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Kubota, Takashi



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Ellinger's Modern Banking Law Eliahu Peter Ellinger, Eva Z. Lomnicka, E. Lomnicka, C. Hare, 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 **Banking Law and Financial**

Regulations John Abolarin, 2025-01-03 Evaluating the financial accounts of the Royal Bank of Scotland Group Barclays HSBC and Standard Chartered Bank from 2004 2018 reveals a taste of the sweetness of success It also demonstrates what could go wrong in a mega bank the crippling price of failure and the long hard road to recovery This book is a historical account of the causes of instability in the banking sector in the past 40 years and an evaluation of the effectiveness or otherwise of a range of laws and regulatory measures adopted to remedy financial crises in the UK over the years In addition the book provides a broad review of the evolutionary development of banking and financial laws starting with seminal case laws on the subject the Banking Act 1979 the repealed Banking Act 1987 FSMA 2000 the Company Act 2006 the Banking Reform Act 2013 Basel Accords and sundry EU Directives John a Barrister at Law offered a robust blend of theoretical knowledge and twenty years of practical industry experience in a commercial bank to provide legal perspectives on supervisory models necessary for stability in the banking sector while promoting justification for creating an enabling environment for wealth creation and economic growth The Methods and Methodology chapter would be an invaluable companion for postgraduate students and researchers **Principles of Enterprise Law** Ewan McGaughey, 2022-09-01 Major

enterprises shape our lives in countless ways big tech and surveillance media that affect democratic debate algorithms that influence online shopping transport to work and home energy and agriculture corporations that drive climate damage and public services that provide our education health water and housing The twentieth century experienced swings between private and public ownership between capitalism and socialism without any settled principled outcome and without settling major questions of how enterprises should be financed governed and the rights we have in them This book's main question is are there principles of enterprise law and if they are missing what principles of enterprise law should there be Principles of Enterprise Law gives a functional account of the general enterprise laws of companies investment labour competition and insolvency before moving into specific enterprises from universities to the military It is an original guide to our economic constitution and human rights **The Financial Courts** Jo Braithwaite, 2021-01-07 In The Financial Courts Jo Braithwaite

analyses thirty years of cases involving the global derivatives markets exploring the nature of these legal disputes and assessing their impact on financial markets and on commercial law more broadly Weaving together this substantial body of cases with theoretical insights drawn from the growing literature on the internationalisation of financial law Braithwaite offers readers a detailed and highly original contribution to the debate about the role of private law in international financial markets This important work should be read by lawyers economists and regulators in the field *Cyberlaw for Global*

E-business: Finance, Payments and Dispute Resolution Kubota, Takashi, 2007-12-31 Examines cyberlaw topics such as cybercrime and risk management electronic trading systems of securities digital currency regulation jurisdiction and consumer protection in cross border markets and international bank transfers

Credit and Creed Andreas Rahmatian, 2019-10-28 Money is a legal institution with principal economic and sociological consequences Money is a debt because that is how it is conceptualised and comes into existence as circulating credit if viewed from the creditor's perspective or from the debtor's viewpoint as debt This book presents a legal theory of money based on the concept of dematerialised property It describes the money creation or money supply process for cash and for bank money and looks at modern forms of money such as cryptocurrencies It also shows why mainstream economics presupposes but avoids an analysis of money by effectively eliminating money from the microeconomic market model and declaring it as merely a neutral medium of exchange and unit of account The book explains that money rather brings about and influences substantially the exchange or transaction it is supposed to facilitate only as a neutral medium As the most liquid of all assets money enables financialisation monetisation and commodification in the economy The central role of the banks in the money creation process and in the economy and their strengthened position after the bank rescue measures in the wake of the financial crisis 2008-9 are also discussed Providing a rigorous analysis of the most salient legal issues regarding money this book will appeal to legal theorists economists and anyone working in commercial or banking law

Restitution and Banking Law Francis Rose, 2020-10-28 Restitution and Banking Law written by leading practitioners and commentators combines their experience in the field of restitution law and banking law to discuss major issues

Anti-Money Laundering Waleed Alhosani, 2016-07-14 This book critically analyses the role of the United Arab Emirates Financial Intelligence Unit FIU in the Suspicious Activities Reports regime The author pays particular attention to its functions and powers in dealing with Suspicious Activities Reports and relevant requirements imposed upon the reporting entities In the analysis the author also compares the United Arab Emirates FIU model to the United Kingdom FIU model In addition the book investigates whether the current United Arab Emirates FIU model complies with the relevant international recommendations developed by the Financial Action Task Force in relation to the establishment of the unit as well as its powers and functions This book suggests that more can be done to improve the current functions and powers of the United Arab Emirates FIU in an international context Furthermore the author suggests that the functions and powers of the United FIU model both comply with the international requirements and beneficially extend beyond their directives

The Impact of Legislation on Credit Risk—Comparative Evidence From the United States, the United Kingdom and Germany Philipp Schmieder, Mr. Christian Schmieder, 2011-03-01 This study investigates the link between bankruptcy and security legislation and potential credit losses faced by banks based on a cross country study for the United States US the United Kingdom UK and Germany Focusing on corporate credit we find that legislation produces the highest credit risk in the US

followed by Germany while UK law is found to be most favorable for banks US banks gains from the higher number of informal restructurings without losses but lose from the low level of recovery in formal proceedings German banks demand more credit risk mitigants than UK and US banks do but still recover less than do UK banks To be at par with UK banks US banks would have to recover more than twice as much in formal proceedings while German proceedings would have to be shortened by about one half

Alternative Lending Promitheas Peridis,2022-09-30 The book covers alternative lending using the emergence of Debt Funds in the EU as a case study The book explores the risks that they can pose to financial stability and the regulatory and supervisory tools available to mitigate these risks Through this analysis the book uncovers the risks and potential risk mitigation tools that can be applied to the alternative lenders including debt funds and other potential alternative lenders After identifying the reasons behind the growth of alternative lenders using as example the assets of Alternative Investment Funds AIFs and in particular debt funds and the simultaneous decrease of the banks assets the book analyses the systemic importance of the alternative lenders and the risk channels through which the systemic risk can spread to the banking sector and the financial system Then the book deals with the financial innovation market failure theory and demonstrates that financial innovations e g debt funds securitisations can cause market failures resulting in regulatory interventions Of interest to banking and financial regulation academics researchers and practitioners this book analyses the regulatory provisions in place for both credit institutions and debt funds including the Basel Accords the Capital Requirements Directives and Regulations and the Alternative Investment Fund Managers Directive AIFMD and its implementation in various EU jurisdictions before offering a proposal for a new three defensive framework applicable to debt funds and to other potential alternative lenders

Law of Multi-Bank Financing Agasha Mugasha,1998-01-15 The book includes chapters on what multi bank financing is and who does it relevant areas of law including contract torts insolvency tax and statutes such as the Bank Act the mechanics of arranging loan syndications and loan participations financial accommodation used direct loans bank guarantees letters of credit and bankers acceptances legal relations between parties in loan syndications and loan participations rights and duties of the agent bank securities regulation issues in loan syndications and loan participations and accounting and tax issues in loan syndications and loan participations Agasha Mugasha argues that loan syndications loan participations and related practices are commercial transactions between sophisticated parties and should be analysed and regulated as such Sample documents for syndicated facility agreements participation agreements sale and participation agreements and standby letters of credit are provided in appendices Based on law in Canada particularly Ontario The Law of Multi bank Financing includes discussions of a significant body of United States jurisprudence as well as the most important court decisions in other common law countries

[The International Sale of Goods 5e](#) Michael Bridge,2024-02-08 The fifth edition of this leading authority continues to provide comprehensive analysis of the law and practice of sale of goods under English and international law It is an indispensable resource for

practitioners scholars and postgraduate students

Can Banks Still Keep a Secret? Sandra Booyesen, Dora

Neo, 2017-05-18 The duty to keep customer information confidential affects banks on a daily basis Bank secrecy regimes around the world differ and multi national banks can find themselves in conflicted positions with a duty to protect information in one jurisdiction and a duty to disclose it in another This problem has been heightened by the international trend promoting information disclosure in order to combat tax evasion money laundering and terrorist financing The US Foreign Account Tax Compliance Act FATCA is perhaps the most well known At the same time data protection legislation is proliferating around the world This book offers a holistic treatment of bank secrecy in major financial jurisdictions around the world east and west by jurisdictional experts as well as chapters by subject specialists covering the related areas of confidentiality in its broader privacy context data protection conflicts of laws and exchange of information for the purposes of combatting international crime

Corporate Law and Financial Instability Andreas Kokkinis, 2017-11-20 Virtually all large banks and other financial institutions in the UK and internationally are public limited liability companies whose shares are listed on one or several stock exchanges As such their corporate governance and in particular the incentives faced by their directors and senior managers are to a significant extent determined by corporate and securities law rules such as directors duties directors liability in insolvency takeover regulation disclosure obligations shareholder rights and rules on executive remuneration At the same time systemically important financial institutions in the UK are licensed regulated and supervised by the Prudential Regulation Authority PRA This book explores the relationship between on the one hand the broader corporate law corporate governance and securities law framework and on the other the prudential regulatory framework Although the book's main focus is on UK law much of the policy argumentation is relevant globally and therefore appropriate international comparisons are drawn and analysis of EU law and regulation is included The book argues that the corporate law regime which focuses on shareholder empowerment and profit maximisation operates as an antithesis to prudential regulatory objectives thus undermining the safety and soundness of banks and other financial institutions by encouraging risky behaviour that may be in the best interests of their shareholders but is clearly not in the public interest

Good Faith in European Contract Law Reinhard Zimmermann, Simon Whittaker, 2000-06-08 For some Western European legal systems the principle of good faith has proved central to the development of their law of contracts while in others it has been marginalized or even rejected This book starts by surveying the use or neglect of good faith in these legal systems and explaining its historical origins The central part of the book takes thirty situations which would in some legal systems attract the application of good faith analyses them according to fifteen national legal systems and assesses the practical significance of both the principle of good faith and its relationship to other contractual and non contractual doctrines and forms of regulation in each situation The book concludes by explaining how European lawyers whether from a civil or common law background may need to come to terms with the principle of good faith This was the first completed project of The Common

Core of European Private Law launched at the University of Trento *Corruption, Asset Recovery, and the Protection of Property in Public International Law* Radha Ivory, 2014-08-21 A human rights analysis of international efforts to confiscate wealth in grand corruption cases that focuses on protections for property *Current Publications in Legal and Related Fields*, 2009 *European Banking and Financial Law* Matthias Haentjens, Pierre de Gioia Carabellese, 2015-06-05 In recent decades the volume of EU legislation on financial law has increased exponentially Banks insurers pension funds investment firms and other financial institutions all are increasingly subject to European regulatory rules as are day to day financial transactions Serving as a comprehensive and authoritative introduction to European banking and financial law the book is organized around the three economic themes that are central to the financial industry i financial markets ii financial institutions and iii financial transactions It covers not only regulatory law but also commercial law that is relevant for the most important financial transactions It also explains the most important international standard contracts such as LMA loan contracts and the GMRA repurchase agreements Covering a broad range of aspects of financial law from a European perspective it is essential reading for students of financial law and European regulation **The Payment Order of Antiquity and the Middle Ages** Benjamin Geva, 2011-11-01 Examining the legal history of the order to pay money initiating a funds transfer the author tracks basic principles of modern law to those that governed the payment order of Antiquity and the Middle Ages Exploring the legal nature of the payment order and its underpinning in light of contemporary institutions and payment mechanisms the book traces the evolution of money payment mechanisms and the law that governs them from developments in Ancient Mesopotamia Ancient Greece Rome and Greco Roman Egypt through medieval Europe and post medieval England Doctrine is examined in Jewish Islamic Roman common and civil laws Investigating such diverse legal systems and doctrines at the intersection of laws governing bank deposits obligations the assignment of debts and negotiable instruments the author identifies the common denominator for the evolving legal principles and speculates on possible reciprocity At the same time he challenges the idea of law merchant as a mercantile creation The book provides an account of the evolution of payment law as a distinct cohesive body of legal doctrine applicable to funds transfers It shows how principles of law developed in tandem with the evolution of banking and in response to changing circumstances and proposes a redefinition of law merchant The author points to deposit banking and emerging technologies as embodying a great potential for future non cash payment system growth However he recommends caution in predicting both the future of deposit banking and the overall impact of technology At the same time he expresses confidence in the durability of legal doctrine to continue to evolve and accommodate future payment system developments Commercial Law Eric Baskind, Greg Osborne, Lee Roach, 2016 Commercial Law offers a fresh and stimulating account of the subject thereby helping students better understand this important area of law It provides thorough coverage of all key aspects of the syllabus including the law of agency the sale of goods international trade methods of payment finance and security

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