

Cross-Border Insolvency Law This set deals with the problems generated by those cases of insolvency (either of an individual or of a company) where the presence of contacts with more than one system of law brings into operation the principles and methods of private international law (also known as conflict of laws). Part I of the main work is mainly devoted to an examination of the body of rules and practice that has evolved in England during the course of the past two-and-a-half centuries, and surveys the current state of the law derived from a blend of statutory and case authorities. Contrasting approaches under a selection of foreign systems --
principally Australia, Canada, France and the USA -- are examined by way of comparison. There are up-to-date accounts of the circumstances under which insolvency proceedings can be opened in respect of debtors which are not primarily based in England, and of the grounds on which English courts will recognize foreign insolvency proceedings and give assistance to the foreign representative of the debtor's estate. Part II of the main work explores the progress towards the creation of international arrangements to co-ordinate and rationalize the conduct of insolvency proceedings which have cross-border features, particularly where the debtor is capable of being subjected to concurrent proceedings in two or more jurisdictions. Central to the developments described in detail in this Part are the EC Regulation on Insolvency Proceedings and the UNCITRAL Model Law on Cross-Border Insolvency. This set includes the supplement to the second edition, which covers key developments in case law and legislation in the subject up to October 2006, and is an essential purchase for all who have already bought the main work. It includes the full text of the Cross-Border Insolvency Regulations 2006, along with commentary on the regulations. The supplement also includes the text of Council Regulation 694/2006, amending EC Regulation 1346/2000 on insolvency proceedings, and references to key developments in case law, including Eurofood IFSC Ltd, Daisytek ISA, and Cambridge Gas Transport Corp v Official Committee of Unsecured Creditors of Navigator Holdings plc. The commentary on case developments links back to the relevant paragraph in the main work. New to this Edition: · New supplement updating the second edition with commentary on recent developments, to October 2006 · Major recasting of chapter 6 (formerly dealing with the (by then) dormant EC Convention on Insolvency Proceedings) now giving an account of the EC Regulation on Insolvency Proceedings, in force since 31 May 02 · Adjustments throughout the book to explain the impact of the Regulation on other aspects of law and practice · Full account is taken of statutory and case law developments since 1998 · There is a new chapter assessing other international developments since 1998 including the ALI Transnational Insolvency Project; the World Bank Principles and Guidelines; and the UNCITRAL Legislative Guide on Insolvency Law (completed 2004)

Cross-Border Insolvency Written by specialists from each jurisdiction, this new edition provides an in-depth, article-by-article analysis of the local enactment and application of the model law in each of the jurisdictions concerned, alongside consideration of the relationship between the model law and any existing cross-border insolvency jurisprudence. Each chapter adopts the same format for ease of reference, addressing key concepts such as the centre of main interests, court-to-court communication, enforcement of security interests and the protection of debtors and creditors.

European Insolvency Regulation "The new European Insolvency Regulation (Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings) has come into effect on 26 June 2017 for insolvency proceedings that are opened on or after that date. The Recast Regulation
reforms the EC Regulation (1346/2000) on insolvency proceedings. The main changes of the Regulation are: The extension of its application to preventive insolvency proceedings; The creation of publicly accessible online insolvency registers; The possibility of avoiding the opening of multiple proceedings and preventing 'forum shopping'; The introduction of new procedures with the aim of facilitating cross-border coordination and cooperation between multiple insolvency proceedings in different Member States relating to members of the same group of companies. In this book a team of experienced insolvency law experts, among them judges, insolvency practitioners and academics, analyse the European Insolvency Regulation article by article. The authors focus on the new provisions and mechanisms as well as on the existing, and to a great extent still relevant, case law by the European Court of Justice and courts of the Member States.”--Bloomsbury Publishing.

A Global View of Business Insolvency Systems 'Wilkinson's Road Traffic Offences' is the definitive authority on road traffic offences in England and Wales. Providing in-depth analysis, it covers every facet of road traffic law the practitioner is likely to encounter.

Commencement of Insolvency Proceedings UNCITRAL model law on cross-border insolvency -- Guide to enactment and interpretation of the UNCITRAL model law on cross-border insolvency -- General assembly resolution 52/158 of 15 december 1997 -- decision of the united nations commission on international trade law

Cross-border Insolvency

World Trade Law Transnational commercial law represents the outcome of work undertaken to harmonize national laws affecting domestic and cross-border transactions and is upheld by a diverse spectrum of instruments. Now in its second edition, this authoritative work brings together the major instruments in this field, dividing them into thirteen groups: Treaty Law, Contracts, Electronic Commerce, International Sales, Agency and Distribution, International Credit Transfers and Bank Payment Undertakings, International Secured Transactions, Cross-Border Insolvency, Securities Custody, Clearing and Settlement and Securities Collateral, Conflict of Laws, Civil Procedure, Commercial Arbitration, and a new section on Carriage of Goods. Each group of instruments is preceded by linking text which provides important context by identifying the key instruments in each group, discussing their purposes and relationships, and explaining the major provisions of each instrument, thus setting them in their commercial context. This volume is unique in providing the full text of international conventions, including the preamble - which is important for interpretation - and the final clauses and any annexes. In addition, each instrument is accompanied by a complete list of dates of signature and ratification by all contracting states, all easily navigated through the detailed tables of contents which precedes it. This fully-indexed work provides an indispensable guide for the practitioner or academic to the primary transnational
Cash Pooling and Insolvency Cross-border insolvency protocols play a critical role in facilitating the efficient resolution of complex international corporate insolvencies. This book constitutes the first in-depth study of the use of insolvency protocols, enriching existing knowledge about them and serving as a comprehensive introduction to their application in the context of multinational enterprise group insolvency. It traces the rise of insolvency protocols and discusses their legal basis, contents, effects, major characteristics and limitations.

Uncitral Model Law on Recognition and Enforcement of Insolvency-Related Judgments with Guide to Enactment

Maritime Cross-Border Insolvency under the UNCITRAL Model Law Regime This book focuses on the obligations regarding management of an enterprise when it faces imminent insolvency or insolvency becomes unavoidable. The aim of imposing such obligations, which become enforceable once insolvency proceedings commence, is to protect the legitimate interests of creditors and other stakeholders and encourage timely action to address financial distress and minimize its effects. This publication addresses the key elements of provisions imposing such obligations, as well as the nature of the obligations, the time at which the obligations should arise, the persons to whom the obligations would attach, liability for breach of the obligations and enforcement of those obligations, specifically applicable defences, remedies, the persons who may bring an action to enforce the obligations and how those actions might be funded.

The European Insolvency Regulation This new edition of Corporate Insolvency Law builds on the unique and influential analytical framework established in previous editions - which outlines the values to be served by insolvency law and the need for it to further corporate as well as broader social ends. Examining insolvency law in the fast-evolving commercial world, the third edition covers the host of new laws, policies and practices that have emerged in response to the fresh corporate and financial environments of the post-2008 crisis era. This third edition includes a new chapter on the growing issue of cross border insolvency and deals with a host of recent developments, notably; the consolidation of the rescue culture in the UK, the rise of the pre-packaged administration, and the substantial replacement of administrative receivership with administration. Suitable for advanced undergraduate and graduate students, professionals and academics, Corporate Insolvency Law offers an organised basis for rising to the challenges of an ever-shifting area of the law.

Practitioner's Guide to Cross-border Insolvencies Following the chaotic effects of the global financial crisis on European financial markets, the legislative regime introduced by the European Union (EU) represents a dramatic new approach to bank insolvency law, and will have a profound effect on the way banks function. The
second edition of EU Banking and Insurance Insolvency evaluates these important developments and their implications for the Eurozone countries. A comprehensive general introduction sets out the EU insolvency law framework and the principles which govern financial institutions. The book provides detailed commentary on the Bank Recovery and Resolution Directive (BRRD) and Single Resolution Mechanism Regulation (SRMR), the legislative instruments central to the EU's response to the crisis, intended to harmonize Member States law. It considers the new powers given to government authorities under the BRRD to write down shares and debt instruments issued by banks, and the function of the newly created 'Single Resolution Board'. Commentary on the Winding-Up Directive (2001/24/EC) and the Insurance Insolvency Directive (2001/17/EC) discusses the significant changes these statutes have undergone as a consequence of the adoption of the BRRD and SRMR, as well as several high-profile court cases decided on the interpretation of these two statutes, including the Landsbanki and Kaupthing cases, and the Lehman Brothers, Isis Investments, and Heritable Bank cases. This is an invaluable practitioner guide to the new European banking insolvency regime, written by experts in the field.

European Insolvency Proceedings This book is a comprehensive commentary on the EIR in light of recent decisions of the ECJ and decisions of the judicatures of the various Member States of the EU. It contains a commentary on Article 102, Sections 1 to 11 of the German EGInsO (The Act Introducing the Insolvency Act), as well as country reports on the international insolvency laws of France, Great Britain, and Hungary. This book also deals with the UNCITRAL Model Law on Cross-Border Insolvency together with detailed references to the international insolvency laws of the U.S.A., and it also includes a discussion of protocols. The appendix to the commentary on Article 3 of the EIR contains an extensive Table of Cases, which sets out over 100 cases from the various Member States, including decisions and literature references. While thus being tailored to the needs of the European insolvency practitioner, this commentary also serves as a knowledge-base from which further exploration of the material can begin. The contributing authors are all well-respected academics and practitioners in Germany, England, France, Hungary, and the U.S.A.

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