

1. Record Nr.	UNINA9910967034903321
Autore	Asser T
Titolo	Legal Aspects of Regulatory Treatment of Banks in Distress // T. Asser
Pubbl/distr/stampa	Washington, D.C. : , : International Monetary Fund, , 2001
ISBN	9786613848529 9781455245857 1455245852 9781455294176 1455294179 9781283536073 1283536072 9781455245666 1455245666
Edizione	[1st ed.]
Descrizione fisica	1 online resource (195 p.)
Disciplina	346.082
Soggetti	Banking law Bank failures - Law and legislation Banks and banking - State supervision Bankruptcy Banks and Banking Finance: General Financial Risk Management Public Finance Banking Industries: Financial Services Banks Depository Institutions Micro Finance Institutions Mortgages Financial Institutions and Services: Government Policy and Regulation General Financial Markets: Government Policy and Regulation Liquidation Taxation, Subsidies, and Revenue: General Economic & financial crises & disasters Finance Public finance & taxation Financial services law & regulation Bank legislation

Bank liquidation  
 Bank resolution  
 Deposit insurance  
 Financial regulation and supervision  
 Financial crises  
 Commercial banks  
 Financial institutions  
 Administration in revenue administration  
 Revenue administration  
 Banks and banking  
 Crisis management  
 Financial services industry  
 Law and legislation  
 Revenue  
 State supervision  
 United States

Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di contenuto	<p>Intro -- Contents -- Preface -- Overview -- Scope of the Report -- Forced Liquidation and Restructuring of Banks: Differences Between Bank Insolvency Law and General Insolvency Law -- I. General Policy Considerations -- 1. Special Treatment of Banks -- 2. Institutional Framework -- 3. Incidental Versus Banking System Problems -- 4. The Corrective Effects of Market Forces -- 5. Liquidity Support Provided by the Central Bank as Lender of Last Resort -- 6. Prevention -- II. General Legal Considerations -- 1. The Law Governing Banking Activities -- 2. International Aspects -- 3. General Protection for Banks: Principles of Administrative Law -- 4. Special Protection for Banks: Provisions of Banking -- 5. Review of Regulatory Acts -- Principal Objectives To Be Pursued by Law -- III. Regulatory Intervention: Common Issues -- 1. Categories and Objectives of Regulatory Intervention -- 2. Discretion of Regulators Under the Law -- 3. Gradation of Regulatory Intervention -- 4. Timeliness of Regulatory Measures -- 5. Reporting and Disclosure Requirements -- 6. Financial Costs of Regulatory Intervention -- Principal Objectives To Be Pursued by Law -- IV. Corrective Action: Common Features -- 1. Authority to Take Corrective Action -- 2. Grounds for Taking Corrective Action -- 3. Corrective Action Plans -- V. Corrective Action: Categories -- 1. Choice of Corrective Action -- 2. Corrective Agreements, Warnings, and Orders -- 3. Appointment of Observers and Inspectors -- VI. Exceptional Financial Support to Insolvent Banks -- VII. Special Moratorium on Debt Service by Banks Under the Banking Law -- 1. General Observations -- 2. Judicial Moratoria -- 3. Extrajudicial Moratoria -- 4. Entry into Force and Termination of Moratoria -- Principal Objectives To Be Pursued by Law -- VIII. Taking Control of a Bank Under the Banking Law: Common Issues.</p> <p>1. Survey of Procedures -- 2. Bank Administration Procedures -- 3.</p>

Issues Common to Bank Administration Procedures -- 4. Regulatory Administration Versus Judicial Administration -- IX. Provisional Administration Under the Banking Law -- 1. General Issues -- 2. Appointment of a Provisional Administrator -- 3. Legal Effects of the Appointment of a Provisional Administrator -- X. Receivership Under the Banking Law -- 1. General Issues -- 2. Appointment of a Receiver -- 3. Legal Effects of the Appointment of a Receiver -- XL Bank Resolution Procedures Used in a Banking Law Receivership -- 1. Principal Procedures -- 2. Bank Merger -- 3. Purchase and Assumption Transactions -- 4. Forced Bank Liquidation -- XII. Revocation of the Banking License -- 1. Grounds to Revoke the Banking License -- 2. Authority to Revoke the Banking License -- 3. Legal Effects of Revocation of the Banking License -- Principal Objectives To Be Pursued by Law -- XIII. Taking Control of a Bank Under General or Special Insolvency Law -- 1. General Issues -- 2. Special Bank-Related Features of the General Insolvency Law -- Principal Objectives To Be Pursued by Law -- XIV. Banking System Restructuring -- 1. Overview -- 2. Institutional and Functional Features -- 3. Legal Aspects -- Principal Objectives To Be Pursued by Law.

---

### Sommario/riassunto

This book analyzes and compares the laws of selected industrial countries that are representative of the different approaches to the treatment of banks in distress. It addresses only those banking and economic policy issues that are required for a proper understanding of the banking law or the legal strategies, procedures, and practices that have evolved in the treatment of banking problems. The book does not cover international aspects of bank insolvency, but rather has a domestic focus, given that bank regulation and supervision are still largely a national endeavor.

---