

1. Record Nr.	UNINA9910255277503321
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Titolo	Cross-Border Insolvency : The Enactment and Interpretation of the UNCITRAL Model Law // by Neil Hannan
Pubbl/distr/stampa	Singapore : , : Springer Singapore : , : Imprint : Springer, , 2017
ISBN	981-10-5876-8
Edizione	[1st ed. 2017.]
Descrizione fisica	1 online resource (270 pages)
Disciplina	340.978
Soggetti	Commercial law Conflict of laws Finance, Public Commercial Law Private International Law, International & Foreign Law, Comparative Law Financial Law/Fiscal Law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes bibliographical references.
Nota di contenuto	Chapter 1: Introduction -- Chapter 2: Development of the Model Law -- Chapter 3: Manner of Introduction of the Model Law -- Chapter 4: How does the Model Law affect existing principles of recognition? -- Chapter 5: Comparative Analysis of the Enactment and Interpretation of the Preamble and Chapter I of the Model Law on Cross-Border Insolvency - General Provisions -- Chapter 6: Comparative Analysis of the Enactment and Interpretation of the Chapter II of the Model Law on Cross-Border Insolvency - Access of Foreign Representatives and Creditors to Courts in this State -- Chapter 7: Comparative Analysis of the Enactment and Interpretation of Chapter III of the Model Law on Cross-Border Insolvency – Recognition of Foreign Proceeding and Relief -- Chapter 8: Comparative Analysis of the Enactment and Interpretation of Chapter IV of the Model Law on Cross-Border Insolvency – Cooperation with Foreign Courts and Foreign Representatives -- Chapter 9: Comparative Analysis of the Enactment and Interpretation of Chapter V of the Model Law on Cross-Border Insolvency - Concurrent Proceedings -- Chapter 10: Conflict of Laws -- Chapter 11: Centre of Main Interest and Establishment -- Chapter 12: Applicability of Rules of

Sommario/riassunto

This book examines the effect of the adoption of the United Nations Committee on International Trade Law (UNCITRAL) Model Law on Cross-Border Insolvency in five common law jurisdictions, namely Australia, Canada, New Zealand, the United Kingdom, and the United States of America. It examines how each of those states has adopted, interpreted and applied the provisions of the Model Law, and highlights the effects of inconsistencies by examining jurisprudence in each of these countries, specifically how the Model Law affects existing principles of recognition of insolvency proceedings. The book examines how the UNCITRAL Guide to enactment of the Model Law has affected the interpretation of each of its articles and, in turn, the courts' ability to interpret and hence give effect to the purposes of the Model Law. It also considers the ability of courts to refer to amendments made to the Guide after enactment of the Model Law in a state, thereby questioning whether the current inconsistencies in interpretation can be overcome by UNCITRAL amending the Guide.