
SHARES AND
OTHER SECURITIES
IN THE CONFLICT
OF LAWS

MAISIE OOI



OXFORD

Shares And Other Securities In The Conflict Of Laws

**David Osborne, Charles Buss, Joanne
Champkins**



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

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

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. **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. , *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

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

Singapore Private International Law Adelin Chong, 2023

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 Family Law Each chapter is written by a leading expert s 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

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

Reviewing **Shares And Other Securities In The Conflict Of Laws**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is truly astonishing. Within the pages of "**Shares And Other Securities In The Conflict Of Laws**," an enthralling opus penned by a very acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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