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AND

COLIN MAYER

**RISK, REGULATION
AND INVESTOR
PROTECTION**

The case of investment management

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Risk Regulation And Investor Protection

Ferrarini



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 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 *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 **EU Securities and Financial Markets Regulation** Niamh Moloney,2023 Over the decade or so since the global financial crisis rocked EU financial markets and led to wide ranging reforms EU securities and financial markets regulation has continued to evolve The legislative framework has been refined and administrative rulemaking has expanded Alongside the Capital Markets Union agenda has developed the UK has left the EU and ESMA has emerged as a decisive influence on EU financial markets governance All these developments as well as the Covid 19 pandemic have shaped the regulatory landscape and how supervision is organized EU Securities and Financial Markets Regulation provides a comprehensive critical and contextual account of the intricate rulebook that governs EU financial markets and its supporting institutional arrangements It is framed by an assessment of how the regime has evolved over the decade or so since the global financial crisis and considers among other matters the post crisis reforms to key legislative measures the massive expansion of administrative rulemaking and of soft law the Capital Markets Union agenda the development of supervisory convergence as the means for organizing pan EU supervision and ESMA s role in EU financial markets governance Its coverage extends from capital raising and the Prospectus Regulation to financial market intermediation and the MiFID II MiFIR and IFD IFR regimes to the new regulatory regimes adopted since the global financial crisis including for benchmarks and their administrators to retail market regulation and the PRIIPs Regulation and on to the EU s third country regime and the implications of the UK s departure from the EU This is the fourth edition of the highly successful and authoritative monograph first published as EC Securities Regulation Heavily revised from the third edition to reflect developments since the global financial crisis it adopts the in depth contextual and analytical approach of earlier editions and so considers the market political institutional and international context of the regulatory and supervisory regime International Contracts and National Economic Regulation:Dispute Resolution Through International Commercial Arbitration Mahmood Bagheri,2000-12-06 The growth of national economic regulation and the process of globalisation increasingly expose international transactions to an array of regulations from different jurisdictions These developments often contribute to widespread international contractual failures when parties claim the incompatibility of their contractual obligations with regulatory laws The author challenges conventional means of dispute resolution and argues for an interdisciplinary approach whereby disciplines such as international economic law conflict of laws contract law and economic regulations are functionally united to resolve international and multifaceted regulatory disputes He identifies the normative foundation of

contract law as an important determinant in this process contending that contract law is essentially neutral and underpinned by the concept of corrective justice while economic regulations are mainly prompted by distributive justice Applying this corrective distributive justice dichotomy to international contracts the author critically assesses major conflict of laws approaches such as proper law the Rome Convention and governmental interest analysis which could disregard either public interest or private rights The author taking these theories into account proposes an alternative two dimensional interest analysis approach He tests the viability of this approach with reference to arbitral awards and court decisions in various jurisdictions and concludes that it uniquely fits into the structure of international commercial arbitration In adopting this approach arbitrators would take into account both corrective and distributive justice and to the extent that corrective justice prevails would be able to avert a total failure of the contract

Risk and the Regulation of Uncertainty in

International Law Monika Ambrus,Rosemary Rayfuse,Wouter Werner,2017-10-27 Increasingly international legal arrangements imagine future worlds or create space for experts to articulate how the future can be conceptualized and managed With the increased specialization of international law a series of functional regimes and sub regimes has emerged each with their own imageries vocabularies expert knowledge and rules to translate our hopes and fears for the future into action in the present At issue in the development of these regimes are not just competing predictions of the future based on what we know about what has happened in the past and what we know is happening in the present Rather these regimes seek to deal with futures about which we know very little or nothing at all futures that are inherently uncertain and even potentially catastrophic futures for which we need to find ways to identify conceptualise manage and regulate risks the existence of which we can possibly only speculate about This book explores how the future is imagined articulated and managed across the various fields of international law including the use of force maritime security international economic and environmental law and human rights It investigates how the future is construed in these various areas how the costs of risk risk regulation risk assessment and risk management are distributed in international law the effect of uncertain futures on the subjects of international law and the way in which international law operates when faced with catastrophic or existential risk

Men, Women, and Money David R. Green,Alastair Owens,Josephine Maltby,Janette Rutterford,2011-04-28 The late nineteenth and early twentieth centuries witnessed significant developments in the structure organization and expansion of financial markets and opportunities for investment in Britain and its empire But very little is known about how men and women engaged with these markets and with new opportunities for money making In what ways did the composition of personal fortunes alter in response to these developments How did individuals make use of new financial opportunities to further their own priorities and ensure their families well being What choices of securities did they make and how did these reflect their attitudes to investment risk What were the implications of a rapidly growing investor population for corporate governance and the regulation of markets How significant is gender in understanding new patterns of wealth

holding and investment This interdisciplinary book brings together a range of leading international scholars to answer these questions and to develop important new research agendas Foremost among these is a concern for gender with several of the chapters exploring the growing importance of women within investment markets These findings open up dialogues between economic and financial historians with social gender and feminist historians and add a significant new dimension to existing research on women s economic agency The volume also breaks fresh ground by analysing aspects of wealth holding and finance in British colonial settings Canada and Australia Understanding the extent to which global financial processes shaped the economic lives of those on the periphery as well as at the heart of empire will offer new insights into the social and geographical diffusion of financial markets

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