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Unconscionability in European Private Financial Transactions Mel Kenny 2010-06-24 Given the unprecedented recent turmoil on financial markets we now face radically challenged, 'post-Lehmann' assumptions on protecting the vulnerable in financial transactions. This collection of essays explores conceptions of, and responses to, unconscionability and similar notions across Europe with specific reference to financial transactions. It presents a detailed analysis of concepts of unconscionability in Europe against a backdrop of Commission initiatives aimed, variously, at securing a single market in financial services, producing greater coherence in EC consumer protection law and consolidating European private law. This analysis illustrates, for example, that concepts of unconscionability depend on context and can be shaped by a variety of factors. It also illustrates that jurisdictions may choose to respond to questions of unconscionability through a variety of legal instruments located in different branches of the law rather than through a single doctrine. Thus this collection illuminates many of the obstacles facing harmonisation in this area.

Countering Economic Crime Axel Palmer 2017-09-22 Economic crime is a significant feature of the UK's economic landscape and yet despite the government's bold mission statements 'to hold those suspected of financial wrongdoing to account' as part of their 'day of reckoning' and 'serious about white-collar crime' agenda, there is a sense that this is still not being done effectively. This book examines the history of the creation of the UK's anti-economic crime institutions and accompanying legislation, providing a critique of their effectiveness. The book analyses whether the recent regulatory regime is fit for purpose as well as being appropriate for the future. In order to explore how the UK's economic crime strategies could be improved the book takes a comparative approach analysing policy and legislative responses to economic crime in the United States and Australia in order to determine whether the UK could or should import similar structures or laws to improve the enforcement of UK economic crime.

The Law of Investor Protection Jonathan Fisher 2003 This series enables practitioners to stay up to date with litigation and developments in the field of entertainment law. Emphasis is placed on the practical implications of relevant legislative developments and the effects of technology on artists, rights owners and collecting societies

Financial regulation Great Britain: Parliament: House of Commons: Treasury Committee 2011-02-03 Additional written evidence is contained in volume 3, available on the Committee website at www.parliament.uk/treascom

*Insurance Law John Lowry 2011-09-01 The third edition of Insurance Law: Doctrines and Principles follows the widely acclaimed first and second editions. It provides a detailed examination of the developing law of insurance, combining exposition of the law with critical analysis. The book is designed with the needs of undergraduate and postgraduate students in mind. The text is enhanced by extensive citations to case law and academic commentaries, making the book ideal for students, scholars and practitioners alike. This new edition reflects the many changes that have occurred in the law of insurance since the second edition was published in 2005. The book is divided into two parts. Part I considers the regulation of insurance business and the general principles underlying the law of insurance contracts. Part II examines the way in which these principles are shaped by the particular insurance context in which they operate. The book is readable and authoritative, with a sound grasp of the realities of insurance practice; it is well sourced and generous with supplementary points. 'Lowry & Rawlings is a welcome addition to the ranks of insurance law textbooks and a serious contender for the student readership in this field.' Nicholas Legh-Jones QC, *Lloyds Maritime Commercial Law Quarterly* 'I recommend the book for undergraduate use, and as a starting point for postgraduate use. The book is well written and full of clear explanations of a difficult field of the law.' Neil Campbell, *Law Quarterly Review* '...can be warmly recommended for purchase or use by lecturers and students in the subject.' Dennis Dowding, *The Law Teacher* '...a very useful text on insurance law ... an eminently readable, good and critical book. It is clearly of the highest calibre.' Reuben Hasson, *Canadian Business Law Journal**

Commercial Law Nicholas Ryder 2012-06-14 Innovative textbook that examines core principles of commercial law and the social and political context in which they develop.

Administrative Justice in Context Michael Adler 2010-04-30 This book comprises a definitive collection of papers on administrative justice, written by a set of very distinguished contributors. It is divided into five parts, each of which contains articles on a particular aspect of administrative justice. The first part deals with the impact of 'contextual changes' on administrative justice and considers the implications of changes in governance and public administration, management and service delivery, information technology, audit and accounting, and human rights for administrative justice. The second part deals with conceptual issues and describes a number of competing approaches to the administrative justice. The third part deals with the application of administrative justice principles to private law disputes while the fourth part deals with the distinctive characteristics of administrative justice in three other jurisdictions. The final part deals with current developments in administrative justice and the book concludes with a discussion of legislative and policy developments in the UK. The general approach of the book is socio-legal and interdisciplinary. The chapters adopt a variety of disciplinary perspectives, including those derived from political science, public policy, social policy, accounting and information technology as well as from law. Although most of the contributors are academics, some are practitioners. For these reasons, the book should be of interest to lawyers, particularly those with interests in administrative law, and to social scientists, particularly those with interests in public administration, public policy and public management.

Insurance Disputes Robert Merkin 2020-11-25 Written by an impressive team of specialist contributors, *Insurance Dispute* is the authoritative guide to litigation for both the insurer and the insured. Divided into two parts – principles of law and their practical use in individual types of insurance, it aims to identify and resolve questions such as: •How should the claimant handle a dispute? •Is the claim within the cover? •When should an insurer dispute cover? •What steps can an insurer take to deny cover? Updated and revised to include new chapters on marine insurance, the Financial Ombudsman Service and ATE insurance, *Insurance Disputes* is essential reading for anyone involved in insurance law and litigation.

Consumer Financial Dispute Resolution in a Comparative Context Shahla F. Ali 2013-03-14 Nearly all major global financial centres have developed systems of consumer financial dispute resolution. Such systems aim to assist parties to resolve a growing number of monetary disputes with financial institutions. How governments and self-regulatory organizations design and administer financial dispute resolution mechanisms in the context of increasingly turbulent financial markets is a new area for research and practice. *Consumer Financial Dispute Resolution in a Comparative Context* presents comparative research about the development and design of these mechanisms in East Asia, North America and Europe. Using a comparative methodology and drawing on empirical findings from a multi-jurisdictional survey, Shahla Ali examines the emergence of global principles that influence the design of financial dispute resolution models, considers the structural variations between the ombuds and arbitration systems and offers practical proposals for reform.

English and European Perspectives on Contract and Commercial Law Louise Gullifer 2014-10-23 The purpose of this book is to honour the influential and wide-ranging work of Professor Hugh Beale. It contains essays by twenty-five very distinguished authors, each of whom has worked with Professor Beale as a co-author, as a teaching colleague, during his time as Law Commissioner of England and Wales, or as part of the study groups working in Europe on contract and commercial law. The essays reflect different aspects of Professor Beale's interests. Some concentrate on English contract law, either from a historical or a current perspective, while others are focused on aspects of European contract law. There are four essays looking at current issues relating to security and financing, and, as befits a former Law Commissioner, three essays on law reform. The essays in the final section discuss trends in transnational and European commercial law. This book brings together the reflections of eminent writers from all over Europe on important issues facing contract and commercial law and will be of interest to all scholars and practitioners working in these areas.

Research Handbook on International Insurance Law and Regulation Julian Burling 2012 'Global insurance and its rapidly evolving law and regulation demands international research. To this aim, the Handbook offers a truly international collection of essays. Highly renowned experts analyze the key topics currently under international discussion and development. While representing a diversity of national jurisdictions, the focus lies on the largest insurance jurisdictions (USA, UK and Germany) but newly important jurisdictions like Brazil and China are considered as well a most valuable and important contribution to international insurance law literature.' Manfred Wandt, Director of the Insurance Law Institute, Goethe-University Frankfurt, Germany 'This Research Handbook is published at an opportune time. A global review of insurance law and regulation is underway. Much reform happens locally with little reference to developments elsewhere and this Research Handbook brings the strands together. It is a comprehensive review by distinguished authors from different backgrounds including both leading academics and practitioners. They consider the definitions of insurance, its economic underpinnings, comparative law and regulations, actual and proposed reforms, the effects on underwriting and claims and how insurance is studied and taught. Good laws and regulation benefit the market and its customers. Bad laws and regulation do the opposite. This book is required reading for all involved in the reform

process.' David Hertzell, Law Commissioner 'Globalisation has had no greater impact in the commercial world than on insurance, the law which governs it and the risks it seeks to address. Those who inspired this publication and the contributing authors, are to be thanked for providing such a necessary and useful reference source. It covers so much of what insurance professionals need to be aware of in the insurance/law world of the twenty first century.' Michael Gill, President of the International Insurance Law Association *Given its economic importance, insurance is a field that has been underserved as an area of academic study. This detailed book provides much needed coverage of insurance law and regulation in its international context. Produced in association with Lloyd's, it draws on the expertise both of academics and practising lawyers. Containing 30 comprehensive chapters, it provides in-depth studies on key areas, such as the role of international organisations, the judicial interpretation of insurance contract clauses and transnational regulatory recognition. It also provides thorough introductions to important jurisdictions, including the EU, US and Japan as well as focusing on newly emerging economies such as China and Brazil. Specialist topics covered include regulation by and of Lloyd's, the tort of bad faith in the US, microinsurance and takaful insurance. This well-documented resource will appeal to academics and students in insurance law and regulation, policymakers and private practice lawyers. The book also aims to stretch the imagination of anyone with an interest in insurance law and regulation, providing detailed analysis and avenues for further investigation.*

Consumer Sales Law John Macleod 2009-06-02 Fully updated and revised, this comprehensive and informative textbook provides readers with an overview of current consumer sales law and equips them with a view of how this fast-changing subject has, and will continue to develop through the inclusion of new reform proposals. This book analyzes the interaction of consumer sales law with politics, the appeal of consumer protection to politicians and the influence of the European Union and the EU Directives. It also discusses the removal of consumer sales law from its traditional realm of legal professionals to consumer and debt advisors and public officials with the power to seek injunctions to protect consumers. In addition to this, it: fully integrates both the Unfair Commercial Practices Directive 2005 and the Consumer Credit Act 2006 into the basic 1974 Act explains how the sale of Goods Act 1979 has been modified by the 1999 Directive combines the public protection of consumers under the Enterprise Act 2002 (e.g. Office of Fair Trading) is supplemented by comprehensive e-updates on its Companion Website, keeping the content current between editions. Written by an author with forty years experience of teaching sales and finance law to undergraduates, this textbook is an essential tool for all undergraduates studying commercial and consumer sales law.

A Legal Theory for Autonomous Artificial Agents Samir Chopra 2011-07-18 What legal status should be granted to artificial agents?

Genomic medicine Great Britain: Parliament: House of Lords: Science and Technology Committee 2009-07-07 Volume 1 Report also available (ISBN 9780108444517). Genomic medicine has developed from the sequencing of the human genome

Banking Regulation of UK and US Financial Markets Dalvinder Singh 2016-04-15 Dalvinder Singh provides an interdisciplinary analysis of the legal aspects of prudential supervision. This gives the reader a broader understanding of the core processes of banking supervision. By using the UK as a case study, a comparison is made with the US to illustrate the different ways of approaching the issues. The author examines the legal as well as the theoretical, economic, political and policy issues that underpin the purpose of prudential supervision, such as corporate governance, enforcement sanctions, the role of external auditors and accountability of financial regulators. These are considered in the context of broad-policy considerations which render prudential supervision necessary, namely financial stability and depositor protection. The book will be of interest to academics, policymakers, regulators and practitioners, and equally will serve specialist undergraduate and postgraduate programmes in law, management and economics which focus on financial regulation.

Construction Insurance Roger ter Haar 2013-12-13 First published in 1992. Routledge is an imprint of Taylor & Francis, an informa company.

Consumer Financial Dispute Resolution in a Comparative Context Shahla F. Ali 2013-03-14 Shahla Ali presents comparative empirical research about the design of consumer financial dispute resolution mechanisms in Asia, America and Europe.

Handbook of Research on International Consumer Law Geraint G. Howells 2010 This is a truly international effort, and one with a strong commitment to human rights by the highly reputable authors coming from different jurisdictions! The many facets of today's consumer law are presented to the reader, including developing countries a fascinating effort in a dynamically emerging field of law! We are comprehensively informed about such bread and butter areas as advertising, unfair terms, consumer guarantees, product safety and liability, consumer credit, and redress. But traditional consumer law concepts and remedies are facing challenges in more complex areas, like services of general internet where consumers and private users should enjoy equal access to universal services, with the internet where speed must not be a pretext to eliminate standards of fair dealing, with risky investment services under the problematic paradigm shift from

investor protection to investor confidence . A book to read, to think about, to work with for everybody interested in the future of consumer markets and law in a time of economic crisis! Norbert Reich, University of Bremen, Germany This is a richly interesting collection of essays, written by leading names in the field. It offers a thoroughly reliable survey of key tensions and challenges in modern consumer law and brilliantly combines thematic overview with detailed analysis. It will stimulate comparative thinking, it will provide a source of information and it will be welcomed by consumer law scholars all over the world. Stephen Weatherill, University of Oxford, UK Consumer law and policy has emerged in the last half-century as a major policy concern for all nations. This Handbook of original contributions provides an international and comparative analysis of central issues in consumer law and policy in developed and developing economies. The Handbook encompasses questions of both social policy and effective business regulation. Many of the issues are common to all countries and are becoming increasingly globalised due to the growth in international trade and technological developments such as the Internet. The authors provide a broad coverage of both substantive topics and institutional questions concerning optimal approaches to enforcement and the role of class actions in consumer policy. It also includes comparative insights into the influential EU and US models of consumer law and relates consumer law to contemporary trends in human rights law. Written by a carefully selected group of international experts, this text represents an authoritative resource for understanding contemporary and future developments in consumer law. This Handbook will provide students, researchers and policymakers with an insight to the main policy debates in each context and provide models of legal regulation to assist in the evaluation of laws and the development of consumer law and policy.

Research Handbook on Asian Financial Law Douglas W. Arner 2020-01-31 This comprehensive Research Handbook provides an in-depth analysis of the different financial law approaches, legal systems and trends throughout Asia. It considers how reforms following the crises have been critical for the development and growth of the region and explores a broad range of post-crisis financial regulatory issues. This timely book also examines how inconsistent and divergent approaches to financial market regulation are curtailing the region's potential.

Catalog of Federal Domestic Assistance 2013 Identifies and describes specific government assistance opportunities such as loans, grants, counseling, and procurement contracts available under many agencies and programs.

Banks, Consumers and Regulation Peter Cartwright 2004-10-01 Recent developments in law, public policy, and regulation have ensured that questions regarding the relationship between banks and their customers have seldom been out of the spotlight. This important book provides a timely, original, and critical examination of the role of the law in regulating banks in the interests of the consumer. The work examines the social and economic rationales for, and the objectives of banking regulation. In so doing, it focuses on the crucial role of regulation in the protection of the consumer. The book then provides a critical appraisal of the principal techniques by which regulation is delivered and protection ensured. Such techniques include prior approval by licensing, continued supervision, and information remedies such as disclosure. The work also looks at how the law protects depositors of insolvent banks through financial compensation schemes, and how it provides consumer redress through mechanisms for ensuring access to justice, in particular ombudsmen. Finally, the book looks at the topical question of consumer access to banking services, and considers the extent to which the law can justify placing social obligations on banks in the consumer interest. This is the first monograph to examine these important topics in this way.

The Oxford Handbook of Administrative Justice 2022-06-14 The Oxford Handbook of Administrative Justice examines the wide range of scholarship exploring the administrative decisions made by public authorities that affect individual citizens and the mechanisms available for the provision of redress. The Handbook identifies and provides a survey of key transnational themes in administrative justice research, considers theoretical and methodological approaches to administrative justice, and provides a view of the future of administrative justice research. One aspect of administrative justice, namely the study of law and administration, is a core component of law school syllabuses and scholarly research around the world. For many public lawyers, this area of study has been focused heavily on legalistic redress systems (e.g. judicial review). Justice against administrations, however, is delivered through a much broader range of mechanisms than legalistic processes alone: fair initial decision-making procedures, internal review systems, ombuds, administrative tribunals/adjudication, and other institutions play a vital role. Despite their importance to modern governance across the globe (and to the lives of individual citizens), these broader aspects of administrative justice have been left relatively neglected and under-researched, and the Handbook represents a groundbreaking achievement in establishing administrative justice research as a vital and discrete area of study. The Oxford Handbook of Administrative Justice will be an essential resource for legal scholars and social scientists wishing to understand the complexity of this important field.

Business Contracts Handbook Charles Boundy 2010 Anyone in business is liable to need an understanding of the contract process so they can comprehend the background, anticipate the issues, plan the structure and identify the key points. Rather than teach the law to managers, Charles Boundy provides you with advice, explanation and guidance to make sure the contracts you negotiate for your organization are an effective representation, properly negotiated and

recorded, so that they can be confidently relied on. After all, having gone to the trouble of making the business case for a project, building a strong relationship and laying the foundations, it is in your interest, as the manager responsible, to make sure the deal enables you to realise the benefit of the agreement.

Self-regulation in the Korean Securities Market 2002

The European Unfair Commercial Practices Directive Willem van Boom 2016-02-11 One of the most important EU consumer protection directives of the past decade, the 2005 Unfair Commercial Practices Directive, or UCPD, is brought under examination in this stimulating volume. Bringing together leading experts in the comparative law and consumer law domain, the book discusses the impact of the Directive and whether the many possible issues identified at its inception have been borne out in practice. Divided into four parts of 'Implementation, Approximation and Harmonization', 'Vulnerability', 'The UCP Directive and Other Regimes', and finally 'Enforcement', the volume examines the various policy developments, the growing body of case law, the decisions of relevant national enforcement authorities, as well as the legislative debates which have surrounded the implementation of the UCPD in Member States. This book provides a valuable assessment of the impact of a major EU directive almost ten years after its adoption, and as such will be of interest to academics, legal practitioners and the judiciary working in the areas of European and Consumer law.

Insurance Theory and Practice Rob Thoys 2010-06-21 This book provides a comprehensive overview of the theory, functioning, management and legal background of the insurance industry. Written in accessible, non-technical style, Insurance Theory and Practice begins with an examination of the insurance concept, its guiding principles and legal rules before moving on to an analysis of the market, its players and their roles and relationships. The model is the UK insurance market which is globally recognized and forms the basis of the insurance system in a range of countries in the Middle East, Africa and the Caribbean as well as Australia and Canada. The book covers the underlying ideas behind insurance transactions, together with the legal and financial principles that permit these concepts to function in the real world. Key issues considered include: the role of the constituent parts of the insurance market the operation of both life and general insurers with special reference to the operation of the Lloyd's market the nature and function of reinsurers, brokers and loss adjusters the influence of government, both in terms of market regulation and consumer protection alternatives to the established private sector insurers, such as government schemes, Islamic insurance and alternative risk financing.

Principles of Lender Liability Parker Hood 2012-10-11 Providing a single point of reference, this book covers situations in which banks can incur liability, giving a practical consideration of the central issues and as well as the underlying general principles. It addresses liability in negligence and contract from an English law perspective, with reference to Scottish and Commonwealth law.

Life Assurance Contracts Andrew McGee 2016-04-29 Life assurance continues to be a topic of great practical significance, given the popularity of endowment mortgages and pensions, which contain an element of insurance, as well as the need for families to protect against the loss of their breadwinners. Since the first edition of this book in 1995 much has changed, with a fundamentally new regulatory structure under the Financial Services and Markets Act 2000, changes in divorce and bankruptcy law, as well as continued developments in areas such as insurable interest and utmost good faith. All these developments are covered in this new edition, which at the same time retains the extensive coverage of the well-established principles of this area of law. Areas dealt with include insurable interest, disclosure, cancellation, intermediaries, marketing, assignment, surrender and pension policies. This new edition has been comprehensively revised and updated to take account of changes since the last edition was published.

An Introduction to the Law on Financial Investment Iain G MacNeil 2012-01-20 Since the publication of the first edition of this book in 2005, the world of financial investment has experienced an unprecedented boom followed by a spectacular bust. Significant changes have been proposed and in some cases implemented in areas such as the structure of regulation, the organisation of markets, supervision of market participants and the protection of consumers. The second edition takes account of these developments, integrating them into an analytical framework that enables the reader to develop a critical overview of the role of general legal rules and specialised systems of regulation in financial investment. The framework focuses on the role of contract, trusts and regulation as the primary legal influences for financial investment. The first part explores the relationship between investment, law and regulation. The second part examines the nature of investments and investors, both professional and private. The third part discusses the central role of corporate finance and corporate governance in linking investors with enterprises that require external capital. The fourth part examines the nature, operation and regulation of markets and the participants that support the functioning of the markets. The objective remains to provide a broadly-based and critical account of the role of law in financial investment. "MacNeil's eloquent and informative distillation of the regulatory fundamentals of investment law gives his book much international relevance...a timely contribution to help readers decipher the seemingly inextricable maze of financial regulation...Practitioners and legal policy advisers will..welcome it. They should find enlightening the book's careful scrutiny of the trust and contractual foundations of investment law and practice." Benjamin J Richardson Journal of

International Banking Law and Regulation, Vol 22 Issue 1, 2007 ...a fascinating and informative book...thoroughly recommended as a learned but at the same time very readable introduction to the law of financial investment Gerard McCormack *Banking and Finance Law Review*, Volume 21 No 2, June 2006 ...very informative tool that introduces in a very friendly and accessible manner the nearly inextricable world of financial investment laws. Fadi Moghaizel *International Company and Commercial Law Review*, Vol. 17 No 2, February 2006

Insurable Interest and the Law Franziska Arnold-Dwyer 2020-04-28 This book assesses the role of the doctrine of insurable interest within modern insurance law by examining its rationales and suggesting how shortcomings could be fixed. Over the centuries, English law on insurable interest – a combination of statutes and case law – has become complex and unclear. Other jurisdictions have relaxed, or even abolished, the requirement for an insurable interest. Yet, the UK insurance industry has overwhelmingly supported the retention of the doctrine of insurable interest. This book explores whether the traditional justifications for the doctrine – the policy against wagering, the prevention of moral hazard and the doctrine's relationship with the indemnity principle – still stand up to scrutiny and argues that, far from being obsolete, they have acquired new significance in the global financial markets and following the liberalisation of gambling. It is also argued that the doctrine of insurable interest is an integral part of a system of insurance contract law rules and market practice. Rather than rejecting the doctrine, the book recommends a recalibration of insurable interest to afford better pre-contractual transparency to a proposer as to the suitability of the policy to his or her interest in the subject-matter to be insured. Providing a powerful defence for the retention of insurable interest, this book will appeal to both academics and practitioners working in the field of insurance law.

The Future of Consumer Credit Regulation Michelle Kelly-Louw 2016-12-05 Effective regulation of consumer credit in modern society is an ever-changing challenge. As new forms of credit emerge in free societies, regulation often lags behind. This volume explores contemporary problems related to the regulation of consumer credit in market economies with a focus on credit extended to the most vulnerable and poorest members of the community. Written by experts in the field of consumer credit regulation from Europe, North America, Australia and South Africa, the book examines some of the most important consumer credit issues facing consumers today and proposes innovative ways to protect the consumer interest in those markets.

Land Law Ben McFarlane 2012-06-14 The second edition of *Land Law: Text, Cases, and Materials* offers a stimulating and thought-provoking guide to land law. With insightful commentary and carefully selected primary and secondary material this book provides the resources necessary for a thorough study of land law.

Consumer Insurance Law Great Britain. Law Commission 2009 This joint report recommends clarification of the law about the information which a consumer should tell an insurer when taking out a policy. It includes draft legislation to replace the current law which is more than 100 years old and was designed for ship owners insuring large vessels rather than today's consumer insurance market. Under that statute, insurers can refuse to pay out if a policyholder failed to disclose any relevant information, even if the consumer answered all questions that were asked honestly and reasonably. The draft Bill appended to the report will clarify a raft of existing rules and guidance employed by insurers, the Financial Services Authority and the Financial Ombudsman Service. Under the recommendations: insurers must ask questions about any matter which they wish to know in order to assess the risk being insured; consumers who take reasonable care to answer insurers' questions fully and accurately can expect to have any subsequent claims paid in full; if a consumer makes a careless mistake when answering a question, he or she might still be entitled to have some of the claim paid. The Commissions' recommendations follow a detailed consultation exercise - started with a discussion paper "Insurance contract law" (2007, LCCP 182/SLCDP 134, ISBN 9780117037823) - which found widespread support for the proposed changes from major insurers, insurance brokers and lawyers as well as consumer groups.

Insurance Law and the Financial Ombudsman Service Judith Summer 2013-05-02 *Insurance Law and the Financial Ombudsman Service* is an in depth look at the workings and insurance decisions of the Financial Ombudsman Service. The book analyses how the Ombudsman Service decides insurance cases and compares its approach to that of a court. This book sets out the rules, procedure and approach of the Ombudsman Service, succinctly summarises the relevant insurance law and compares and analyses it against a comprehensive review of material about insurance complaints gathered since the formation of the Ombudsman Service in 2001.

E-finance Lovells (Firm) 2002

The Foundations and Future of Financial Regulation Mads Andenas 2013-11-20 Financial regulation has entered into a new era, as many foundational economic theories and policies supporting the existing infrastructure have been and are being questioned following the financial crisis. Goodhart et al's seminal monograph "Financial Regulation: Why, How and Where Now?" (Routledge:1998) took stock of the extent of financial innovation and the maturity of the financial services industry at that time, and mapped out a new regulatory roadmap. This book offers a timely exploration of the "Why, How and Where Now" of financial regulation in the aftermath of the crisis in order to map out the future trajectory of financial regulation in an age where financial stability is being emphasised as a key regulatory objective. The

book is split into four sections: the objectives and regulatory landscape of financial regulation; the regulatory regime for investor protection; the regulatory regime for financial institutional safety and soundness; and macro-prudential regulation. The discussion ranges from theoretical and policy perspectives to comprehensive and critical consideration of financial regulation in the specifics. The focus of the book is on the substantive regulation of the UK and the EU, as critical examination is made of the unravelling and the future of financial regulation with comparative insights offered where relevant especially from the US. Running throughout the book is consideration of the relationship between financial regulation, financial stability and the responsibility of various actors in governance. This book offers an important contribution to continuing reflections on the role of financial regulation, market discipline and corporate responsibility in the financial sector, and upon the roles of regulatory authorities, markets and firms in ensuring the financial health and security of all in the future.

Ellinger's Modern Banking Law E.P. Ellinger 2011-07-21 This book looks at the UK banking in the context of general legal doctrines and banking regulation. It draws on Australian, US and Canadian examples and deals with the impact of the recent global financial crisis.

MiFID II and Private Law Federico Della Negra 2019-07-11 In the wake of the global financial crisis, investors have suffered significant losses as a result of breaches of conduct of business rules in the distribution of financial instruments. MiFID II introduced new disclosure, distribution and product governance rules to strengthen the protection of investors but, like MiFID I, did not harmonise the civil law consequences for their violation. This book asks whether, in spite of the silence of the EU legislators, the MiFID II conduct of business rules may produce civil law effects, enabling investors to enforce them against investment firms before national courts and alternative dispute resolution (ADR) mechanisms. Building on the case law of the CJEU, the book shows the conditions under which the breach of MiFID II conduct of business rules should give rise to a private law remedy, and what remedies would be compatible with EU law. MiFID II and Private Law is an essential contribution to academic research in EU and financial law and will be a key text for policy-makers and legal practitioners working in the field of investor protection regulation and mis-selling litigation.

Land Law Louise Tee 2013-01-10 This book brings together a team of leading authorities on land law to analyse the key debates and policy issues in this area of the law, with the main chapters addressing proprietary and non-proprietary rights, registration, easements, leases, co-ownership and trusts, mortgages and land law and human rights. Many of the policies and assumptions which underlie land law have immense significance in economic, social and emotional terms upon individuals lives. This book set out to analyse the current tensions within land law, such as the conflicting needs for certainty and fairness, and the difficult balance which has to be drawn between protecting existing property rights and simplifying conveyancing to ensure the easy transfer of land. Particular attention is paid to the likely impact of the Human Rights Act. Land Law: issues, debates, policy will be essential reading for students, practitioners and others seeking an understanding of the key issues and debates surrounding this area of the law.

The Oxford Handbook of International Adjudication Cesare PR Romano 2014-01-16 The post-Cold War proliferation of international adjudicatory bodies and increase in litigation has greatly affected international law and politics. A growing number of international courts and tribunals, exercising jurisdiction over international crimes and sundry international disputes, have become, in some respects, the lynchpin of the international legal system. The Oxford Handbook of International Adjudication charts the transformations in international adjudication that took place astride the twentieth and twenty-first century, bringing together the insight of 47 prominent legal, philosophical, ethical, political, and social science scholars. Overall, the 40 contributions in this Handbook provide an original and comprehensive understanding of the various contemporary forms of international adjudication. The Handbook is divided into six parts. Part I provides an overview of the origins and evolution of international adjudicatory bodies, from the nineteenth century to the present, highlighting the dynamics driving the multiplication of international adjudicative bodies and their uneven expansion. Part II analyses the main families of international adjudicative bodies, providing a detailed study of state-to-state, criminal, human rights, regional economic, and administrative courts and tribunals, as well as arbitral tribunals and international compensation bodies. Part III lays out the theoretical approaches to international adjudication, including those of law, political science, sociology, and philosophy. Part IV examines some contemporary issues in international adjudication, including the behavior, role, and effectiveness of international judges and the political constraints that restrict their function, as well as the making of international law by international courts and tribunals, the relationship between international and domestic adjudicators, the election and selection of judges, the development of judicial ethical standards, and the financing of international courts. Part V examines key actors in international adjudication, including international judges, legal counsel, international prosecutors, and registrars. Finally, Part VI overviews select legal and procedural issues facing international adjudication, such as evidence, fact-finding and experts, jurisdiction and admissibility, the role of third parties, inherent powers, and remedies. The Handbook is an invaluable and thought-provoking resource for scholars and students of international law and political science, as well as for legal practitioners at international courts and tribunals.

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