

PROPRIETARY INTERESTS IN COMMERCIAL TRANSACTIONS

SARAH WORTHINGTON



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Proprietary Interests In Commercial Transactions

Jan H Dalhuisen



Proprietary Interests In Commercial Transactions:

Proprietary Interests in Commercial Transactions Sarah Worthington, 1996 One of the most pressing problems now facing commercial lawyers is to explain the principles which determine when a remedy is proprietary and when it is not This book provides a broad overview of the subject It examines representative business transactions which commonly give rise to legal or equitable interests in personal property Its aim is to distil the fundamental principles understanding the relevant legal analyses The result is to provide a more theoretically rigorous analytical framework for proprietary interests in personal property The practical advantages of this are potentially twofold new commercial transactions can be more effectively structured in addition disputes between contracting parties can be more reliably resolved Two features of the analysis are significant The first is the elastic nature of proprietary interests in personal property Although proprietary interests can be broadly classified as ownership or security interests these are relative concepts which may be affected significantly by impinging contractual arrangements The second feature is the necessary and intimate integration of law and equity Equitable proprietary interests are remarkably prevalent this prevalence is directly related to the apparent ease with which equity is able to convert particular personal obligations into proprietary interests

Law of Tracing in Commercial Transactions Raczynska Magda, 2018 A pressing problem often facing commercial practitioners is how to determine the principle which would dictate when a proprietary claim is available and when it is not This book explains the nature and structure of key interests in property in commercial transactions and analyses the incidence of proprietary claims available to holders of different interests in assets The book starts by identifying the structure of those interests which the author terms lesser proprietary interests comprising security interests and interests based on retention of title in contracts of sale of goods hire purchase agreements and leases thereby contributing to the understanding of concepts which are traditionally used to explain this area of law such as bailment and fiduciary relationship Using this framework the book examines the circumstances in which the interests are lost and the extent to which proprietary claims can be asserted in assets that derive from the original subject matter that is proceeds products and income as well as in accretions It examines these claims at three levels first as a matter of default rules in the absence of misappropriation of the original subject matter secondly as a matter of contract considering the limits of contractual freedom and thirdly in circumstances in which the original subject matter has been misappropriated This book is the first to approach the topic of tracing and derived assets in commercial transactions on a principled basis It subjects an area of little authority and general academic comment to rigorous and detailed analysis It contains treatment of the relevant case law and discussion of points that have yet to come up in litigation in England and abroad By way of comparison it considers salient aspects of the relevant rules under Article 9 of the US Uniform Commercial Code The book is timely in light of the current debate on the shape of the law reform of secured transactions in England and elsewhere

The Principles of Personal Property Law Duncan Sheehan, 2017-05-18 The law of

personal property covers a very wide spectrum of scenarios and unfortunately has had little detailed scrutiny of its overarching structure over the years. It is a system and can best be understood as a system. Indeed, without understanding it as a system, it becomes much more difficult to comprehend. The second edition of this acclaimed textbook continues to provide a comprehensive yet detailed coverage of the law of personal property in England and Wales. It includes transfer of legal title to chattels, the nemo dat rule, negotiable instruments and assignment of choses in action. It also looks at defective transfers of property and the resulting proprietary claims, including those contingent on tracing, the tort of conversion, bailment and security interests. By bringing together areas often scattered throughout company law, commercial law, trusts and tort textbooks, it enables readers to see common themes and issues and to make otherwise impossible generalisations across different contexts about the nature of the concepts. English law applies. Throughout the book, concepts are explained rigorously with reference to how they are used in commercial practice and everyday life. The new edition also includes a new chapter on secured transactions law reform and introduces new material on the Cape Town Convention, IP rights and other intangible property. The book will be of primary interest to academics and practitioners in the area. However, it will also be of use to students studying commercial or personal property law.

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.

Dalhuisen on Transnational Comparative, Commercial, Financial and Trade Law Volume 3 Jan H Dalhuisen, 2019-06-13. 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.

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

Corporate Insolvency Law Vanessa Finch, 2002-09-12 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

Security Interests under the Cape Town Convention on International Interests in Mobile Equipment Sanam Saidova, 2018-06-28 This book provides an extensive analytical examination of the Cape Town Convention and its Protocols The Convention aims to facilitate asset based financing and leasing of aircraft railway and space objects by establishing a uniform legal regime for the creation and protection of security and related interests in these types of equipment The book provides a detailed treatment of issues arising from the creation of security and other international interests under the Convention from the need to ensure their priority among competing interests to the enforcement of remedies in the case of the debtor's default or insolvency Security interests in aircraft railway and space objects are among the most frequently invoked mechanisms used to ensure repayment of the debt It is their significance effectiveness and frequency of use that explains this work's focus and scope

Moffat's Trusts Law Jonathan Garton, Rebecca Probert, Gerry Bean, 2020-05-14 Combines authoritative commentary and unique contextual analysis to explain the general principles of trusts and their practical operation

Dalhuisen on Transnational and Comparative Commercial, Financial and Trade Law Volume 5 Jan H Dalhuisen, 2022-06-16 presents a very different case that of a civilized and cultivated cosmopolitan legal scholar with a keen sense of international

commercial and financial practice with an in depth grounding in both comparative legal history and comparative law combined with the ability to transcend conventional English black letter law description with critical judgment towards institutional wisdom and intellectual fashions International and Comparative Law Quarterly Volume 5 of this new edition uses the insights developed in Volumes 3 and 4 to deal with financial products and financial services the structure and operation of banking and of the capital markets and the role of modern commercial and investment banks Sections on products and services address the blockchain and its potential in the payment system in securitisations in the custodial holdings of investment securities and in the derivative markets The complete set in this magisterial work is made up of 6 volumes Used independently each volume allows the reader to delve into a particular topic Alternatively all volumes can be read together for a comprehensive overview of transnational comparative commercial financial and trade law

The Principles of the Law of Restitution Graham Virgo,1999 This new textbook outlines the general principles of the rapidly developing subject of the Law of Restitution Restitution is concerned with the reversing of unjust enrichment and was recently recognized as a discrete body of law by the House of Lords although restitutionary principles have in fact been evolving for over 200 years Rather than taking the traditional approach which assumes that restitutionary remedies will be awarded against a defendant only where it can be shown that the defendant has been unjustly enriched at the expense of the plaintiff The book asserts that the law of restitution is simply concerned with the question of when restitutionary remedies may be awarded that is remedies which are assessed by reference to a benefit obtained by the defendant But in determining whether restitutionary remedies are available it is necessary to identify the causes of the action which triggers them There are three such causes of action namely the reversal of the defendants unjust enrichment the commission of a wrong by the defendant and the vindication of the defendants property rights The state of the law is examined through analyses of the statutory provisions and key cases demonstrating the way the law is used to resolve a wide variety of legal problems The very different views of academics as to the nature and ambit of the subject are also identified This book will be invaluable to students on restitution courses at every level

Trusts Law Graham Moffat,2005-09-29 With its unique contextual emphasis and authoritative commentary Trusts Law Text and Materials is a book that no serious undergraduate on trust law courses can afford to be without The book is divided into four main parts trusts and the preservation of family wealth trusts and family breakdown trusts and commerce and trusts and non profit activity Within each of these parts leading cases statutes and historical and research materials are placed alongside the narrative of the author s text to give emphasis both to general theories of trust concepts and to the practical operation of trusts Attention is also given to important themes such as the developing relationship between trusts law and other areas of private law such as the Law of Restitution This new edition takes account of all relevant judicial and legislative developments since the third edition and expands discussion of key themes in current developments of the law

Borderlines in Private Law ,2024-10-02 Mapmaking analogies are a longstanding hallmark of

private law scholarship but the boundaries between subject areas are not always neat and tidy Can lines be drawn between property and obligations or common law and equity Should tort and unjust enrichment be subordinate to the law of contract Should equity enforce agreements that contract does not Are equitable wrongs meaningfully different from torts Where do these borders sit and what does one do with areas that intersect In this collection of essays several of the UK's leading academic lawyers discuss these borderlines and intersections Covering five broad topics contract tort unjust enrichment property and equity the contributors take varied approaches Some argue for distinct categories and the careful maintenance of borders while others celebrate cross border exchanges or say that any attempt to draw and maintain borders is a futile endeavour In addition to the contributions from academic lawyers the book contains responses from senior members of the UK judiciary including Lord Sales and Lady Carr offering their perspectives on these debates and advice on how to structure order and understand private law in the context of real world disputes With an esteemed group of contributors *Borderlines in Private Law* is at the cutting edge of modern private law scholarship providing invaluable discussion on the interactions between contract tort equity unjust enrichment and property law

Restitutionary Rights to Share in Damages Simone Degeling, 2003-06-12 Rights and obligations can arise amongst other things in tort or in unjust enrichment Simone Degeling deals with the phenomenon whereby a stranger to litigation is entitled to participate in the fruits of that litigation Two prominent examples of this phenomenon are the carer entitled to share in the fund of damages recovered by a victim of tort and the indemnity insurer entitled to participate in the fruits of the insured's claim against the wrongdoer Degeling demonstrates that both are rights raised to reverse unjust enrichment Careful examination of these two categories reveals the existence of a novel policy motivated unjust factor called the policy against accumulation Degeling argues that this is an unjust factor of broad application applying to configurations other than that of the carer and the indemnity insurer This will interest restitution and tort lawyers both academic and practitioner as well as academic institutions and court libraries

Sealy and Hooley's Commercial Law David Fox, Baris Soyer, Roderick Munday, Andrew Tettenborn, Peter Turner, 2020 Sealy and Hooley's Commercial Law Text Cases and Materials provides students with an extensive and valuable range of extracts from key cases and writings in this most dynamic field of law The authors expert commentary and questions enliven each topic while emphasizing the practical application of the law in its business context Five renowned experts in the field continue the legacy of Richard Hooley and Len Sealy capturing the essence of this fascinating topic at a time of significant legislative regulatory and political change

Corporate Finance Law Louise Gullifer, Jennifer Payne, 2020-03-19 The third edition of this acclaimed book continues to provide a discussion of key theoretical and policy issues in corporate finance law It has been fully updated to reflect developments in the law and the markets One of the book's distinctive features is its equal coverage of both the equity and debt sides of corporate finance law and it seeks where possible to compare and contrast the two This book covers a broad range of topics regarding the debt and equity raising choices of companies of all sizes from

SMEs to the largest publicly traded enterprises and the mechanisms by which those providing capital are protected Each chapter provides a critical analysis of the present law to enable the reader to understand the difficulties risks and tensions in this area and the attempts by the legislature regulators and the courts as well as the parties involved to deal with them The book will be of interest to practitioners academics and students engaged in the practice and study of corporate finance law

Principles of Corporate Finance Law Eilis Ferran, Look Chan Ho, 2014-03 With the additional contribution of Look Chan Ho an expert in the field of corporate finance this thoroughly revised and updated second edition of Ferran's Principles of Corporate Finance Law explores the relationship between law and finance **Floating Charges in Comparative**

Perspective Alisdair MacPherson, Caroline Sophie Rapatz, 2025-04-09 This edited collection examines floating charges a special type of security that covers a class of revolving assets and functional equivalents across the world The book explores a range of common threads and points of disparity based on expert insights in the field of security rights with a comparative overview of 40 jurisdictions and chapters examining floating security in selected jurisdictions in Africa Asia Europe and North America Restitution: Past, Present and Future William Cornish, Richard C Nolan, Janet O'Sullivan, G J

Virgo, 1998-07-01 The essays in this volume are dedicated to Gareth Jones the retiring Downing Professor of English Law at the University of Cambridge His contribution to legal scholarship has been immense particularly in the fields of legal history the law of trusts charities law and most famously the law of restitution The publication of the first edition of the Law of Restitution which he co-authored with Lord Goff stimulated a renaissance in the study of a subject which had previously lain dormant The effect of its publication on English legal scholarship has been profound and enduring In these essays written by a group of the world's leading restitution scholars the opportunity is taken to conduct a fresh appraisal of the development of the subject to look in other words at the past present and future of the law of restitution Contributors John Baker Peter Birks Justice Finn Roy Goode Ewan McKendrick Justice McLachlin Sir Peter Millett Lord Nicholls of Birkenhead Richard Nolan Janet O'Sullivan Graham Virgo as well as shorter contributions from invited commentators *Personal Property Law* Sarah Worthington, 2000-08 This casebook covers the philosophy and concepts of personal property law and the impact of evolving business practices on the development of the law

The Engaging Realm of E-book Books: A Comprehensive Guide Unveiling the Benefits of Kindle Books: A World of Convenience and Flexibility Kindle books, with their inherent mobility and simplicity of access, have freed readers from the constraints of hardcopy books. Gone are the days of carrying cumbersome novels or carefully searching for particular titles in bookstores. Kindle devices, stylish and portable, effortlessly store an extensive library of books, allowing readers to immerse in their preferred reads whenever, anywhere. Whether traveling on a bustling train, lounging on a sun-kissed beach, or just cozying up in bed, E-book books provide an unparalleled level of convenience. A Reading World Unfolded: Exploring the Vast Array of E-book Proprietary Interests In Commercial Transactions Proprietary Interests In Commercial Transactions The Kindle Store, a virtual treasure trove of literary gems, boasts an extensive collection of books spanning varied genres, catering to every readers preference and preference. From gripping fiction and mind-stimulating non-fiction to timeless classics and modern bestsellers, the E-book Store offers an exceptional abundance of titles to discover. Whether looking for escape through immersive tales of fantasy and adventure, delving into the depths of past narratives, or expanding ones knowledge with insightful works of science and philosophical, the E-book Shop provides a gateway to a bookish world brimming with endless possibilities. A Revolutionary Force in the Literary Landscape: The Persistent Influence of Kindle Books Proprietary Interests In Commercial Transactions The advent of Kindle books has undoubtedly reshaped the literary scene, introducing a model shift in the way books are released, distributed, and consumed. Traditional publication houses have embraced the online revolution, adapting their approaches to accommodate the growing need for e-books. This has led to a rise in the accessibility of Kindle titles, ensuring that readers have entry to a wide array of literary works at their fingertips. Moreover, E-book books have democratized access to books, breaking down geographical limits and providing readers worldwide with similar opportunities to engage with the written word. Regardless of their place or socioeconomic background, individuals can now immerse themselves in the intriguing world of books, fostering a global community of readers. Conclusion: Embracing the Kindle Experience Proprietary Interests In Commercial Transactions E-book books Proprietary Interests In Commercial Transactions, with their inherent ease, flexibility, and wide array of titles, have undoubtedly transformed the way we experience literature. They offer readers the liberty to discover the boundless realm of written expression, anytime, anywhere. As we continue to navigate the ever-evolving online scene, Kindle books stand as testament to the enduring power of storytelling, ensuring that the joy of reading remains reachable to all.

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web you need an accurate budget to make sure your next exhibition is as successful as it can be while there are some items you know you will have to pay for there may be many others that are easily overlooked the following list will

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