

# SHARES AND OTHER SECURITIES IN THE CONFLICT OF LAWS

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# Shares And Other Securities In The Conflict Of Laws

**Louise Gullifer, Jennifer Payne**



## **Shares And Other Securities In The Conflict Of Laws:**

**Shares and Other Securities in the Conflict of Laws** Maisie Ooi, 2003 This book examines the problems of choice of law relating to shares and other securities It is a subject that occupied a fairly obscure corner of conflict of laws until the impetus given to it by *Macmillan v Bishopsgate Investment Trust No 3* and recent interest generated by fears within the international financial community that the conflicts problems arising from the modern system of securities holding through intermediaries threatens the system's viability At both European and international levels efforts have been made to legislate for certainty in an area of the greatest practical importance to the major players in the capital markets as the value of cross border transactions in such securities runs into billions of pounds daily *Shares and Other Securities in the Conflict of Laws* is divided into two parts Part I determines the present state of English law with respect to choice of law treatment of dealings in shares and examines the basic rules involved It considers the context in which the rules have evolved the situations in which they are said to apply and have been applied and the place of the rules in the conflicts treatment of securities transactions today The main focus is on dealings with shares in the traditional direct holding system from which the basic rules developed Part II considers the difficulties associated with the application and extension of the basic rules to the choice of law issues that arise in the indirect holding system the various theories and legislative reforms of the EU and at the Hague that have been suggested in respect to their resolution and the extent to which they provide a viable solution Comparison is also made with the related law reform initiatives in the US of Revised Articles 8 and 9 of the Uniform Commercial Code The book concludes with an examination of special choice of law concerns in insolvency and arising from collateralization such as perfection and recharacterization the impact of dematerialization and immobilization on shares and the choice of law problems posed by them

**The Law of Ship Mortgages** David Osborne, Charles Buss, Joanne Champkins, 2024-08-26 This fully updated and comprehensive 3rd edition of *The Law of Ship Mortgages* provides readers with a practical commercially based and definitive guide to the English law of ship mortgages The authors being seasoned practitioners bring their extensive experience to bear on a number of difficult and developing areas of the law such as mortgagees' duties liability to charterers the conflict of laws work outs restructurings and cross border insolvency The 3rd edition includes new chapters on pre delivery security security over shares and on the increasingly important topic of ship leasing as a method of finance It is written against the background of and has regard to ever increasing sanctions affecting shipping and ship finance as well as the continued regulatory and industry driven push towards reduction of emissions IMO 2020 and IMO 2050 Written primarily with practitioners in mind *The Law of Ship Mortgages* will continue to be extremely useful to legal professionals especially in common law jurisdictions involved in international ship finance or ship mortgage enforcement It will also be a valuable resource for postgraduate students and academics especially those with an interest in shipping law or the law of personal property more generally

*Intermediation and Beyond* Louise Gullifer, Jennifer Payne, 2019-01-24 The global shift

from the direct holding of securities by investors to the current intermediated holding system raises many important legal issues. These include the impact of the intermediated holding system on the rights of investors and the enforcement of those rights against intermediaries and issuers. The cross border nature of many holding patterns adds another layer of complexity to these issues and reduces legal certainty. Against this, intermediation offers benefits for many investors including the ability to hold a cross border portfolio with one intermediary, a reduction in costs and the facilitation of the use of securities in the collateral repo and securities lending markets. This book covers a number of legal topics relating to intermediated securities including the history of intermediation, the benefits and problems in the current intermediated holding system and how future legal and technological developments could help to resolve these problems while retaining the benefits of intermediation. It also examines the possible impact of FinTech on this area, in particular the potential for Blockchain to be used in the issuing, holding and settlement of securities, the extent to which this will solve some of the difficulties that currently exist and whether the use of Blockchain will create new difficulties that will need to be overcome. This book, which originated in a series of workshops organised by the Commercial Law Centre at Harris Manchester College Oxford, will appeal to those interested in financial and corporate law including academics, practitioners, policy makers and students. **A Guide to**

**Global Private International Law** Paul Beaumont, Jayne Holliday, 2022-05-05. This book provides a substantial overview of the discipline of private international law viewed from a global perspective. The guide is divided into 4 key sections: Theory, Institutional and Conceptual Framework, Issues, Civil and Commercial Law, apart from Family Law. Each chapter is written by a leading expert. The chapters address specific areas/aspects of private international law and consider the existing global solutions and the possibilities of improving/creating them. Where appropriate, the chapters are co-authored by experts from different legal perspectives in order to achieve as balanced a picture as possible. The range of contributions includes authors from Europe, North America, Latin America, Africa, Asia and Oceania. An essential resource for academics, practitioners and students alike. *Private Law in the External Relations of the EU* Marise Cremona, Hans-W

Micklitz, 2016-03-18. *Private Law in the External Relations of the EU* is an innovative study of the interactions between EU external relations law and private law, two unrelated fields of law, inverted if private law is understood as regulatory private law, the space where regulatory law intersects with private economic activity. Here, the link between the Internal Market and the global market and thereby international law is much more prominent. In this book, key questions about the relationship between EU external relations law and private law are answered, including in what ways might European private law act as a tool to achieve EU external policy objectives, particularly in regulatory fields. How might the quickly developing EU external competence over the procedural dimensions of private law, including private international law, impact on substantive law, both externally and internally? And how is the legal position of private parties affected by EU external relations? In asking these questions, this edited collection opens up a field of enquiry into the so far underexplored relationship between these two

fields of law In doing so it addresses three different aspects of the relationship i the evolution of the EU competence ii the ways in which EU private law extends its reach beyond the boundaries of the internal market and iii the ways in which the EU contributes to the formation of private regulation at the international level      Understanding the Law of Assignment C.

H. Tham,2019-10-17 Explains how intangible assets such as contractual debts or equitable entitlements may be assigned under English law      **The Governing Law of Companies in EU Law** Justin Borg-Barthet,2012-04-09 The manner in which

the governing law of companies is determined has attracted much attention from academics and practitioners alike ever since the European Court of Justice began receiving references for preliminary rulings regarding the compatibility of protective conflict of corporate law norms with the EC Treaty provisions concerning freedom of establishment Although recent developments have been less controversial than the ground breaking judgment in Centros they have not only consolidated the general thrust of liberalisation occasioned by the Court of Justice but have added new dimensions to the regulatory landscape These developments include amendments to the European constitutional order enshrined in the Lisbon Treaty European legislation on cross border mergers the proposed statute for a European Private Company the judgment of the Court of Justice in Cartesio and a Commission communication that contemplates the introduction of legislation on the governing law of companies This book examines these recent developments and appraises the current law as well as the foreseeable trajectory of the law within a theoretical setting that addresses the socio economic and legal theoretical concerns associated with choices of the governing law of companies In addition to considering the present and probable future state of EU law the book also develops new theoretical perspectives and proposes novel solutions to long standing dilemmas In particular it suggests that the use of information technology may render possible previously impossible compromises

between party autonomy and the proper locus of prescriptive sovereignty      The Company Share David Milman,2018-10-26 The legal regulation of company shares is a fundamental building block in a capitalist society This insightful book provides an historical analysis of the phenomenon investigating underlying policy issues and considering relevant aspects of current law to explore possible future trends David Milman examines the phenomenon of the company share in a holistic way tracing the origins of the share and exploring the diversity present within the family of shares Using a comparative approach key chapters consider the circumstances under which shares are acquired the property law perspective relevant to shares and the rights and obligations of those who hold shares The book concludes with speculation on how the share might evolve in the future in light of technological change and the development of other capital raising investments This accessible book will provide valuable insight to scholars researching corporate law It will also be beneficial for policymakers and practitioners wishing to understand more about the history of the company share and how this may impact its future      *Guest on the Law of Assignment* Anthony Gordon Guest,2012 Explains the nature of assignment commencing with a definition of assignment before outlining and giving examples of choses in action      **Conflict of Laws and International Finance** Philip R.

Wood, 2007 The book is an exposition of 100 of the major cases which have either created or illustrate well the legal system as we know it today The cases have been chosen primarily for illustrating important points of law in a large variety of legal disciplines *Party Autonomy in International Property Law* Roel Westrik, Jeroen van der Weide, 2011-06-30 Party autonomy is a subject that is traditionally rejected in the field of property law Legal systems throughout Europe and most parts of the world still found their property law on the *lex situs* This point of view however is challenged more and more The immense intensification of worldwide trade may have turned boundaries between countries into barriers in a world that needs flexibility This book deals with important questions concerning this problem including What happens to property rights related to movables and claims when borders are crossed Do we recognize a German retention of title or an American security right Which law will apply the law of the country of origin the *lex situs* or the law of the country of destination How does legislation concerning financial instruments relate to the problem and what is it all worth in insolvency situations **A**

**Conflict Of Laws Companion** Andrew Dickinson, Edwin Peel, 2021-06-17 A Conflict of Laws Companion brings together a group of expert authors to write essays in honour of Professor Adrian Briggs QC Professor Briggs has been teaching in Oxford since 1980 and throughout that period he has been an instrumental figure in shaping the conflict of laws in the UK and elsewhere and has inspired generations of students future practitioners and judges to take a close interest in the subject His books including *Agreements on Jurisdiction and Choice of Law* OUP 2008 *The Conflict of Laws* 4th edn Clarendon 2019 and *Private International Law in English Courts* OUP 2015 are among the most widely used and cited texts on the subject The book is divided into four sections exploring conflict of laws issues of different kinds and engaging with Professor Briggs work on a diverse range of topics Contributions by Professor Briggs former colleagues build on his work in the conflict of laws and his immeasurable contributions as a teacher and researcher at the University of Oxford not only to undergraduate teaching but to his college St Edmund Hall the Law faculty and the university The book includes short personal submissions from each of the authors all of whom studied alongside have been taught or supervised by or worked closely with Professor Briggs **International Commercial Litigation** Trevor C. Hartley, 2015-07-02 Retaining its practical emphasis this new edition has been fully revised and updated to reflect important new developments Digital Assets in Enforcement and Insolvency Christian Koller, Matthias Lehmann, 2025-03-20 This book offers the first comprehensive analysis of the national and international legal issues surrounding digital assets in enforcement and insolvency Its primary aim is to ensure that the economic value of digital assets can be fully realised by creditors and other stakeholders through the legal processes and remedies available to them and that holders of digital assets receive adequate protection These legal issues are considered in diverse commercial and technical contexts ranging from native cryptocurrencies to token whether held directly or with custodians and other intermediaries The book offers analysis on different levels Firstly it scrutinises the existing legal frameworks for enforcement and insolvency in various countries and evaluates the extent to which they can accommodate

digital forms of value secondly it compares the approaches taken in different jurisdictions and addresses the cross border issues of jurisdiction and conflict of laws issues that may arise and thirdly it focuses on international texts such as the UNIDROIT Principles on Digital Assets and Private Law as well as the Global Code of Digital Enforcement and suggested avenues for further harmonisation and unification of the law The book provides much needed responses to the increasing significance of digital assets in modern insolvency and enforcement proceedings It takes a unique global approach to a wide range of legal perspectives drawing upon the contributors experience as leading practitioners representatives of international organisations and academics in common law and civil law jurisdictions around the world The book identifies the most pressing areas for law reform and proposes solutions that are both legally robust as well as fit for practical purpose

**Corporate Finance Law** Louise Gullifer, Jennifer Payne, 2015-10-22 The second edition of this acclaimed book continues to provide a discussion of key theoretical and policy issues in corporate finance law Fully updated it reflects developments in the law and the markets in the continuing aftermath of the Global Financial Crisis One of its distinctive features is that it gives equal coverage to both the equity and debt sides of corporate finance law and seeks where possible to compare 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 analyses the present law critically so as to enable the reader to understand the difficulties risks and tensions in this area of law and the attempts made by the legislature and the courts as well as the parties involved to deal with them This book will be of interest to practitioners academics and students engaged in the practice and study of corporate finance law **Crypto**

**Economy and International Law** Matthias Lehmann, 2025-07-21 The blockchain is the world's first truly global mechanism for the transfer and storage of value The distribution of its nodes all around the world and the resulting omniterritorial nature of the blockchain create enormous challenges for the law This book discusses the technological and philosophical underpinnings of the new crypto phenomena It describes the varying approaches of regulators of different states to capture these phenomena with traditional or new rules It also addresses the difficulties in determining the applicable private law in particular the property rules governing virtual assets The book showcases the conflicts issues and problems that result from overlapping national rules and suggests avenues for their solution *European Banking and Financial Law* Matthias

Haentjens, Pierre de Gioia Carabellese, 2015-06-05 In recent decades the volume of EU legislation on financial law has increased exponentially Banks insurers pension funds investment firms and other financial institutions all are increasingly subject to European regulatory rules as are day to day financial transactions Serving as a comprehensive and authoritative introduction to European banking and financial law the book is organized around the three economic themes that are central to the financial industry i financial markets ii financial institutions and iii financial transactions It covers not only regulatory law but also commercial law that is relevant for the most important financial transactions It also explains the most important

international standard contracts such as LMA loan contracts and the GMRA repurchase agreements Covering a broad range of aspects of financial law from a European perspective it is essential reading for students of financial law and European regulation     The United Nations Convention on Jurisdictional Immunities of States and Their Property Roger O'Keefe, Christian J. Tams, Antonios Tzanakopoulos, 2013-03-21 Providing article by article commentary on this crucial convention and a number of cross cutting analytical chapters this book will be highly useful for anyone working in general international law and state responsibility Each article s commentary draws on its drafting history state practice and relevant national and international case law     **American Conflicts Law, 5th edition** Luther L. McDougal III, Robert Felix, Ralph Whitten, 2021-10-25 Presents an overview of the American conflicts law This book covers conflict of laws in criminal cases the substance procedure distinction and an examination of conflict of laws issues under all systems in particular substantive areas Included are chapters on contracts workers compensation tangible and intangible personality and more     **Yearbook of Private International Law** Petar Sarcevic, Paul Volken, 2004-06-30 From 2005 on the Yearbook of Private International Law is published by S ELP in cooperation with the Swiss Institute of Comparative Law This English language annual publication provides analysis and information on private international law developments world wide The Editors commission articles of enduring importance concerning the most significant trends in the field The Yearbook also devotes attention to the important work and research carried out in the context of the Hague Conference The Hague Academy UNCITRAL and UNIDROIT The authority of the editors and the lasting nature of the works included make the Yearbook an integral addition to the libraries of international law scholars and practitioners



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