

THE LIABILITY OF THE
HOLDING COMPANY FOR
THE DEBTS OF ITS
INSOLVENT SUBSIDIARIES

ANDREW MUSCAT

The Liability Of The Holding Company For The Debts Of Its Insolvent Subsidiaries

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The Liability Of The Holding Company For The Debts Of Its Insolvent Subsidiaries:

The Liability of the Holding Company for the Debts of its Insolvent Subsidiaries Andrew Muscat, 2016-12-05 This work deals with the liability of the holding company for the debts of its insolvent subsidiaries In analyzing the current position under English law the work challenges as outmoded and inadequate the virtual dogma that a holding company is not answerable for the debts of its insolvent subsidiaries The study identifies four separate and distinct types of behavioural practices within corporate groups which may prejudice the interests of external creditors or otherwise constitute an abuse of the corporate form the subservient subsidiary situation the inadequately financed subsidiary situation the integrated economic enterprise situation and the group persona situation After weighing the various arguments for and against a change in the law and concluding that reform is called for the study proceeds to submit some radical proposals for reform The basic thrust of the reform proposals is that in a number of well defined situations entity law should give way to an enterprise analysis and holding company liability should be imposed for the debts of insolvent subsidiaries

Environmental Regulation Through Financial Organisations: Comparative Perspectives on the Industrialised Nations Benjamin Richardson, 2002-02-13 This book takes a comparative perspective of practice in the European Union North America Japan and Australasia arguing that existing legal reforms to promote sustainable development are unlikely to be successful unless environmental policy can be diffused and embedded in the financial services sector This sector plays a crucial role in creating the financial conditions that allow much economic development to proceed Financial markets are already highly regulated in pursuance of various public policy objectives and there is scope to adapt existing regulation to incorporate environmental aspects into the financial services sector In terms of specific reforms the book focuses on the role of corporate environmental reporting economic instruments and liability rules to provide a proper context for engaging financial organisations with the environment as well as reforms to the system of prudential regulation that currently governs this sector Beyond the focus on the financial services sector the book raises complex questions regarding the relationship between the state and market institutions in environmental policy and will appeal to scholars from a wide range of disciplines interested in problems of environmental governance Liability of Corporate Groups and Networks Christian A.

Witting, 2018-01-11 What happens when a corporate subsidiary or network company is unable to pay personal injury victims in full This book sets out to tackle the insolvent entity problem especially as it arises in cases of mass wrongdoing such as those involving asbestos exposure and defective pharmaceuticals After discussing the nature of corporate groups and networks from the perspectives of business history organisation studies and social theory the book assesses a range of rules and proposed rules for extending liability for personal injuries beyond insolvent entities New proposals are put for an exception to the rule of limited liability and for the development of a flexible new tort based on conspiracy that encompasses not only control based relationships but also horizontal coordination between companies The book concludes with a general

discussion of lessons learned from debates about extended liability and provides guidelines for the development of new liability rules

Principles of Corporate Finance Law Eilis Ferran, 2008 How do companies address the financial constraints that affect their investment decisions This book explores the relationship between law and corporate finance providing analysis of the new UK and European law on corporate finance the broader policy framework and incorporating cutting edge research

Principles of Corporate Finance Law Eilis Ferran, Look Chan Ho, 2014-02-20 Corporate finance theory seeks to understand how incorporated firms address the financial constraints that affect their investment decisions This is achieved by using varied financial instruments that give holders different claims on the firm's assets Recent scholarship in this area explores precisely how legal mechanisms affect corporate finance and the development of financial markets The legal environment is crucially important in explaining the choices that companies make about their capital structure This book combines company law capital market regulation and commercial law to give readers a detailed understanding of the legal and regulatory issues relating to corporate financial transactions Informed by insights from the theoretical and empirical work of financial economists the book examines from a legal perspective key elements of corporate financing structures and capital markets in the UK The authors practical experience of transactions and regulatory issues ensures that thorough scholarly inquiry and critical reflection are complemented by an assured understanding of the interface between legal principles and rules as they are documented and in their actual operation

Digital Technologies and the Law of Obligations Zvonimir Slakoper, Ivan Tot, 2021-09-30 Digital Technologies and the Law of Obligations critically examines the emergence of new digital technologies and the challenges they pose to the traditional law of obligations and discusses the extent to which existing contract and tort law rules and doctrines are equipped to meet these new challenges This book covers various contract and tort law issues raised by emerging technologies including distributed ledger technology blockchain based smart contracts and artificial intelligence as well as by the evolution of the internet into a participative web fuelled by user generated content and by the rise of the modern day collaborative economy facilitated by digital technologies Chapters address these topics from the perspective of both the common law and the civil law tradition While mostly focused on the current state of affairs and recent debates and initiatives within the European Union regulatory framework contributors also discuss the central themes from the perspective of the national law of obligations examining the adaptability of existing legal doctrines to contemporary challenges addressing the occasional legislative attempts to deal with the private law aspects of these challenges and pointing to issues where legislative interventions would be most welcomed Case studies are drawn from the United States Singapore and other parts of the common law world Digital Technologies and the Law of Obligations will be of interest to legal scholars and researchers in the fields of contract law tort law and digital law as well as to legal practitioners and members of law reform bodies

Corporate Group Legitimacy Peter Underwood, 2024-08-01 This book focuses on the legitimacy of corporate power wielded by corporate groups integrating legal

doctrine economic analysis and theoretical approaches It reassesses how corporate groups can maintain legitimacy whilst exercising corporate power Corporate groups are a prominent commercial feature of many jurisdictions and present unique challenges The book argues that when analysed through the lens of corporate social responsibility a legitimacy deficiency emerges This arises from a lack of historical debate diluted control mechanisms and inflated growth utilising unique features of the corporate group It explores how the magnified power of the corporate group presents acute challenges for corporate legitimacy Data is utilised alongside current examples of corporate groups which identify structural architectural patterns It explores new technologies such as Artificial Intelligence and blockchain as ways of attaining legitimacy It presents methods of attaining legitimacy for the continued wielding of power to be held within corporate groups This book spans several research interests under the corporate law umbrella It will be of interest to traditional black letter company lawyers Additionally it will be of interest to those who have an interest in business and those who are interested in the role of technology

Enforcing Shareholders' Duties Hanne S Birkmose, Konstantinos Sergakis, A heavily debated topic the evolution of shareholders duties risks the transformation of the very concept of shareholder primacy crucially associated with shareholder rights Offering a distinctive and comprehensive examination of both current and forthcoming enforcement mechanisms in the area of shareholder duties this timely book provides an exhaustive analysis of the many issues related to these mechanisms and considers the ongoing challenges surrounding their implementation

Research Handbook on Transnational Corporations Alice de Jonge, Roman Tomasic, 2017-01-27 Transnational corporations TNCs have moved to the forefront of regulatory governance both within states and in the international arena The Research Handbook on Transnational Corporations provides expert background commentary and up to date insights into regulatory frameworks impacting on TNCs at global industry and national levels Written by global experts in their field this unique collection of essays provides in depth understanding of how the forces of globalisation affect the world's largest corporations and how those corporations in turn shape globalisation

Parental Liability in EU Competition Law Peter Whelan, 2023 Parental Liability in EU Competition Law assesses the shortcomings of the EU doctrine of parental antitrust liability and proposes a new framework for imposing liability that is theoretically robust effective in practice fair in substance and legally sound

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