

JULIAN FRANKS

AND

COLIN MAYER

**RISK, REGULATION
AND INVESTOR
PROTECTION**

The case of investment management

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Risk Regulation And Investor Protection

**United States. Congress. Senate.
Committee on Banking, Housing, and
Urban Affairs**

Risk Regulation And Investor Protection:

Risk, Regulation, and Investor Protection Julian R. Franks, Colin P. Mayer, 1989 This authoritative study of the investment management business focuses on the use of capital requirements for investment managers as a means of investor protection Commissioned by the Investment Management Regulatory Organization and drawing on extensive discussions with investment managers it provides a comprehensive account of how the investment management business is organized and identifies its inherent risks The authors examine the cause and incidence of market failures as well as the dangers to investors through mismanagement and malpractice and provide an extensive treatment of fraud with a full listing of British fraud cases since the early 1970s The report concludes with a summary of the risks faced by investors and recommendations for appropriate forms of protection and on the basis of existing regulatory structures in the United Kingdom and the United States proposes an alternative structure in accordance with the authors analysis

Enhancing Investor Protection and the Regulation of Securities Markets, Part II United States. Congress. Senate. Committee on Banking, Housing, and Urban Affairs, 2009

Enhancing Investor Protection and the Regulation of Securities Markets-Part II, S. Hrg. 111-144, March 26, 2009, 111-1 Hearing, *, 2010

Enhancing Investor Protection and the Regulation of Securities Markets United States. Congress. Senate. Committee on Banking, Housing, and Urban Affairs, 2009

The Cambridge Handbook of Investor Protection Arthur B. Laby, 2022-10-27 The topic of investor protection has occupied investors businesses regulators academics and courts since the 1930s The topic exploded in importance after the 2008 financial crisis and the Bernard Madoff Ponzi scheme of the same year Investor protection scholarship now seeks to respond to developments such as the institutionalization of the markets the democratization of finance and the enhanced role of market professionals and other gatekeepers Additionally although the philosophy of full disclosure remains the guiding principle behind the securities laws recent research has questioned the merits of a disclosure based regime In light of these trends regulators try to strike the right balance between imposing a strict investor protection regime on the one hand and giving businesses the freedom to innovate new projects market new services and reduce costs on the other The Cambridge Handbook of Investor Protection brings together leading scholars to inform this debate and fill a gap left by these developments

Asset Management and Investor Protection Julian Franks, Colin Mayer, Luis Correia da Silva, 2003-01-16 Asset management is a major industry playing an increasingly important role in economic activity around the world Asset managers provide services to individuals governments public agencies banks pension funds insurance companies and charities to name a few Traditionally asset management has been primarily associated with the stock market economies of the UK and the USA but as this book shows some of the most spectacular growth in activity of recent years has occurred in Continental Europe This has presented opportunities and challenges New forms of financial instruments and institutions have emerged in countries that have traditionally relied on debt and non market forms of intermediation

Competition has intensified and entry has occurred both within and across national markets. However, this growth has been accompanied by potential problems while investors enjoy a wider range of products and services, they face more complex instruments and transactions. Therefore, the potential for failures such as misdealing and fraud may have increased. The natural response is to strengthen regulation, but there is a fine balance to be struck between inadequate and excessive regulation of asset managers. This is particularly complicated in the context of European capital markets. European countries have traditionally had very different financial systems and asset management businesses; therefore, it is no surprise to discover many different approaches to regulating asset managers. How should the European Commission respond to this diversity? Should it seek to create greater uniformity via common regulatory rules? The particular focus of this book is financial resource requirements. There is currently an active debate about the role capital requirements should play in asset management, particularly in the European context. In order to address this issue, the authors argue that it is necessary to understand the nature of the asset management business in different countries and the risks that it faces. They therefore discuss how the asset management business operates, how it is organized, the nature and size of risks in the business, who bears them, and how they are financed, and what the alternative forms of investor protection are, together with their associated costs and benefits.

Investor Protection Hanneke Wegman, 2015-11-24. The expansion of the fund industry has been one of the most notable trends in the financial markets of recent years. Not only has the demand for funds among EU investors grown, but both the number and types of investment funds also continue to increase. Since investment funds available in the EU can be established both inside and outside the EU, they may be subject to different investor protection regulations depending on where the fund is located. Accordingly, different levels of investor protection may exist between investors investing in EU funds and investors investing in non-EU funds, including US funds. This book investigates whether there is a level playing field between EU investors investing in EU funds and EU investors investing in US funds, and if not, if there is a legal basis in current EU law for the EU regulator to adopt additional investor protection rules applying to investment funds. The analysis considers the basic characteristics of investment funds, how they function in practice, and how they are regulated relating to investor protection issues. Factors examined in depth include the following features of funds most relevant to the protection of retail investors: operational structure, investment strategies, fee structure, and legal structure of funds, internal control systems, transparency and disclosure rules, conduct of business rules, and depositary monitoring rules. The author examines relevant EU directives and rules and the particular remit of each, as well as US law applying to investment funds that are active in the EU. Case law and relevant literature in the field is also drawn on. As an assessment of the current degree of protection applying to funds that are available to EU retail investors, as well as an up-to-date overview of regulatory requirements and procedures concerning the protection of EU investors in investment funds, this book is unsurpassed. Especially valuable is the closing discussion about whether the EU regulatory system provides for a level

playing field of protection for EU retail investors and if not which additional rules can be adopted by the EU regulator in this area Lawyers and other professionals in all areas of law and policy concerned with investment and finance will find this book of great value

Booms and Busts: An Encyclopedia of Economic History from the First Stock Market Crash of 1792 to the Current Global Economic Crisis Mehmet Odekon, 2015-03-17 This timely and authoritative set explores three centuries of good times and hard times in major economies throughout the world More than 400 signed articles cover events from Tulipmania during the 1630s to the U S federal stimulus package of 2009 and introduce readers to underlying concepts recurring themes major institutions and notable figures Written in a clear accessible style Booms and Busts provides vital insight and perspective for students teachers librarians and the general public anyone interested in understanding the historical precedents causes and effects of the global economic crisis Special features include a chronology of major booms and busts through history a glossary of economic terms a guide to further research an appendix of primary documents a topic finder and a comprehensive index It features 1 050 pages three volumes 8 1 2 X 11 topic finder photos chronology glossary primary documents bibliography and index

Capitalmarkets in the Age Ferrarini, 2002-03-28 28 authors discuss the current and future issues affecting investment conduct of business rules stock exchanges trading and company law Includes conflict of law issues on line trading clearing and settlement systems takeovers and relevant soft law

Retail Depositor and Retail Investor Protection under EU Law Constantinos Tokatlides, 2017-02-10 Retail Depositor and Retail Investor Protection under EU Law offers an original perspective on EU financial law in the area of retail investor protection examining the status of protection awarded by EU law to retail depositors and retail investors in the event of financial institution failure The analysis of relevant EU law is on the basis of effectiveness and has been elaborated in two levels of comparison The first comparative approach examines relevant EU law both externally and internally externally vis vis relevant international initiatives and developments in the area of financial law as the latter affect the features and evolution of EU law and internally by examining relevant instruments of EU law with regard to each other as to their normative structure and content The second comparative approach also examines the status of retail depositors in relation to that of retail investors under EU law in the event of financial institution failure and the relevant legal consequences thereof

Fintech Zhong Xu, Chuanwei Zou, 2022-03-10 Fintech the integration of technology into the delivery of financial services has revolutionized the world of Finance This book introduces a new framework to study the concepts that underly Fintech while examining the driving forces and underlying logic behind Fintech based innovation and predicting the future development of Fintech The first three parts of the book cover the development and basics of Fintech and its relationship with inclusive finance while later parts constitute a deep dive into several core issues surrounding Fintech First the book introduces an economic explanation of blockchain and its application in various scenarios based on the token paradigm Second it studies digital currency and discusses its impacts on payment systems financial inclusion monetary policy and financial stability Third the authors explore

how to build a compliant and effective market for data while protecting data privacy impinging on the future development of AI application the digital economy and Fintech Fourth the book examines public policies related to Fintech including regulatory technology the regulation of financial activities of Big Tech companies and how to promote financial inclusion The title will appeal to scholars students and financial practitioners and regulators in a broad range of areas including economics finance technology and public policy especially Fintech blockchain and digital currency

Islamic Finance Simon Archer, Rifaat Ahmed Abdel Karim, 2007-03-16 *Islamic Finance The Regulatory Challenge* is therefore timely and a truly welcome addition to the growing literature on this subject I congratulate the two professors for their fine contribution to the evolving art and science of the regulation of Islamic finance Dr Zeti Akhtar Aziz Governor Bank Negara Malaysia The World's financial regulators have taken too long to appreciate the importance of adapting their regulatory frameworks to the needs of the fast growing Islamic finance sector Simon Archer and Rifaat Ahmed the leaders in the field have put together a fascinating collection of essays which show just what has to be done It is a very timely book indeed Howard Davies Director London School of Economics The emergence of Islamic finance as a major force in the world financial system has focused attention on regulatory issues This book edited by Professor Archer and Professor Rifaat two of the most respected figures in the field is an important point of reference for those who have to deal with these issues whether in regulatory authorities or in the financial institutions themselves Professor William Blair QC Grays Inn London There is now great interest both in financial and legal circles in reliable and authoritative texts on Islamic finance I have no doubt that the availability of *Islamic Finance The Regulatory Challenge* will be warmly welcomed by those who provide financial and legal services The work will be of great assistance to them The Rt Hon the Lord Woolf of Barnes Law Lord and former Lord Chief Justice of England Wales

Islamic Finance Rifaat Ahmed Abdel Karim, Simon Archer, 2011-09-02 *Islamic Finance The Regulatory Challenge* is therefore timely and a truly welcome addition to the growing literature on this subject I congratulate the two professors for their fine contribution to the evolving art and science of the regulation of Islamic finance Dr Zeti Akhtar Aziz Governor Bank Negara Malaysia The World's financial regulators have taken too long to appreciate the importance of adapting their regulatory frameworks to the needs of the fast growing Islamic finance sector Simon Archer and Rifaat Ahmed the leaders in the field have put together a fascinating collection of essays which show just what has to be done It is a very timely book indeed Howard Davies Director London School of Economics The emergence of Islamic finance as a major force in the world financial system has focused attention on regulatory issues This book edited by Professor Archer and Professor Rifaat two of the most respected figures in the field is an important point of reference for those who have to deal with these issues whether in regulatory authorities or in the financial institutions themselves Professor William Blair QC Grays Inn London There is now great interest both in financial and legal circles in reliable and authoritative texts on Islamic finance I have no doubt that the availability of *Islamic Finance The Regulatory Challenge* will be warmly welcomed by those who provide

financial and legal services The work will be of great assistance to them The Rt Hon the Lord Woolf of Barnes Law Lord and former Lord Chief Justice of England Wales

Regulation and Governance of Mutual Funds

Mohammed Khair Alshaleel, 2022-08-12 This book provides a detailed analysis of mutual fund regulations and governance in the UK from the investor protection perspective It comprehensively describes mutual funds by their function social utility and legal attributes examining the level of protection provided to retail investors under existing regulations Mutual funds are externally managed with fund ownership separated out from their management which carries a potential conflict of interest between the self interests of the fund management and each fund s investors The book provides an in depth analysis of this agency problem in the mutual fund industry comparing the competing governance models in the UK and the US and the supervision of management activities In the UK it investigates the main governance mechanisms including disclosure the effectiveness of voting rights and the role of the Financial Conduct Authority in protecting investors It also considers the role of prudential regulations in protecting mutual fund investors with a particular focus on risk management and mutual fund liquidity crisis The book further investigates the impact of the withdrawal of the UK from the European Union Brexit on the industry and what this means for the future of the undertakings for collective investment in transferable securities UCITS in the UK The concept of mutual funds is still not clearly understood so this book will clearly define the different legal and practical aspects of mutual funds It will be the first substantial study of mutual fund governance mechanisms under the existing mutual fund laws and regulations in the UK

Reforming Corporate Retail Investor Protection Diane Bugeja, 2019-12-12 The spate of mis selling episodes that have plagued the financial services industries in recent years has caused widespread detriment to investors Notwithstanding numerous regulatory interventions curtailing the incidence of poor investment advice remains a challenge for regulators particularly because these measures are taken in a fire fighting fashion without adequate consideration being given to the root causes of mis selling Against this backdrop this book focuses on the sale of complex investment products to corporate retail investors by drawing upon the widespread mis selling of interest rate hedging products IRHP in the UK and beyond It brings to the fore the relatively understudied field concerning the different degrees of investor protection mechanisms applicable to individual retail investors as opposed to corporate retail investors by taking stock of past regulatory reforms and forthcoming regulatory initiatives as well as more importantly the conclusions reached by the judiciary in IRHP mis selling claims The conclusions are particularly interesting corporate retail investors are in a vulnerable position when compared to individual retail investors The former are exposed to a heightened risk of mis selling meaning that regulatory intervention should be targeted accordingly The recommendations made as a result of these findings are further supported by insights emerging from behavioural law and economic theories This book is aimed at researchers lawyers and students with an interest in the financial regulation field who are keen to explore potential regulatory reforms to the investment services regime that address the root causes of mis selling and restore a level playing field amongst all retail

investors *Principles of Financial Regulation* John Armour, Daniel Awrey, Paul Lyndon Davies, Luca Enriques, Jeffrey Neil Gordon, Colin P. Mayer, Jennifer Payne, 2016 Examining the subject from a holistic and multidisciplinary perspective Principles of Financial Regulation considers the underlying policies and the objectives of financial regulation *Stricto Sensu Investor Protection under MiFID II* Christos Gortsos, 2018-07-27 This study analyses Articles 24 30 of Directive 2014 65 EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments MiFID II which govern as of January 2018 the most important aspects of investor protection of clients to whom credit institutions and investment firms provide investment services These Articles contain code of conduct and product governance rules which constitute cornerstones of contemporary EU capital markets law as shaped to address the weaknesses revealed in capital markets micro prudential regulation and supervision after the recent international financial crisis of 2007 2009 The book concisely identifies the elements of continuity and change in relation to the repealed Directive 2004 39 EC MiFID I while also presenting the detailed delegated acts of the European Commission and Guidelines of the European Securities and Markets Authority ESMA which were adopted on the basis of Articles 24 30 MiFID II Regulating Hedge Funds in the EU Alexandros Seretakakis, 2022-01-13 Hedge funds remain the most controversial vehicles of the alternative investment funds universe Their opaque nature alleged role in major crises around the world and perceived lack of investor protection have repeatedly led to calls for greater regulation Yet despite its tremendous growth the hedge fund industry is still shrouded in a veil of mystery largely due to the highly complex and dynamic trading strategies employed by hedge funds and the scarcity of information about them For the first time in one comprehensive volume this concise but thorough guide explains how hedge funds work analyses risk compares the European Union EU and United States US systems and proposes reforms to the European framework in order to improve its resilience Focusing on the contribution of the hedge fund industry to systemic risk the author elucidates the complex world of hedge funds and the legal issues linked to it The analysis proceeds as follows introduction to the world of hedge funds definition main characteristics organizational structure investment strategies and benefits deeply informed exploration of the dangers posed by hedge funds documentation and examination of the major incidents connecting hedge funds and financial crises rationales for regulation of hedge funds comparison of relevant legislative developments in the US and EU and proposals for strengthening the current EU supervisory and regulatory framework Guiding legislation such as the EU Alternative Investment Fund Managers Directive and the US Dodd Frank Act is analysed along with topical issues such as hedge fund activism Because the direction that hedge fund regulation takes in the future has implications for the Eurozone and systemic risk in the wider financial system this book will be of immeasurable value to professionals in both the legal and business communities It will be welcomed by corporate lawyers regulatory authorities policymakers and academics in both business related and finance related disciplines *Corporate Governance in Banking and Investor Protection* Belén Díaz Díaz, Samuel O. Idowu, Philip Molyneux, 2018-01-02 This book explores the status

quo of corporate governance in banking and investor protection from both theoretical and practical perspectives Bringing together original conclusions with a regional and international focus it provides a timely and comprehensive overview of the effectiveness of corporate governance in the financial sector and an assessment of investor protection It also includes a number of examples and case studies to illustrate the findings The book compares corporate governance in the banking and financial industries before and after the financial crisis and helps to evaluate the effect of the recommendations and regulations that have been developed in the interim

Industry Perspectives on the Obama Administration's Financial Regulatory Reform Proposals United States. Congress. House. Committee on Financial Services,2009

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