
SHARES AND
OTHER SECURITIES
IN THE CONFLICT
OF LAWS

MAISIE OOI



OXFORD

Shares And Other Securities In The Conflict Of Laws

Francis Walker



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 *Das Kollisionsrecht der indirekt gehaltenen Wertpapiere* Reinhard Ege, 2011-12-07 Nachdem kollisionsrechtlichen Fragen im Zusammenhang mit internationalen Wertpapiertransaktionen lange Zeit keine besondere Beachtung geschenkt worden war haben sich in j üngster Zeit sowohl die Europäische Union als auch die Haager Konferenz für Internationales Privatrecht intensiv mit dieser Thematik befasst Gemeinsamer Nenner der gemeinschaftsrechtlichen Regelungen und des von der Haager Konferenz am 13.12.2002 angenommenen bereinkommens über das auf bestimmte Rechte in Bezug auf Intermediär verwahrte Wertpapiere anzuwendende Recht ist die Ablösung der *lex cartae sitae* durch Anknüpfungen die das Depotkonto und die darauf verbuchten Rechte in den Mittelpunkt stellen Ziel der vorliegenden Arbeit ist es diese Regelungen sowie den auf gemeinschaftsrechtlichen Vorgaben beruhenden 17a des deutschen Depotgesetzes zu bewerten sowie eine eigene Anknüpfung zu entwickeln Schwerpunkte der Arbeit sind die Auswirkungen des Europarechts und der Regelungen des HWp auf das deutsche Recht und das Zusammenspiel kollisionsrechtlicher Vorschriften mit dem materiellen Recht **Europäisches Kollisionsrecht des Effektengiros** Michael Born, 2014-07-29 English Summary The law applicable to securities held in book entry form in securities accounts is subject to a variety of European private

international law rules However these provisions have not yet established a complete and consistent conflict of laws regime Michael Born analyses the inconsistencies and gaps and also examines the options for eliminating the identified shortcomings German Description Wertpapiertransaktionen auf den Kapitalmärkten werden nur noch durch Umbuchungen in einem System von Depotkonten erfüllt Die stückelose Transaktionsform der Effekten giroverkehr steht zwangsläufig in einem Spannungsverhältnis zu traditionellen wertpapierrechtlichen Konzepten Angesichts des ubiquitären Charakters der Finanzmärkte lässt sich dabei gerade auch kollisionsrechtlich ein starkes Bedürfnis nach Rechtssicherheit ausmachen Um diesem zu entsprechen stehen die intermediatisierten Titel seit längerem auf der Agenda des europäischen Gesetzgebers Als Querschnittsmaterie des Internationalen Sachen Schuld und Insolvenzrechts hat sich ein europäisches Kollisionsrecht des Effekten giroverkehrs herausgebildet Michael Born analysiert die verschiedenen Sekundärrechtsakte zeigt Parallelen und gemeinsame Grundzüge auf und legt die bestehenden Defizite und Lücken dar Weiter lotet er die Optionen für eine künftige heteronome oder autonome Fortentwicklung des europäischen Rechtsrahmens aus

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

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