

General Principles of Law

Secured Credit: under English and American Law

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Secured Credit Under English And American Law

Mike A.A. Ozekhome



Secured Credit Under English And American Law:

Secured Credit Under English and American Law Gerard McCormack, 2004-06-14 Secured Credit drives economic activity Under English Law it is possible to create security over almost any asset but the law is widely considered to be unsatisfactory for several reasons including a cumbersome registration system a preoccupation with formalistic distinctions and the lack of clear and rationally determined priority rules Gerard McCormack examines the current state of English law highlighting its weaknesses He uses Article 9 of the American Uniform Commercial Code as a reference point this Article has successfully serviced the world's largest economy for over 40 years and is increasingly used as the basis for legislation by Commonwealth jurisdictions including Canada and New Zealand The Law Commission has suggested the enactment of similar legislation in England In addition McCormack considers if there really is a case for the priority of secured credit as well as if there are other international models to draw upon Contains the text of Article 9

Secured Credit Under English and American Law, 2003 Under English Law it is possible to create security over almost any asset but the law is considered to be unsatisfactory McCormack examines the law in England highlighting its weaknesses He uses Article 9 of the American Uniform Commercial Code as a reference point Contains the text of Article 9

Secured Credit and the Harmonisation of Law Gerard McCormack, 2011-01-01 This book will be of great interest to practitioners policymakers and academics as well as students particularly postgraduate students of law and business throughout the world

Secured Credit in Europe Teemu Juutilainen, 2018-03-22 Winner of the 2016 2018 KG Idman Prize This monograph seeks the optimal way to promote compatibility between systems of proprietary security rights in Europe focusing on security rights over tangible movables and receivables Based on comparative research it proposes how best to tackle cross border problems impeding trade and finance notably uncertainty of enforceability and unexpected loss of security rights It offers an extensive analysis of the academic literature of more recent years that has appeared in English German the Scandinavian languages and Finnish The author organises the concrete means of promoting compatibility into a centralised substantive approach a centralised conflicts approach a local conflicts approach and a local substantive approach The centralised approaches develop EU law and the local approaches Member State laws The substantive approaches unify or harmonise substantive law while the conflicts approaches rely on private international law The author proposes determining the optimal way to promote compatibility by objective based division of labour between the four approaches The objectives developed for that purpose are derived from the economic functions of security rights the conditions for legal evolution and a transnational conception of justice This book is an important contribution to the future of secured transactions law in Europe and more widely It will be of interest to academics policymakers and legal practitioners involved in this field

Availability of Credit and Secured Transactions in a Time of Crisis N. Orkun Akseli, 2013-12-12 In the light of the financial crisis it has become clear that the globalisation of financial markets has not been matched by the globalisation of legal certainty relating to financial

transactions The ability to give security influences not only the cost of credit but also in some cases whether credit will be available at all Increasing the availability and lowering the cost of credit can make an important contribution to international and domestic economic development Assessing the international challenges posed by inefficient secured credit laws this book explores how these can be overcome to facilitate credit through legal reforms Leading authorities in the field address the key issues surrounding the availability of credit the role of banks in economic development and financial crises UNCITRAL's legislative efforts and international organisations and financial institutions and their involvement in the reform of secured transactions law

International Secured Transactions Law Orkun Akseli, 2011-03-17 This book focuses on international harmonisation and the law of secured transactions by distilling and analysing the unifying principles of various significant international conventions and instruments such as the UN Convention on the Assignment of Receivables the Unidroit Convention on International Factoring the EBRD Model Law on Secured Transactions the Unidroit Convention on the International Interests in Mobile Equipment and the UNCITRAL Legislative Guide on Secured Transactions International secured transactions conventions and instruments facilitate credit and promote economic activity through the creation of harmonised rules Therefore given the increasing globalisation of markets international reform efforts for the harmonised modernisation of secured transactions law have gained pace over recent years International Secured Transactions Law draws on experiences in both English and US laws in order to identify and illustrate the existing problems that need to be addressed as well as identify potential solutions International Secured Transactions Law will be of interest to scholars students interested in international commercial law corporate law or comparative secured transactions and practitioners involved in international commercial transactions

The Future of Secured Credit in Europe Horst Eidenmüller, Eva-Maria Kieninger, 2012-07-12 This volume contains the reports and discussions presented at the conference The Future of Secured Credit in Europe in Munich from July 12th to July 14th 2007 It aims at taking the debate to a new stage by exploring the need and possible avenues for creating a European law of security interests The first part examines from an economic and a community law perspective the case for European lawmaking on secured credit and the legislative approach to be taken The intention in the second and third part is to look in more detail at the choices European lawmakers will have to make in devising a European law of secured credit The second part focuses on secured transactions involving corporeal movables tangibles whereas the third part considers categories of collateral that may require special rules

Research Handbook on Secured Financing in Commercial Transactions Frederique Dahan, 2015-06-29 This cutting edge Handbook presents an overview of research and thinking in the field of secured financing examining international standards and best practices of secured transactions law reform and its economic impact Expert contributors explore the

Personal property law in Nigeria Mike A.A. Ozehome, 2019 This book addresses core issues of personal property law in Nigeria from a comparative perspective It offers a detailed account of the laws governing personal property and the different lightweight reforms

undertaken mainly through case law before the enactment of the Secured Transactions in Movable Assets Act in 2017 The book draws insights from the United States UCC article 9 being unarguably the first law that introduced the concept of modern secured transactions law and was influential to many common and civilian law systems in reforming their personal property laws Given that personal property law is fairly new in Nigeria and also in Africa in general the main aim of the book is to provide judges and academic researchers with a rich collection of tested solutions from jurisdictions that have experimented with modern secured transactions law for several decades The primary and secondary works that were referenced in the book have tracked the different epochal shifts in legal thinking and their significances This may assist scholars and judges in Nigeria to come up with bespoke interpretations of the Act and solutions to underlying problems on credit and security that will satisfy the local conditions as opposed to copying the unaltered solutions from the United States and other advanced systems

Micro Business Entities and the Reform of Personal Property Security Law in Nigeria

Gregory Esangbedo, 2023-10-27 This book examines an enactment that reforms Nigeria's personal property security law by adopting the unitary system of secured transactions in replacement of the common law system With the unitary system widely acclaimed for enhancing access to credit for small business entities the book highlights the drawbacks of the enactment in the attainment of this objective Being the foremost Nigerian book on the unitary system it is a significant text for all stakeholders in the credit system within and outside Nigeria including law academics practitioners students and financial regulators It will interest those in countries that are intent on undergoing similar reform as it provides guidance on the unique features of the unitary system in contrast with those of the common law In the spirit of reform the book compares the Nigerian enactment to other similar enactments to highlight potential lessons in areas in which the Nigerian enactment appears to have lost traction This book examines an enactment that reforms Nigeria's personal property security law by adopting the unitary system of secured transactions in replacement of the common law system With the unitary system widely acclaimed for enhancing access to credit for small business entities the book highlights the drawbacks of the enactment in the attainment of this objective Being the foremost Nigerian book on the unitary system it is a significant text for all stakeholders in the credit system within and outside Nigeria including law academics practitioners students and financial regulators It will interest those in countries that are intent on undergoing similar reform as it provides guidance on the unique features of the unitary system in contrast with those of the common law In the spirit of reform the book compares the Nigerian enactment to other similar enactments to highlight potential lessons in areas in which the Nigerian enactment appears to have lost traction

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