

Corporate Finance Law

Principles and Policy

Louise Gullifer and Jennifer Payne



Fourth Edition

Corporate Finance Law Principles Policy

Rolef de Weijs, Joost de Vries, Aart Jonkers

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Bridge, Louise Gullifer, Eva Lomnicka, 2024-10-23 Personal property security is an important subject in commercial practice as it is the key to much of the law of banking and sale This book examines traditional methods of securing debts such as mortgages charges and pledges as well as so called guasi security on property other than land describing how these are created how they must be registered or otherwise perfected if they are to be valid the rights and duties of the parties and how the security is enforced if the debt is not paid This fourth edition has been updated to incorporate recent political and legal developments including Brexit The Edinburgh Reforms which have followed the United Kingdom's exit from the European Union promise a thorough overhaul of the consumer credit regime The Retained EU Law Revocation and Reform Act 2023 potentially affects the interpretation of EU assimilated law including the Financial Collateral Arrangements No2 Regulations FCARs This edition further assesses the implications of the Business Contract Terms Assignment of Receivables Regulations 2018 taking pledges over electronic documents of title in the light of the Electronic Trade Documents Act 2023 the outlawing of ipso facto clauses by the Corporate Insolvency and Governance Act 2020 and the reduced scope of the EU Insolvency Regulation The treatment of insolvency matters within the framework of the Cape Town Convention is also considered as are recent cases on pledges of bills of lading when the carrier no longer has possession of the goods the distinction between fixed and floating charges equitable liens and the right of appropriation of financial collateral There is a full discussion of the taking of security over digital assets and the relevance of the FCARs The only full length treatment covering both traditional security over personal property and also devices that fulfil a similar economic function such as retention of title and sales of receivables The Law of Security and Title Based Financing is a frequently cited and indispensable reference work both for practitioners and academics

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