

1. Record Nr.	UNINA9910454476003321
Autore	Bachner Thomas
Titolo	Creditor protection in private companies : Anglo-German perspectives for a European legal discourse // Thomas Bachner [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2009
ISBN	1-107-20150-0 1-282-10389-X 9786612103896 0-511-51745-9 0-511-57655-2 0-511-51547-2 0-511-51794-7 0-511-51440-9 0-511-51675-4
Descrizione fisica	1 online resource (xxxvi, 315 pages) : digital, PDF file(s)
Collana	International corporate law and financial market regulation
Disciplina	346.077
Soggetti	Private companies - Germany - Finance Corporations - Finance - Law and legislation - Germany Debtor and creditor - Germany Corporation reserves - Law and legislation - Germany Directors of corporations - Legal status, laws, etc - Germany Private companies - Great Britain - Finance Corporations - Finance - Law and legislation - Great Britain Debtor and creditor - Great Britain Corporation reserves - Law and legislation - Great Britain Directors of corporations - Legal status, laws, etc - Great Britain
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references (p. 283-304) and index.
Nota di contenuto	Introduction -- Avoidance of acts that are detrimental to creditors -- Capital maintenance and unlawful distributions -- Directors' liability for contraventions of capital maintenance rules -- Directors' liability for

conduct in the vicinity of insolvency.

Sommario/riassunto

Limited liability companies form the backbone of our modern economy. However, there is a persistent danger of moral hazard on the part of directors and shareholders, particularly in closely held or private companies. Like all developed legal systems, English and German law both provide mechanisms designed to protect creditors from such risks. This book investigates some of these mechanisms, including the avoidance of pre-insolvency acts, capital maintenance and creditor-regarding duties of directors. By analysing the different conceptual and doctrinal perspectives inherent in the English and German systems, this book seeks to advance a discourse between audiences with different legal backgrounds. It will be an invaluable guide for those wishing to understand how the protective mechanisms operate and interact with each other, and how they do so in quite different ways in the two jurisdictions.
