

TUTORIAL 4- Law of Business Organisations (13.11.2023)

COMPANY SECURITIES: EQUITY AND DEBT SECURITIES

SECTION A:

ABC Ltd is a private limited company incorporated and registered in England and Wales. ABC Ltd currently has only one class of ordinary shares. ABC Ltd wants to issue 1 million new 5% non-cumulative preference shares of £1 each to raise additional capital for business expansion. In line with the provisions of the articles of the company, the ABC Ltd directors have proposed issuing the new preference shares to select institutional investors without first offering them to existing shareholders.

You are the company secretary of ABC Ltd. Advise the ABC Ltd board of directors on:

1. 1) the steps required under the Companies Act 2006 to validly issue the new preference shares and all post issuance activities, particularly the returns to be made to the Registrar of Companies.
2. 2) whether the directors can issue shares to new investors without additional shareholder approval.
3. 3) the potential advantages of issuing preference shares over ordinary shares.
4. 4) the appropriate measures ABC Ltd could adopt as a private limited company to prevent existing members from transferring their shares to outsiders not approved by the board of directors.
5. 5) The difference between pre-emption clause in the articles of the company and statutory pre-emption provision under the Act.

Your advice should demonstrate in-depth knowledge of the Companies Act 2006 and case law concerning equity security, pre-emption clauses, registration of shares, statutory pre-emption provision, and etc. Cite all relevant provisions of the Act and at least three judicial decisions to support your legal analysis.

1) To validly issue the new preference shares under the Companies Act 2006, ABC Ltd must follow these steps:

- a. Ensure compliance with the company's articles.
- b. Obtain board approval for the issue of new preference shares.
- c. Confirm the authority to issue shares in the company's articles.
- d. Hold a board meeting to pass a resolution approving the issue.
- e. Ensure the issue is within the authorized share capital. (s554/s555)
- f. Complete and file Form SH01 with the Registrar of Companies within one month, detailing the new preference shares. (s555)

2) Directors can not issue shares to new investors without additional shareholder approval if

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**Hongling Guo,Dongping
Fang,Weisheng Lu,Yi Peng**



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Seminar Proceedings, Equity Securities Analysis and Evaluation John L. Dorian, 1993 *Valuation Techniques* David T. Larrabee, Jason A. Voss, 2012-10-09 Analysis and insights from top thought leaders on a pivotal topic in investing and asset management Valuation is the cornerstone for investment analysis and a thorough understanding and correct application of valuation methodologies are critical for long term investing success Edited by two leading valuation experts from CFA Institute this book brings together the insights and expertise of some of the most astute and successful investment minds of the past 50 years From Benjamin Graham the father of value investing to Aswath Damodaran you ll learn what these investment luminaries have to say about investment valuation techniques including earnings and cash flow analysis Features the best thinking on valuation from the industry s masters on the topic supplemented with dozens of fascinating and instructive real world examples Comprehensively discusses special valuation situations such as real options employee stock options highly leveraged firms corporate takeovers and more Supplies you with the tools you need to successfully navigate and thrive in the ever changing financial markets Is being produced with the full support and input of CFA Institute the world s leading association of investment professionals **Bankruptcy Practice Seminar** , 1984 Proceedings of the XIII International Symposium SymOrg 2012: Innovative Management and Business Performance , 2012-06-03 Proceedings of the 24th International Symposium on Advancement of Construction Management and Real Estate Gui Ye, Hongping Yuan, Jian Zuo, 2021-06-07 This book covers various current and emerging topics in construction management and real estate Papers selected in this book cover a wide variety of topics such as new type urbanization planning and construction of smart city and eco city urban rural infrastructure development land use and development housing market and housing policy new theory and practice of construction project management big data application smart construction and BIM international construction i e belt and road project green building off site prefabrication rural rejuvenation and eco civilization and other topics related to construction management and real estate These papers provide useful references to both scholars and practitioners This book is the documentation of The 24th International Symposium on Advancement of Construction Management and Real Estate which was held in Chongqing China *Proceedings of the Third International Symposium on Human Aspects of Information Security & Assurance (HAISA 2009)* , 2009 *Proceedings of the XV International symposium Symorg 2016* Ondrej Jaško, Sanja Marinković, 2016-06-03 10th National Computer Security Conference Proceedings, September 21-24, 1987 , 1987 Conference Proceedings Trends in Business Communication 2020 Peter Schneckenleitner, Wolfgang Reitberger, Alexandra Brunner-Sperdin, Andre Haller, 2021-07-26 The conference proceedings Trends in Business Communication 2020 presented here show a small selection of the wide range of current research topics in the field of marketing and communication The spectrum of topics ranges from leadership communication communication in agile organisations and tweeting CEOs to new developments in e learning and current requirements for online shareholder

meetings to sustainable consumer behaviour communication in times of home office and new aspects of social media topics All contributions were presented orally at the international online conference Trends in Business Communication on 4 December 2020 the full papers were subjected to a peer review process **New York Court of Appeals. Records and Briefs.** New York (State)., *Savings and Residential Financing ... Conference Proceedings*, 1968 Richard G. Kleindienst [and] Louis Patrick Gray III. United States. Congress. Senate. Committee on the Judiciary, 1972 **Proceedings of the 20th International Symposium on Management (INSYMA 2023)** Werner Ria Murhadi, Dudi Anandya, Noviaty Kresna Darmasetiawan, Juliani Dyah Trisnawati, Putu Anom Mahadwartha, Elsy Tandelilin, 2023-09-30 This is an open access book With the rapid advancement of augmented reality blockchain and the internet the metaverse is now within reach like never before Companies are continuously pushing the boundaries of innovation to cater to the ever evolving needs of consumers They employ a diverse range of strategies to elevate the value of their products and stay ahead of the competition However not every company manages to achieve this feat often due to resource limitations and the ability to understand dynamic market trends The 20th INSYMA International Symposium on Management is bringing you further into the metaverse This year's theme is The Metaverse and Beyond Opportunity or Disaster New Realities In Workplaces

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represents the proceedings from the 2015 event which was held in Mytilene Greece A total of 25 reviewed papers are included spanning a range of topics including the communication of risks to end users user centred security in system development and technology impacts upon personal privacy All of the papers were subject to double blind peer review with each being reviewed by at least two members of the international programme committee Security Market Imperfections in Worldwide Equity Markets Donald B. Keim, William T. Ziemba, 2000-03-13 The study of security market imperfections namely the predictability of equity stock returns is one of the fundamental research areas in financial modelling These anomalies which are not consistent with existing theories concern the relation between stock returns and variables such as firm size and earnings to price ratios and seasonal effects such as January and turn of the month This book provides the most complete and current account of work in the area Leading academics and investment researchers have combined to produce a comprehensive coverage of the subject including both cross sectional and time series analyses as well as discussing the measurement of risk and prediction models that have been used by institutional investors The studies cover many worldwide markets including the US Japan Asia and Europe The book will be invaluable for courses in financial engineering investment and portfolio management and as a reference for investment professionals seeking an up to date source on return predictability *Richard G. Kleindienst---resumed* United States. Congress. Senate. Judiciary, 1972 *Managing Pension and Retirement Plans* August J. Baker, Dennis E. Logue, Jack S. Rader, 2005 The purpose of Pension Retirement Plan Management A Guide for Managers and Other Fiduciaries is to provide reliable guidance for regulatory compliance advice on managerial strategies and some clarity on the underlying economics and finance of pension and retirement plans

Proceedings of the XIV INTERNATIONAL SYMPOSIUM SYMORG 2014 Aleksandar Marković, Slađana Barjaktarović Rakočević, 2014-06-05 **Proceedings of the 26th International Symposium on Advancement of Construction Management and Real Estate** Hongling Guo, Dongping Fang, Weisheng Lu, Yi Peng, 2022-09-01 This book of CRIOCM 2021 26th International Conference on Advancement of Construction Management and Real Estate presents the latest developments in real estate and construction management around the globe The conference was organized by the Chinese Research Institute of Construction Management CRIOCM working in close collaboration with Tsinghua University Written by international academics and professionals the book discusses the latest achievements research findings and advances in frontier disciplines in the field of construction management and real estate Covering a wide range of topics including building information modeling big data geographic information systems housing policies management of infrastructure projects intelligent construction and smart city real estate finance and economics and urban planning and sustainability the discussions provide valuable insights into the implementation of advanced construction project management and real estate market in China and abroad The book offers an outstanding resource for academics and professionals

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