

## Factoring Law And Practice

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.

Explains how intangible assets such as contractual debts or equitable entitlements may be assigned under English law.  
FactoringThe Law and Practice of Invoice FinanceSweet & MaxwellFactoring Law and PracticeThomson Professional Pub CanadaLaw and Practice of Credit FactoringAmerican Factoring LawBna BooksSalinger on Factoring

Trade finance is of great importance in the commercial world, for both students (undergraduate and postgraduate) and

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practitioners. The choice of countries in export trade is often perception-based: trade with government departments or public institutions is seen as much safer than with private entities and the choice of countries is often based on that perception of risk. This book: addresses issues and topics which are relevant to all jurisdictions in the world explains the various types of trade finance, how they may be raised and the legal issues pertaining to them Value for those wanting to understand the legal issues of sources of trade finance in both the developed and developing countries, this book will interest students studying the interaction between law and commerce.

This monograph is practically oriented, presenting a survey and explanation of credit insurance services for protection of short-term trade receivables primarily against commercial risk of insolvency and protracted default. The subject matter (i.e., main functions, features and principles of credit insurance with detailed description of credit insurance coverage, insurance conditions, and credit insurance policy management) follows procedural stages and presents commercial, financial, legal, and practical points of view which emphasize the needs of both the providers of these services and their clients – existing and potential credit insured companies – as well as other practitioners. Explains how credit insurance has changed from an esoteric type of property insurance into a flexible and frequently used credit risk mitigation tool used on a global basis Compares credit insurance with self-insurance and equivalent substitutes Describes the types of insurance available and how to obtain and manage credit insurance policies

Generates Wills automatically from a styles bank when you type in information on an individual client. Using a question and answer format, this CD-ROM guides you through a structured questionnaire. Once the questionnaire has been

completed, the system automatically drafts the appropriate Will document

For corporate managers, maximization of the profits and the market value of the firm is a prime objective. The logical working out of this principle in multinational enterprises has led to an intense focus on transfer pricing between related companies, principally on account of the very attractive tax advantages made possible. Inevitably, numerous countries have established transfer pricing legislation designed to combat the distortions and manipulations that are inherent in such transactions. This important book, one of the first in-depth analysis of the current worldwide working of transfer pricing in intra-group financing and its resonance in law, presents the relevant issues related to loans, financial guarantees, and cash pooling; analyses an innovative possible approach to these issues; and describes new methodologies that can be implemented in practice in order to make intra-group financing more compliant with efficient corporate financing decisions and the generally accepted OECD arm's length principle. Comparing the tax measures implemented in the corporate tax law systems of forty countries, this study investigates such aspects of intra-group financing as the following: – corporate finance theories, studies, and surveys regarding financing decisions; – application of the arm's length principle to limit the deductibility

of interest expenses; – impact of the OECD’s Base Erosion and Profit Shifting (BEPS) project; – transfer pricing issues related to intra-group financing; – credit risk in corporate finance; – rationales utilized by credit rating agencies; and – the assessment of arm’s length nature of intra-group financing. The author describes ways in which the application of the arm’s length principle can be strengthened and how the related risk of distortion and manipulation can be minimized. The solutions and methodologies proposed are applicable to any business sector. Given that determination of the arm’s length nature of transactions between related companies is one of the most difficult tasks currently faced by taxpayers and tax administrations around the world, this thorough assessment and analysis will prove extraordinarily useful for in-house and advisory practitioners, corporate officers, academics, international organizations, and government officials charged with finding effective responses to the serious issues raised. In addition to its well-researched analysis, the book’s comparative overview of how loans, financial guarantees, and cash pooling are currently addressed by OECD Member States and by their national courts is of great practical value in business decision making. In today’s globalised world, an understanding of international trade is essential for those studying and practising law, business, banking and finance.

International Trade Law offers a comprehensive and informed analysis of the complexities of an international sale transaction through case law, policy documents, legislation, international conventions and rules adopted by international organisations such as the ICC. Focusing on international sales of goods and the various relations that arise as a result of sale contract, this book considers and discusses: Standard trade terms, the Convention on International Sales of Goods 1980 and the UNIDROIT Principles for International Commercial Contracts 2004; Issues relating to E-Commerce including electronic transport documents, especially electronic bills of lading; International transportation of cargo, both unimodal (sea, air, land and rail) and multimodal, the various conventions affecting such transportation and the proposed new convention drafted by UNCITRAL and CMI; Insurance and payment mechanisms, in particular letters of credit and the recently adopted UCP 600; Dispute resolution including issues of jurisdiction, applicable law, arbitration and mediation; Corruption as a major challenge to conducting business and the various anti-corruption conventions, in particular the OECD Anti-Bribery Convention 1997 and the UN Convention Against corruption 2003. Accessible to students encountering this often challenging area of the law for the first time, International Trade Law clarifies a range of topics through Tables and

diagrams, and directs the reader to relevant further reading, online resources, and journal articles throughout

The book shows that self-help in commercial law is a fast, inexpensive and efficient alternative to court enforcement. Self-help remedies and private debt collection are largely but not exclusively features of common law jurisdictions, since remnants of private enforcement can still be found in contract law in civilian systems. The book argues that – despite their usefulness – self-help and private debt collection entail significant risks, especially for consumer debtors. This means that private enforcement needs to be accompanied by the introduction of tailor-made consumer-debtor protection regulation. Specific attention is given to factoring, which functions in many instances as a form of pseudo-private debt collection and which has been exploited to bypass sector-specific consumer protection regulations. Focusing on the law and practice relating to factoring and invoice finance, this book discusses the various forms, uses, and methods by which factoring can help businesses, and offers coverage of the legal background in which such services operate. It also examines important developments in Case Law

This third edition of *International Arbitration Law and Practice* has been largely enriched by covering international commercial arbitrations, investment treaty arbitrations, arbitrations between public

bodies, between states and individuals, the UNCITRAL model law and Iran-US Tribunal proceedings as well as commodity arbitration, online arbitration and sports arbitral proceedings. International Arbitration Law and Practice, 3rd edition elaborates new concepts such as a definition of international arbitration based on procedural law (different from transnational law) and a doctrine (the *trunc commun* doctrine) to identify the applicable substantive law on disputes between parties belonging to different countries. It further suggests that a law of international arbitration has arisen from the various conventions and laws. Besides dealing with all the aspects of arbitration on a topic by topic basis, the writer presents a third generation arbitration which builds on analysis of major obstacles to a smooth running arbitration. International Arbitration Law and Practice, 3rd edition is a work that anyone involved in arbitral proceedings will find to be absolutely indispensable. This book offers a valuable guide to one of the most challenging areas of commercial law, now frequently referred to as secured transactions, with a focus on Nigerian, Canadian and United States perspectives. A debtor's ability to provide collateral influences not only the cost of the money borrowed, but also in many cases, whether secured lenders are willing to offer credit at all. The book proposes that increasing access to, and indeed, lowering the cost of credit

could tremendously boost economic development, while at the same time arguing that this would best be achieved if the legal framework for secured transactions in Nigeria, and of course, any other country with similar experiences, were designed to allow the use of personal property and fixtures to secure credit. Similarly, the creation, priority, perfection, and enforcement of security interests in personal property should be simplified and supported by a framework that ensures that neither the interests of secured lenders nor debtors are hampered, so as to guarantee the continuous availability of affordable credit as well as debtors' willingness to borrow and do business. The book further argues that in addition to the obvious preference for real property over personal property by secured lenders due to the unreformed secured-transactions legal framework in Nigeria, its compartmentalized nature has also resulted in unpredictability in commerce and the concomitant effects of poor access to credit. Through the comparative research conducted in this book utilizing the UCC Article 9 and Ontario PPSA as benchmarks, the author provides reformers with a repository of tested secured-transactions law solutions, which law reformers in the Commonwealth countries in Africa and beyond, as well as the business community will find valuable in dealing with issues that stem from secured transactions.

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A reference tool for lawyers facing international legal problems outside their own areas of expertise.

This book examines systematically the current systems of secured lending in China and Hong Kong, where companies or individuals offer personal property as security for credit advanced by a lender. Valid and enforceable security reduces the risk to the lender and so lowers the cost of credit to the borrower. However, the Hong Kong system, being largely derived from English law, is highly complex and in need of root-and-branch reform. The forces of inaction have triumphed and valuable opportunities to create a modern, rational and efficient system have been squandered. In China, on the other hand, a completely new system has been created in the last twenty years which, whilst it has various problems and defects, has some notable advantages over the common law equivalent found in Hong Kong. Dän. Zusammenfass.

This book focuses on international harmonisation and the law of secured transactions by distilling and analysing the unifying principles of various significant international conventions and instruments such as the UN Convention on the Assignment of Receivables, the Unidroit Convention on International Factoring, the EBRD Model Law on Secured Transactions, the Unidroit Convention on the International Interests in Mobile Equipment and the UNCITRAL Legislative Guide on Secured Transactions.

McCormack examines English law on Secured Credit, highlighting its weaknesses, and evaluating possible remedies. Contains the text of Article 9.

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This volume tests the claim that, as combinations of Civil and Common Law influences, the mixed systems of contract law in Scotland and South Africa have anticipated the content of the Principles of European Contract Law (PECL) concluded and published in 2003 by the unofficial Commission on European Contract Law. Going further, it rigorously explores what the implications of a Europe-wide contract law would be. The current official moves towards a European contract law within the European Union make the critiques of PECL in this volume especially urgent and significant. With a European contract law nearer to reality than ever before, mere policy critiques are no longer enough. This book provides the essential technical and substantive assessments of PECL from the perspective of Scots and South African contract lawyers, and is offered to the European debate without prejudice as to the deeper policy questions. At the same time, this volume will inform Scots and South African lawyers about the substance of international developments in the field, and suggest ways to develop their still vigorous and vital national laws to remain in step with the needs of the present day.

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 second edition has been fully updated and expanded to cover all important issues and changes within this highly complex area of law. It explains traditional methods of securing debts (such as mortgages, charges, and pledges) 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. The new edition includes an expanded section on priorities in which it explains how 'priority' disputes between competing interests over the same property are resolved. In addition the book covers the law governing other transactions that perform a similar economic function (such as finance leases, retention of title clauses, and sales of a company's book debts). These are not currently treated by the law as security and are therefore subject to different rules on perfection, priority, and enforcement. There is much expansion of the discussion relating to enforcement including the issue of 'right of use' following Lehman, more analysis on administration and all forms of non-possessory security and quasi-security, and a new chapter on enforcement of security addressing the right of appropriation under FC/FCAR and the Cukurova case. The conflict of laws section includes developments under the Rome I Regulation affecting assignment issues, the UNIDROIT Convention 2009 in relation to tiered holdings and the Cape Town Convention's extensions made to coverage of asset-backed security over equipment. It also addresses the changes brought about by the abolition of Slavenburg registration. This edition contains relevant points from the Banking Act 2009 concerning its impact on security, such as the power to protect certain interests on a transfer of property, and also considers amendments regarding liquidators' expenses under the Insolvency Rules. The authors additionally deal with the role of step-

in rights and why they are part of the statutory definition of project finance in the Enterprise Act. Previously published as *The Law of Personal Property Security*, this new edition brings together all of the law on this complex area, providing guidance in the context of commercial practice, especially with increased coverage of conflict of laws, priority, insolvency, and enforcement.

The significant role of credit in obtaining corporate capital means that credit and the treatment of creditors' interests raises distinctive issues in the event of company insolvency. In this book, Kayode Akintola addresses these issues, providing an exceptional in-depth analysis of the principles, policy and practice of creditor treatment in corporate insolvency law.

Anyone involved in trade law knows the time-consuming nature of obtaining primary source material and consulting each of the main trade laws. Now in its fourth edition, *Basic Documents in International Trade Law* solves this problem by assembling, in a single, easy-to-use resource, a very comprehensive collection of the most important and frequently used documents on the law of international trade. In addition to its obvious practical value, this work reveals much about the process of harmonization in international trade law and the operation of the key international trade bodies. This makes the book a helpful reference for international business lawyers, researchers, legislators and government officials in the field. Since the successful publication of the previous editions of the book, the appearance of new conventions and model laws has considerably enriched the law of international trade, and

the present edition contains a wealth of new material. The book has been substantially revised and several new instruments have been included. Among the most significantly important improvements to this new edition are new chapters added to different parts of the book, a redesigned and thoroughly revised Part 6 reflecting the expansion of intellectual property rights under the framework of treaties administered by World International Property Organization, and bibliographies and other research resources updated and enlarged to include an extraordinarily rich collection of books and articles in many trading languages besides English, including, for the first time, major Chinese works in the international trade law field. As the late Prof. Clive M. Schmitthoff commented on the first edition, the book 'is not only of practical usefulness but has also considerable jurisprudential value', and 'reveals the methodology of the harmonization process in the area of international trade law'. The International Business Lawyer first commented in 1987 that the book 'can only be described as a "vade mecum" for every international business lawyer', an assessment that now seems more merited than ever.

Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of the law covering merchants' status and obligations – including the laws governing state intervention in economic activities – in Spain provides quick and easy guidance on such commercial and economic matters as business assets, negotiable instruments, commercial securities, and regulation of the conditions of commercial

transactions. Lawyers who handle transnational business will appreciate the explanation of local variations in terminology and the distinctive concepts that determine practice and procedure. Starting with a general description of the specifically applicable concepts and sources of commercial law, the book goes on to discuss such factors as obligations of economic operators and institutions, goodwill, broker/client relations, commercial property rights, and bankruptcy. Discussion of economic law covers the laws governing establishment, supervision of economic activities, competition law, and government taxation incentives. These details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Thorough yet practical, this convenient volume is a valuable tool for business executives and their legal counsel with international interests. Lawyers representing parties with interests in Spain will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative commercial and economic law.

This book addresses core issues of personal property law in Nigeria from a comparative perspective. It offers a detailed account of the laws governing personal property and the different lightweight reforms undertaken mainly through case law before the enactment of the Secured Transactions in Movable Assets Act in 2017. The book draws insights from the United States UCC article 9, being unarguably the first law that introduced the concept of modern secured transactions law, and was

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influential to many common and civilian law systems in reforming their personal property laws. Given that personal property law is fairly new in Nigeria, and also in Africa in general, the main aim of the book is to provide judges and academic researchers with a rich collection of tested solutions from jurisdictions that have experimented with modern secured transactions law for several decades. The primary and secondary works that were referenced in the book have tracked the different epochal shifts in legal thinking and their significances. This may assist scholars and judges in Nigeria to come up with bespoke interpretations of the Act and solutions to underlying problems on credit and security, that will satisfy the local conditions as opposed to copying the unaltered solutions from the United States and other advanced systems.

A "digital divide" threatens the global trade regime. And it is not narrowing; it is rapidly becoming an unbridgeable chasm. Nor is this a problem merely for developing countries: the headlong trend toward dematerialisation of trade documents in the developed world will grind to a halt unless all trading countries without exception possess the legal and operational ability to participate in paperless trade. This challenging work not only describes the obstacles to universal support for paperless trade, but also provides solutions that can be implemented if stakeholders make the collective effort to achieve this most desirable (and in fact necessary) goal. Dr. Laryea investigates such central issues as the following: legal problems and security risks not encountered in paper documentation; accommodating

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low-tech problems with electronic documentation; and funding the construction of information and communication technology infrastructure in developing countries. The presentation focuses on each of the essential contract documents in turn, from the quotation to the documentary credit, explaining exactly how the electronic versions of each work (particularly in terms of security), and why each is desirable. As the first comprehensive set of practical proposals, from a truly global perspective, for the speedy dematerialisation of trade documents, Paperless Trade is essential reading for traders, practitioners, academics, and national and international officials and policymakers engaged in facilitating world trade.

This study introduces the basics of financing and security mechanisms in international trade and describes the methods of maximizing the benefits and neutralizing the risks involved. It examines issues such as the law and practice of international payments, financing and re-financing of mid and long term receivables, and securing the repayment of credits. It also discusses dispute resolution, international institutions related to trade finance and various model contractual provisions. A glossary is included.

The main aim of this volume is to deal comprehensively with aspects of the award of costs in planning proceedings, covering the statutory provisions giving rise to the power to make awards, government policy and judicial authority. It also analyzes planning appeal decisions in which costs have been awarded. Practical advice is provided and relevant source and procedural

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materials are appended.

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