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PROPERTY, PROPRIETARY REMEDIES AND INSOLVENCY ...

Property, Proprietary Remedies and Insolvency 33 is or is not charitable, or whether on given facts a proprietary interest has arisen, and, if so, precisely of what kind ' ' Professor Birks' particular concern is with deciding whether a claimant should have

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Proprietary Remedies in Insolvency: A Comparison of the ...

Proprietary Remedies in Insolvency: A Comparison of the Restatement (Third) of Restitution & Unjust Enrichment with English and Commonwealth Law Anthony Duggan* Abstract This Article deals with proprietary remedies, in particular the constructive trust, and ...

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proprietary rights and insolvency in sales transactions Feb 04, 2020 Posted By Lewis Carroll Library TEXT ID 755aec20 Online PDF Ebook Epub Library business seeking financial accommodation he deals with all aspects of commercial dispute resolution banking and ...

PROPRIETARY REMEDIES AND THE ROLE OF INSOLVENCY I ...

146 Proprietary Remedies and the Role of Insolvency Volume 23(2) Hoffmann¹⁶ Importantly, his Lordship began his judgment by explicitly referring to the remedy of subrogation as equitable¹⁷ Lord Hoffmann divided subrogation

IMPOSING PROPRIETARY INTERESTS IN INSOLVENCIES OUTLINE

imposition of proprietary interests in an insolvency sits uneasily with that most basic of 1 For a more detailed discussion of the issues raised in this paper, see Calnan, Proprietary Rights and Insolvency (Oxford University Press, 2010) and Imposing Proprietary Rights [2004] RLR 1 2 (2008) 234 CLR 151 3 Burdett v Willett (1708) 2 Vern 638

AT THE INTERSECTION OF PROPERTY AND INSOLVENCY: THE ...

AT THE INTERSECTION OF PROPERTY AND INSOLVENCY: THE INSOLVENT COMPANY'S ENCUMBERED ASSETS When a company becomes subject to winding-up proceedings, it is widely thought to lose beneficial ownership of its property The property is held, instead, on a "statutory trust" to discharge the company's liabilities The attribution of this "proprietary" effect to the commencement of ...

Legal ownership of, and rights of access to, books, files ...

insolvency If members accept appointments as office holders under the Insolvency Act 1986, their duties are regulated by that Act and the Rules made under it Where questions arise as to the ownership of documents they create, or that come into their possession, ...

Intersection of Property and Insolvency - SSRN

AT THE INTERSECTION OF PROPERTY AND INSOLVENCY: THE INSOLVENT COMPANY'S ENCUMBERED ASSETS Rizwaan Jameel Mokal* When a company becomes subject to winding-up proceedings, it is widely thought to lose beneficial ownership of its property The property is held, instead, on a 'statutory trust' to discharge the company's liabilities The attribution of this 'proprietary' effect to ...

Proprietary Remedies in Insolvency: A Comparison of the ...

Proprietary Rights in Insolvency (Oxford, OUP, 2010) 3 compare English and Commonwealth law on proprietary remedies, drawing substantially on Calnan's account, with the American position, as found in the Restatement The topic raises one of the most vexing questions in the law of obligations It involves the interplay between two fundamental principles of insolvency law: (1) the pari

Of proprietary restitution, insurers' subrogation and ...

Of proprietary restitution, insurers' subrogation and insolvency set-off - the untenable case of *Re Ballast Look Chan Ho* At a glance • The court in *Re Ballast* rejected the proposition that an insurer via subrogation has a proprietary interest in the insured's cause of action, but its reasoning is strewn

Company law and insolvency - Sweet & Maxwell

goode proprietary rights and insolvency in sales transactions 3rd edition simon mills, professor sir roy goode, qC NEW The original and penetrating treatment of the acquisition and loss of proprietary rights under contracts of sale provides an indispensable source on ...

Trust and Insolvency (Part 2) Proprietary Claims against ...

Trust and Insolvency (Part 2) - Proprietary Claims against an Estate About the topic Legal actions can be broadly classified into personal claims and proprietary claims When a proprietary claim is successfully asserted against an insolvent estate, the relevant asset will be taken out from distributions In

Global Restructuring & Insolvency Guide

Global Restructuring & Insolvency Guide Singapore Overview and Introduction Given the notable preference of creditors and stakeholders in companies for restructuring as opposed to liquidation, this chapter focuses on the corporate rescue mechanisms available under the

PROTECTION OF EMPLOYEES' ENTITLEMENTS IN CASES OF ...

'proprietary rights' For example, in *Hong Leong Equipment Sdn Bhd v Liew Fook Chuan and Anor*, (1996) Gopal Sri Ram JCA observed that 'The legislature has willed that the relationship of employer and workman as resting on a mere consensual basis that is capable of termination

PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND ...

proprietary element, which refers to the transfer of rights in property and which affects third parties and (ii) the contractual element, which refers to the parties' obligations towards each other under the transaction¹⁰ While the contractual element is already regulated at EU level