

# REGULATING ENTERPRISE

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# Regulating Enterprise Law And Business Organisation In The U K

**Bruno Deffains, Thierry Kirat**



## **Regulating Enterprise Law And Business Organisation In The U K:**

*Regulating Enterprise* David Milman, 1999-07-01 This book contains a series of studies of the regulation under English law of the range of business organisational structures available to entrepreneurs It analyses the commonest of these structures including limited companies public and private groups of companies privatised enterprises and partnerships as well as the more specialised forms such as industrial and provident societies banks building societies insurance companies joint ventures franchise agreements limited partnerships and overseas companies Set within the context of a period of considerable actual and proposed legal change the contributions from recognised authorities in their respective fields analyse the broad regulatory structure adopted for each of the above business forms outline the changing patterns of regulation and consider likely future developments Several broad themes run through the work including the relationship between the economic desirability of facilitating enterprise and the need to regulate against possible abuse stakeholder protection pursuit of risk management strategies and the implications of European harmonisation in the business sector

*Principles of Enterprise Law* Ewan McGaughey, 2022-09 Shows how the enterprises shaping our lives really work in education banking energy transport media big tech      **Reform of UK Company Law** John De Lacy, 2013-03-04 With the completion of the DTI sponsored Company Law Review the reform of company law has now become a very important subject of study This new book is a must for all those interested in the development and reform of UK company law The book collates the work of leading authorities on company law including members of the judiciary and the Law Commission and individuals from the worlds of professional practice and academia All main areas of company law are covered including directors duties corporate governance minority protection ultra vires company charges and human rights and the company as well as a comprehensive analysis of the work of the Company Law Reform Steering Group The central purpose of this book is to analyze the current state of play and to note in particular the work of the Company Law Review Group Critical analysis and suggestions on how company law should be reformed are also offered      *Regulating Enterprise* David Milman, 1999 This book contains a series of studies of the regulation under English law of the range of business organisational structures available to entrepreneurs It analyses the commonest of these structures including limited companies public and private groups of companies privatised enterprises and partnerships as well as the more specialised forms such as industrial and provident societies banks building societies insurance companies joint ventures franchise agreements limited partnerships and overseas companies Set within the context of a period of considerable actual and proposed legal change the contributions from recognised authorities in their respective fields analyse the broad regulatory structure adopted for each of the above business forms outline the changing patterns of regulation and consider likely future developments Several broad themes run through the work including the relationship between the economic desirability of facilitating enterprise and the need to regulate against possible abuse stakeholder protection pursuit of risk management strategies and the implications of

European harmonisation in the business sector Bloomsbury Publishing      **Regulating Enterprise** David Milman,1999-08-19 This book contains a series of studies of the regulation under English law of the range of business organisational structures available to entrepreneurs It analyses the commonest of these structures including limited companies public and private groups of companies privatised enterprises and partnerships as well as the more specialised forms such as industrial and provident societies banks building societies insurance companies joint ventures franchise agreements limited partnerships and overseas companies Set within the context of a period of considerable actual and proposed legal change the contributions from recognised authorities in their respective fields analyse the broad regulatory structure adopted for each of the above business forms outline the changing patterns of regulation and consider likely future developments Several broad themes run through the work including the relationship between the economic desirability of facilitating enterprise and the need to regulate against possible abuse stakeholder protection pursuit of risk management strategies and the implications of European harmonisation in the business sector      **Pettet, Lowry & Reisberg's Company Law** Arad Reisberg,Anna Donovan,2018      **Culture and Corporate Governance** Güler Aras,David Crowther,2008      *Law and Economics in Civil Law Countries* Bruno Deffains,Thierry Kirat,2003-07-17 The aim of the book is to highlight the law and economics issues confronting civil law countries      **Research Handbook on Partnerships, LLCs and Alternative Forms of Business Organizations** Robert W. Hillman,Mark J. Loewenstein,2015-08-28 While the partnership has been a viable alternative to incorporation for centuries the much more recent limited liability company LLC has increasingly become the business organization of choice for new firms in the United States This Handbook inclu      **Contracting with Companies** Andrew Griffiths,2005-05-23 This book surveys the main issues in Company Law relating to contracts made by or with companies      Enhancing Board Effectiveness Franklin N. Ngwu,Onyeka Osuji,Chris Ogbechie,David Williamson,2019-03-07 Enhancing Board Effectiveness seeks to examine the conceptualization and role of the board in a variety of contexts and articulate solutions for improving the effectiveness of the board especially in developing and emerging markets Enhancing Board Effectiveness with therefore address the following central questions To what extent is the concept and role of the board evolving What rights powers responsibilities and other contemporary and historical experiences can enhance the effectiveness of the board especially in the particular contexts of developing and emerging markets What socio economic political regulatory and institutional factors actors influence the effectiveness of the board and how can the policies and practices of such actors exert such influences In what ways can a reconstructed concept of the board serve as a tool for theoretical analytical regulatory and pragmatic assessment of its effectiveness In examining this issues Enhancing Board Effectiveness will investigate theoretical socio economic historical empirical regulatory comparative and inter disciplinary approaches Academics in the relevant fields of accounting behavioural psychology economics development studies financial regulation law and management organizational studies political economy and public

administration will find this book of high interest

### **Corporate Social Responsibility, Entrepreneurship, and**

**Innovation** Kenneth Amaeshi, Paul Nnodim, Onyeka Osuji, 2013 Despite its recent popularity in literature theory and practice Corporate Social Responsibility CSR remains a vague concept that struggles to define itself beyond the confines of corporate philanthropy or sustainability In some circles it is a response to the present and anticipated climate change challenges while in others it focuses on fair trade corporate governance and responsible investment What then is CSR and how do we understand its purpose In Corporate Social Responsibility Entrepreneurship and Innovation authors Kenneth Amaeshi and Paul Nnodim consider the governance of corporate externalities positive and negative impacts of firms on society and the environment as the main thrust of the CSR discourse a field that hitherto only the state has regulated with sometimes coercive actions This book contributes to the theorization of CSR by presenting the meaning of CSR in a clear and distinct manner giving the ongoing CSR debate a new direction anchored on a firm economic philosophy It reinforces the view of firms as social institutions as well as economic actors establishing CSR as a form of justice rather than philanthropy Articulating CSR as private governance of corporate externalities for the first time this book provides researchers with a new paradigm to translate knowledge into action and offers reflective managers an alternative framework in which to explore their corporate strategies and decisions

### **The Corporate Objective**

Andrew R. Keay, 2011-01-01 This is legal scholarship of the finest kind concerned with an issue of supreme political economic and social importance Professor Keay takes the debate on the object of the modern public corporation by the scruff of its neck and skilfully navigates between the Scylla and Charybdis of the shareholder stakeholder debate This book characterised by admirable analytical clarity and a huge amount of research faithfully summarises the debate hitherto and propels us to the next stage with a powerful argument which challenges effectively both the stakeholder and shareholder theories Harry Rajak University of Sussex School of Law UK The Corporate Objective addresses a question that has been subject to much debate what should be the objective of public corporations It examines the two dominant theories that address this issue the shareholder primacy and stakeholder theories and finds that both have serious shortcomings The book goes on to develop a new theory called the Entity Maximisation and Sustainability Model Under this model directors are to endeavour to increase the overall long run market value of the corporation as an entity At the same time as maximising wealth directors have to ensure that the corporation survives and is able to stay afloat and pursue the development of the corporation's position Andrew Keay seeks to explain and justify the model and discusses how the model is enforced how investors fit into the model how directors are to act and how profits are to be allocated Analysing in depth the existing theories which seek to explain the corporate objective this book will appeal to academics in corporate law and corporate governance as well as law finance business ethics organisational behaviour management economics accounting and sociology Postgraduate students in corporate law and corporate governance directors and government regulators will also find much to interest them in this study

Company Directors'

Responsibilities to Creditors Andrew Keay, 2007-03-12 This timely work is the first to comprehensively examine directors responsibilities to creditors in times of financial strife as well as addressing when these responsibilities arise and what directors should have to do to ensure that they comply with their obligations Keay explores the relevant issues from doctrinal normative and comparative perspectives and addresses the question as to when directors are liable for wrongful trading fraudulent trading or breach of their duties to creditors and whether directors should be held responsible for the before mentioned Besides the relevant UK legislation and case law legislation and case law from Australia Canada Ireland and the United States are examined and compared and reforms which take into account the aims and rationale of the relevant legislation as well as creditors interests are proposed and assessed Importantly new approaches for courts which would make the nature of the responsibility and its timing more precise are suggested Company directors have certain responsibilities to creditors of their companies In particular they should avoid fraudulent and wrongful trading and consider as part of their duties the interests of creditors when their companies might be or are in financial difficulty The work is precipitated by the lack of coherence in the consideration of wrongful trading and the recent delivery of important cases on fraudulent trading Also this timely work is the first to comprehensively examine directors responsibilities to creditors in times of financial strife as well as addressing when these responsibilities arise and what directors should have to do to ensure that they comply with their obligations Keay explores the relevant issues from doctrinal normative and comparative perspectives and seeks to address the question as to when directors are liable for wrongful trading fraudulent trading or breach of their duties to creditors and whether directors should be held responsible for wrongful trading and failing to consider the interests of creditors Besides the relevant UK legislation and case law legislation and case law from Australia Canada Ireland and the United States are examined and compared and reforms which take into account the aims and rationale of the relevant legislation as well as creditors interests are proposed and assessed Importantly new approaches for courts which would make the nature of the responsibility and its timing more precise are suggested      *The Law of Business Organisations in East and Central Africa* John W. Katende, Michael R. Chesterman, 1976 Textbook on commercial law in East Africa and Central Africa includes bibliography pp 1210 to 1219 and references      *EU Law and the Harmonization of Takeovers in the Internal Market* Thomas Papadopoulos, 2010-01-01 Although some provisions of the Directive are obligatory for all Member States two key provisions have been made optional the non frustration rule which requires the board to obtain the prior authorization of the general meeting of shareholders before taking any action that could result in the frustration of the bid and the breakthrough rule restricting significant transfer and voting rights during the time allowed for acceptance of the bid Other relevant legal issues covered in the course of the analysis include the following A the right of establishment as a right of legal persons A vertical vs      *The Law and Governance of Decentralised Business Models* Roger M Barker, Iris H-Y Chiu, 2020-12-30 This book draws together themes in business model developments in relation to decentralised business

models DBMs sometimes referred to as the sharing economy to systematically analyse the challenges to corporate and organisational law and governance DBMs include business networks the global supply chain public private partnerships the platform economy and blockchain based enterprises The law of organisational forms and governance has been slow in responding to changes and reliance has been placed on innovations in contract law to support the business model developments The authors argue that the law of organisations and governance can respond to changes in the phenomenon of decentralised business models driven by transformative technology and new socio economic dynamics They argue that principles underlying the law of organisations and governance such as corporate governance are crucial to constituting facilitating and enabling reciprocity mutuality governance and redress in relation to these business models the wealth creation of which subscribes to neither a firm nor market system is neither hierarchical nor totally decentralised and incorporates socio economic elements that are often enmeshed with incentives and relations Of interest to academics policymakers and legal practitioners this book offers proposals for new thinking in the law of organisation and governance to advance the possibilities of a new socio economic future

#### **The International Handbook of Social Enterprise Law**

Henry Peter, Carlos Vargas Vasserot, Jaime Alcalde Silva, 2022-12-29 This open access book brings together international experts who shed new light on the status of social enterprises benefit corporations and other purpose driven companies The respective chapters take a multidisciplinary approach combining law philosophy history sociology and economics and provide valuable insights on fostering social entrepreneurship and advancing the common good In recent years we have witnessed a significant shift of how business activities are conducted mainly through the rise of social enterprises In an effort to target social problems at their roots social entrepreneurs create organizations that bring transformative social changes by considering among others ethical social and environmental factors A variety of social enterprise models are emerging internationally and are proving their vitality and importance But what does the term social enterprise mean What are its roots And how does it work in practice within the legal framework of any country This handbook attempts to answer these questions from a theoretical historical and comparative perspective bringing together 44 contributions written by 71 expert researchers and practitioners in this field The first part provides an overview of the social enterprise movement its evolution and the different forms entities can take to meet global challenges overcoming the limits of what governments and states can do The second part focuses on the emergence of benefit corporations and the growing importance of sustainability and societal values while also analyzing their different legal forms and adaptation to their regulatory environment In turn the last part presents the status quo of purpose driven companies in 36 developed and emerging economies worldwide This handbook offers food for thought and guidance for everyone interested in this field It will benefit practitioners and decision makers involved in social and community organizations as well as in international development and more generally speaking social sciences and economics

**Australian International Law Journal** ,2000      *EC Regulation of Corporate*

*Governance* Andrew Johnston, 2009-12-03 Uses economic and reflexive governance theories to demonstrate how EC law achieves the necessary balance between integration and regulatory diversity



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