

KEY UPDATES TO IRISH COMPANY LAW

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Modern Irish Company Law

Rob McQueen



Modern Irish Company Law:

Modern Irish Company Law T. Henry Ellis, Henry Ellis, 2001 *Modern Irish Company Law* is the most up to date guide available to cover all aspects of contemporary Irish company law Written from a practical business perspective it offers a clear and authoritative explanation of the complexities in the law governing companies in Ireland The new edition has been updated to tackle recent developments in company law in Ireland In particular the Company Law Enforcement Act 2001 and the creation of the office of Director of Corporate Enforcement represent the most radical action ever taken by any Irish government to reform company law enforcement

Keane on Company Law Brian Hutchinson, 2017-02-03 *Keane on Company Law* Fifth Edition previously *Company Law* by Justice Ronan Keane covers the Companies Act 2014 and is essential reading for students solicitors and barristers alike This latest edition of Judge Keane's highly regarded text on Irish company law is substantially revised and updated to cover the Companies Act 2014 as amended up to October 2016 and also covers the many developments in the case law since the fourth edition was published in 2006 Hardly any aspect of company law is left untouched in some way by the 2014 Act The Act not only repeals the prior Companies Acts and replaces them with a consolidated code but also introduces many innovations designed to make companies more accessible to those doing business and to streamline corporate compliance and procedures The Act creates two new forms of private company the private company limited by shares LTD which enjoys concessions not previously available to private companies and the designated activity company DAC which more closely resembles to private company known under the former legislation It also overhauls the requirements relating to other forms of company namely PLCs guarantee companies CLGs and unlimited companies while also clarifying and extending the obligations of external companies which operate in Ireland Among the key changes are the effective abolition of the ultra vires rule which has applied to all companies up to now and changes in the requirements relating to the constitutions of companies The Act also changes the rules regarding company capital and makes significant changes to the law concerning the registration of company charges the conduct of windings up the passing of written resolutions and the approval of certain transactions which previously were either prohibited or required Court approval by a new Summary Approval Procedure involving a special resolution combined with an appropriate declaration by the directors subject to safeguards to prevent improper use The Act also codifies the previously common law fiduciary duties of directors and substantially modifies the regime regarding disclosure and approval of transactions involving directors The Act also introduces new procedures whereby Irish companies can be merged or divided Recent amendments to the Act have added further requirements regarding statutory audit and auditors and impending changes addressed in this edition will alter the regime governing annual financial statements and impose filing requirements on unlimited companies Meanwhile the courts have been busy particularly in the areas of restriction and disqualification of directors and examinership but also notably in the areas of company charges reservation of title financial assistance in the purchase of shares to mention but a

few All these changes to Irish company legislation are covered in this new edition which continues in the accessible and user friendly but authoritative style for which previous editions have made the work a renowned standard Ireland Company Laws and Regulations Handbook Volume 1 Strategic and Practical Information IBP USA, Law and Gender in Modern Ireland Lynsey Black, Peter Dunne, 2019-02-21 Law and Gender in Modern Ireland Critique and Reform is the first generalist text to tackle the intersection of law and gender in this jurisdiction for over two decades As such it could hardly have come at a more opportune moment The topic of law and gender perhaps more so than at any other time in Irish history has assumed a dominant place in political and academic debate Among scholars and policy makers alike the regulation of gendered bodies and the legal status of sexual and gendered identities is now a highly visible fault line in public discourse Debates over reproductive justice exemplified by the recent referendum to remove the 8th Amendment increased rights for lesbian gay bisexual and transgender persons including the public sanctioned introduction of same sex marriage and the historic mistreatment of women and young girls have re shaped Irish public and political life and encouraged Irish society to re examine long unchallenged gender norms While many traditional flashpoints remain such as abortion and prostitution sex work there are also new questions including surrogacy and the gendered experience of asylum frameworks which have emerged As policy makers seek to enact reforms they face a population with increasingly polarised perceptions of gender and a legal structure ill equipped for modern realities This edited volume directly addresses modern Irish debates on law and gender Providing an overview of the existing rules and standards as well as exploring possible options for reform the collection stands as an important statement on the law in this jurisdiction and as an invaluable resource for pursuing gendered social change While the edited collection applies a doctrinal methodology to explain current statutes case law and administrative practices the contributors also invoke critical gender queer and race perspectives to identify and problematise existing and potential challenges This edited collection is essential reading for all who are interested in law gender and processes of social change in modern Ireland Company Law Eva Micheler, 2021 This book advances a real entity theory of company law In this theory the company is a legal entity allowing an organization to act autonomously in law and company law establishes procedures facilitating autonomous organizational decision making The theory builds on the insight that organizations or firms are a social phenomenon outside of the law and that they are autonomous actors in their own right They are more than the sum of the contributions of their participants and they act independently of the views and interests of their participants The real entity theory advanced in this book explains company law as it stands at a positive level Companies are liable in tort and crime The statute creates roles for shareholders directors a company secretary and auditors and so facilitates a process leading to organizational action The law also integrates the interests of creditors and stakeholders The book states the law as of 1 August 2021 **The Historical Foundations of Modern Company Law** Ronald Ralph Formoy, 1923 *Mayson, French & Ryan on Company Law* Derek French, 2023 Mayson French and Ryan on

Company Law is the ideal companion for students looking for a comprehensive and straightforward account of company law. With hallmark clarity this new edition continues the tradition of providing accurate technical detail, examination of theory and quotations from key cases. The content has been streamlined with modern company law courses in mind and presented in numerous helpful features. Consistently praised for thorough yet accessible handling of the law, Mayson French and Ryan on Company Law has positioned itself as the go-to company law text for the modern student. Digital formats and resources: The thirty-eighth edition is available for students and institutions to purchase in a variety of formats and is supported by online resources. The e-book offers a mobile experience and convenient access along with functionality, navigation features and links that offer extra learning support. www.oxfordtextbooks.co.uk/ebooks. This edition is also accompanied by online resources to support and further student learning, including four bonus chapters on transparency, accounts, marketable loans and legal forms for business.

A Social History of Company Law Rob McQueen, 2016-03-16. The history of incorporations, legislation and its administration is intimately tied to changes in social beliefs in respect to the role and purpose of the corporation. By studying the evolution of the corporate form in Britain and a number of its colonial possessions, the book illuminates debates on key concepts including the meanings of *laissez faire*, freedom of commerce, the notion of corporate responsibility and the role of the state in the regulation of business. In doing so, *A Social History of Company Law* advances our understanding of the shape, effectiveness and deficiencies of modern regulatory regimes and will be of much interest to a wide circle of scholars.

The Routledge Handbook of White-Collar and Corporate Crime in Europe Judith van Erp, Wim Huisman, Gudrun Vande Walle, 2015-04-10. The study of white collar crime remains a central concern for criminologists around the world and research concentrates on its nature, prevalence, causes and responses. However, most books on white collar crime tend to focus on Anglo-American examples, which is surprising given the amount of rich data and research taking place in mainland Europe. This new handbook seeks to reset the balance and for the first time presents an overview of state-of-the-art research on white collar crime in Europe. Adding to the existing Anglo-American body of knowledge, the Handbook will discuss specific European topics and typical European features of white collar crime. The *Routledge Handbook of White Collar and Corporate Crime in Europe* consists of more than thirty chapters on topics ranging from the Icelandic Banking Crisis to the origins of the study of white collar crime to contemporary topics such as white collar crime in countries post-transition from communist regimes, the illegal e-waste trade and white collar crime in professional football. Furthermore, the book contains extensive case study analyses of landmark European cases of white collar crime. The editors have gathered together the leading voices in the field and a final section offers commentaries on white collar crime in Europe from eminent criminologists David Friedrichs and Hazel Croall. This Handbook will thus serve as a work of reference for all scholars and students engaged in the study of corporate and white collar crime and will also set out directions for new research in the future.

Capitalism Before Corporations Andreas Televantos, 2020-12-03. To what extent did English law

facilitate trade before the advent of general incorporation and modern securities law This is the question at the heart of Capitalism before Corporations It examines the extent to which legal institutions of the Regency period especially Lord Eldon's Chancellorship were sympathetic to the needs of merchants and willing to accommodate their changing practices and demands within established legal doctrinal frameworks and contemporary political economic thought In so doing this book probes at the heart of modern debates about equity trusts insolvency and the justifiability of corporate privileges Corporations are an integral part of modern life We bank with corporations we usually buy our groceries from them and they provide us with most news and media We take it for granted too that most large scale business and even much small scale business is carried out by corporations Things were not always so Televantos considers the Bubble Act of 1720 which criminalised the forming of corporations without a Royal Charter or Act of Parliament its repeal in 1825 and the subsequent impact Much of the modernisation of Britain's industry therefore took place before general incorporation was allowed Unaided by statute traders had to create business organisations using the basic building blocks of private law trusts partnership and agency

The Political Economy of the Company John Parkinson, Gavin Kelly, Andrew Gamble, 2001-03-30 Theoretical writing on the company and company law has been dominated in recent years by economics This collection of essays by a distinguished team of authors drawn from a variety of disciplines seeks to build on the insights of this economic analysis and broaden understanding by examining the company in a wider historical legal political and sociological context Issues discussed include the attitudes of political parties in the UK to the company the rise of the non executive director institutional activism and stakeholder protection and the evolution of the nexus of contracts theory of the company There is also a strong comparative theme with discussions of the political and sociological context of corporate governance in France Germany and Japan together with developments at the European level

Corporate Governance in the Shadow of the State Marc Moore, 2013-03-01 Over recent decades corporate governance has developed an increasingly high profile in legal scholarship and practice especially in the US and UK But despite widespread interest there remains considerable uncertainty about how exactly corporate governance should be defined and understood In this important work Marc Moore critically analyses the core dimensions of corporate governance law in these two countries seeking to determine the fundamental nature of corporate governance as a subject of legal enquiry In particular Moore examines whether Anglo American corporate governance is most appropriately understood as an aspect of private facilitative law or as a part of public regulatory law In contrast to the dominant contractarian understanding of the subject which sees corporate governance as an institutional response to investors market driven private preferences this book defines corporate governance as the manifestly public problem of securing the legitimacy and in turn sustainability of discretionary administrative power within large economic organisations It emphasises the central importance of formal accountability norms in legitimating corporate managers continuing possession and exercise of such power and demonstrates the structural necessity of mandatory public

regulation in this regard In doing so it highlights the significant and conceptually irreducible role of the regulatory state in determining the key contours of the Anglo American corporate governance framework The normative effect is to extend the state s acceptable policy making role in corporate governance as an essential supplement to private ordering dynamics Shortlisted for The Peter Birks Prize for Outstanding Legal Scholarship 2013 *Stocks for All: People's Capitalism in the Twenty-First Century* Petri Mäntysaari, 2021-12-31 Public stock markets are too small This book is an effort to rescue public stock markets in the EU and the US There should be more companies with publicly traded shares and more direct share ownership Anchored in a broad historical study of the regulation of stock markets and companies in Europe and the US the book proposes ways to create a new regulatory regime designed to help firms and facilitate people s capitalism Through its comparative and historical study of regulation and legal practices the book helps to understand the evolution of public stock markets from the nineteenth century to the present day The book identifies design principles that reflect prior regulation While continental European company law has produced many enduring design principles the recent regulation of stock markets in the EU and the US has failed to serve the needs of both firms and retail investors The book therefore proposes a new set of design principles to serve contemporary societal needs *In Search of Corporate Accountability* Stefan H. C. Lo, 2016-01-14 There is currently much debate over corporate social responsibility on whether business companies should look beyond shareholder primacy and profit maximisation to act for the benefit of others It is generally agreed however even amongst advocates of shareholder primacy that profit maximisation should only be achieved within the framework of external laws regulating the conduct of individuals and companies generally If the objectives of such external laws are not to be defeated then it is important for controllers of companies to ensure corporate compliance with the law Despite this controversies have arisen where corporate enterprises may have improperly flouted or evaded liabilities under the law Against this background it is argued in this book that it is necessary to ensure that responsible persons are accountable under the law so as to promote compliance with legal regulations in the corporate context Individuals or entities behind the company who are responsible for wrongful conduct should be held liable under the law whether it be tort law or statutory regulation Some counter that the corporate law principles of limited liability and separate entity have the primacy to effectively shield those behind the company from at least certain types of liability However it is undesirable for corporate insiders to hide behind the company to avoid tortious or statutory liabilities This book adopts a theory of interactive corrective justice that is applied in the corporate context to justify the imposition of civil liability on responsible directors shareholders and other corporate participants under Anglo Australian law In light of this theoretical framework possibilities of rectifying deficiencies in the law through judicial development of existing legal principles are examined To the extent that appropriate directions in the law cannot be achieved via judicial development of the law the book also investigates possibilities of statutory reform *The Autocratic Academy* Timothy V. Kaufman-Osborn, 2023-03-06 Critics of contemporary

US higher education often point to the academy's corporatization as one of its defining maladies. However, in *The Autocratic Academy* Timothy V. Kaufman Osborn argues that American colleges and universities have always been organized as corporations in which the power to rule is legally vested in and monopolized by antidemocratic governing boards. This institutional form, Kaufman Osborn contends, is antithetical to the free inquiry that defines the purpose of higher education. Tracing the history of the American academy from the founding of Harvard 1636 through the Supreme Court's *Dartmouth v. Woodward* ruling 1819 and into the twenty-first century, Kaufman Osborn shows how the university's autocratic legal constitution is now yoked to its representation on the model of private property. Explaining why appeals to the cause of shared governance cannot succeed in wresting power from the academy's autocrats, Kaufman Osborn argues that American universities must now be reincorporated in accordance with the principles of democratic republicanism. Only then can the academy's members hold accountable those chosen to govern and collectively determine the disposition of higher education's unique public goods.

Property in Work Wanjiru Njoya, 2016-04-15 The notion of property in work has deep historical roots in the common law tradition but is yet to receive the attention it deserves. In this timely and thought-provoking book, Wanjiru Njoya contrasts ideas of ownership and property rights in English, American, and European labour law and considers their practical implications. The author's contention that shared ownership within a stakeholder theory of the firm allows better protection of both shareholders' and employees' interests in the large public corporation puts employee participation firmly back on the corporate governance agenda. The book offers a refreshing new perspective on how a more socially desirable balance between economic flexibility and job security may be achieved.

The Liability of the Holding Company for the Debts of its Insolvent Subsidiaries Andrew Muscat, 2016-12-05 This work deals with the liability of the holding company for the debts of its insolvent subsidiaries. In analyzing the current position under English law, the work challenges as outmoded and inadequate the virtual dogma that a holding company is not answerable for the debts of its insolvent subsidiaries. The study identifies four separate and distinct types of behavioural practices within corporate groups which may prejudice the interests of external creditors or otherwise constitute an abuse of the corporate form: the subservient subsidiary situation, the inadequately financed subsidiary situation, the integrated economic enterprise situation, and the group persona situation. After weighing the various arguments for and against a change in the law and concluding that reform is called for, the study proceeds to submit some radical proposals for reform. The basic thrust of the reform proposals is that in a number of well-defined situations, entity law should give way to an enterprise analysis and holding company liability should be imposed for the debts of insolvent subsidiaries.

The Origins of Modern Financial Crime Sarah Wilson, 2014-06-05 The recent global financial crisis has been characterised as a turning point in the way we respond to financial crime. Focusing on this change and crime in the commercial sphere, this text considers the legal and economic dimensions of financial crime and its significance in societal consciousness in twenty-first century Britain. Considering how strongly criminal enforcement

specifically features in identifying the post crisis years as a turning point it argues that nineteenth century encounters with financial crime were transformative for contemporary British societal perceptions of crime and its perpetrators and have lasting resonance for legal responses and societal reactions today The analysis in this text focuses primarily on how Victorian society perceived and responded to crime and its perpetrators with its reactions to financial crime specifically couched within this It is proposed that examining how financial misconduct became recognised as crime during Victorian times makes this an important contribution to nineteenth century history Beyond this the analysis underlines that a historical perspective is essential for comprehending current issues raised by the fight against financial crime represented and analysed in law and criminology as matters of enormous intellectual and practical significance even helping to illuminate the benefits and potential pitfalls which can be encountered in current moves for extending the reach of criminal liability for financial misconduct Sarah Wilson s text on this highly topical issue will be essential reading for criminologists legal scholars and historians alike It will also be of great interest to the general reader The Origins of Modern Financial Crime was short listed for the Wadsworth Prize 2015

Shareholders' Duties Hanne S. Birkmose, 2017-01-15 It is often assumed that shareholders have rights not duties In recent years however this assumption has come under intense scrutiny in all aspects of company law and capital market law legislation the courts soft law and scholarship and in Europe especially major changes are under way across a diverse spectrum all the way from revised contractual arrangements to mandatory statutory provisions Such a shift has important implications for the fundamentals of European company law and there is a need to examine shareholders duties and to consider where this trend is taking shareholders and their stance in law This focused collection of essays by twenty notable scholars addresses this complex subject from a highly informative and useful variety of perspectives Examining shareholders duties along three axes types of investee companies types of shareholders and types of business situations the essays deal with such topics and issues as the following shareholders duties as reflections of the interests they are intended to safeguard shareholders duties to society shareholders disclosure obligations duties of parent companies institutional investor s fiduciary duty how regulatory duties constrain value reducing forms of opportunism the state s continuing duties in the transformation of state owned companies significant shareholders duties in transactions with the company and powerful shareholders duty not to abuse right Examining the implications of this shift in discourse how shareholders duties are coming to the fore under the impetus of legislation legal doctrine case law and enforcement strategies as well as its ideological underpinnings this book offers a comprehensive and in depth consideration of this rapidly developing field It will prove of inestimable value not only to policymakers and academics but also to investors and practitioners committed to creating conditions favourable to sustainable economic growth and responsible business behaviour

The Palgrave Handbook of ESG and Corporate Governance Paulo Câmara, Filipe Morais, 2022-06-28 Since the 2008 Global Financial Crisis the prevailing economic development model based on an assumption of unlimited resources and

therefore unlimited growth has been increasingly put into question by academics policy making agencies and even industry leaders themselves Climate change general environmental and natural resource degradation widespread inequalities and systemic governance failures are pressing capitalism to renew itself to deliver sustainable outcomes for a broader base of stakeholders This has become known in more practical terms as the ESG Environmental Social and Governance and responsible investment movements The pressure to change how we organise ourselves as societies and economies has implications for how large and small corporations public or private are governed and to the benefit of whom This Handbook offers a rare combination of pluralistic and multidisciplinary perspectives from law economics finance and management as well as an interesting mix of latest academic thinking and practical recommendations on ESG for boards and executive teams Should companies be governed and managed for the benefit of their shareholders alone Can companies be governed to deliver for shareholders as well as the broader stakeholder base How can investors allocate capital to advance sustainability Part I provides a pluralistic discussion of some of these fundamental questions besetting academics and practitioners alike while Part II examines recent regulatory developments and assesses what may need to change in terms of law and regulation to both hold companies to account for sustainability while enabling them to continue to provide vital goods and services Part III of the book discusses how the different types of companies and investors are currently facing the sustainability imperative and incorporating ESG factors on how they operate and invest The concluding chapter provides an overview of the key regulatory ecosystem and board level gaps that require urgent and decisive action

Whispering the Secrets of Language: An Psychological Quest through **Modern Irish Company Law**

In a digitally-driven earth wherever displays reign great and instant communication drowns out the subtleties of language, the profound strategies and mental subtleties concealed within phrases frequently go unheard. However, located within the pages of **Modern Irish Company Law** a interesting fictional treasure pulsing with fresh thoughts, lies an extraordinary quest waiting to be undertaken. Written by a talented wordsmith, this marvelous opus attracts visitors on an introspective journey, softly unraveling the veiled truths and profound affect resonating within the very fabric of each word. Within the emotional depths of this emotional review, we will embark upon a sincere exploration of the book is primary subjects, dissect their charming publishing fashion, and yield to the strong resonance it evokes deep within the recesses of readers hearts.

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