

13 12406 2013 Zagjhc 109 Southern African Legal

Transnational impacts on law: perspectives from South Africa and Germany/Nomos Verlag

Known as the accountant's "Bible," it has now been thoroughly revised and updated to reflect the latest financial reporting and corporate accounting procedures in one volume. Authoritative contributors from the Big Eight accounting firms cover all the essential topics and issues related to financial reporting with the emphasis on analysis and interpretation, rather than restatements of standards and pronouncements. In addition, it will be more practice-oriented with real-world examples and illustrations, and will now be supplemented annually, so you'll never be out of date or out of touch with the latest procedures in the accounting field.

Providing a foundation for enterprise architects on the principles of service-oriented architecture, this text offers guidance on how to begin transitioning an IT infrastructure toward the SOA model, an operation tightly integrated into business processes and operations.

European Insolvency Law

Service-oriented Architecture Compass

Business Value, Planning, and Enterprise Roadmap

Accountants' Handbook

Hockly's Insolvency Law

This title is a user-friendly guide to the procedures involved in liquidating a company. It covers both voluntary and compulsory winding-up and considers the role of liquidators, the consequences of their work and the pitfalls they face.

Corporate Financial Distress and Bankruptcy has moved into a public domain due to the recent global financial crisis that witnessed failures of many corporations that were rescued by the government. This survey will highlight the resolution mechanisms for corporate financial distress and bankruptcy not only in the private domain but also in the public domain and will use corporate finance paradigms to interpret some of these far-reaching developments in financial distress of systemic nature.

Commercial law judgments, South Africa

Creating Value Through Corporate Restructuring

The Law of Business Structures

New Companies Act Unlocked

Coburn's Insolvent Trading

Employees and Corporate Governance

From 1 May 2011 company law in South Africa was dramatically altered: the 1973 Act which had governed companies for the life-times of most business people and lawyers in South Africa was replaced by the Companies Act of 2008, as amended in March 2011. A new era of company law dawned, and with it a host of new concepts, rights, remedies, obligations, procedures and sanctions were introduced. These fundamentally affect the way that every business operates and the advice and practice of every lawyer, accountant or other professional adviser. This book, the first to cover the new Act and the new regulations, provides the hand-holding, the insight, and the understanding that business and their advisers require in order not to be wrong-footed by the new regime.

This publication seeks to assist the establishment of a legal framework for an efficient and effective national corporate insolvency regime which strikes a balance between the financial difficulties of debtors and the interests of creditors and other relevant parties, as well as addressing public policy concerns. The text of this draft legislative guide was adopted by UNCITRAL in June 2004 and approved by UN General Assembly resolution 59/40 in December 2004.

Most scholarship on corporate governance in the last two decades has focused on the relationships between shareholders and managers or directors. Neglected in this vast literature is the role of employees in corporate governance. Yet "human capital," embodied in the employees, is rapidly becoming the most important source of value for corporations, and outside the United States, employees often have a significant formal role in corporate governance. This volume turns the spotlight on the neglected role of employees by analyzing many of the formal and informal ways that employees are actually involved in the governance of corporations, in U.S. firms and in large corporations in Germany and Japan. Examining laws and contexts, the essays focus on the framework for understanding employees' role in the firm and the implications for corporate governance. They explore how and why the special legal institutions in German and Japanese firms by which employees are formally involved in corporate governance came into being, and the impact these institutions have on firms and on their ability to compete. They also consider theoretical and empirical questions about employee share ownership. The result of a conference at Columbia University, the volume includes essays by Theodor Baums, Margaret M. Blair, David Chamy, Greg Dow, Bernd Frick, Ronald J. Gilson, Jeffrey N. Gordon, Nobuhiro Hiwatar, Katharina Pistor, Louis Putterman, Edward B. Rock, Mark J. Roe, and Michael L. Wachter. Margaret M. Blair is a senior fellow in Economic Studies at the Brookings Institution and author of Ownership and Control: Rethinking Corporate Governance for the Twenty-first Century (Brookings, 1995). Mark J. Roe, professor of business regulation and director of the Sloan Project on Corporate Governance at Columbia Law School, is the author of Strong Managers, Weak Owners: The Political Roots of American Corporate Finance (Princeton, 1996).

Corporate Rescue

Concise Corporate and Partnership Law

A Guide to the Judicial Management of Bankruptcy Mega-cases

Debt's Dominion

Commencement of Insolvency Proceedings

As an updated look at how corporate restructuring really works Stuart Gilson is one of the leading corporate restructuring experts in the United States, teaching thousands of students and consulting with numerous companies. Now, in the second edition of this bestselling book, Gilson returns to present new insight into corporate restructuring. Through real-world case studies that involve some of the most prominent restructurings of the last ten years, and highlighting the increased role of hedge funds in distressed investing, you'll develop a better sense of the restructuring process and how it can truly create value. In addition to "classic" buyout and structuring case studies, this second edition includes coverage of Delphic, General Motors, the Finova Group and Warren Buffett, Kmart and Sears, Adelphia Communications, Seagate Technology, Dupont-Conoco, and even the Eurotunnel debt restructuring. Covers corporate bankruptcy reorganization, debt workouts, "vulture" investing, equity spin-offs, asset divestitures, and much more Addresses the effect of employee layoffs and corporate downsizing Examines how companies allocate value and when a corporation should "pull the trigger" From hedge funds to financial fraud to subprime busts, this second edition offers a rare look at some of the most innovative and controversial restructurings ever.

Recent catastrophic corporate collapses have drawn attention to the issue of corporate vigilance, raising questions as to how much of the damage can be attributed to falling accounting, director and legal standards. In this second edition, Coburn comprehensively analyses and explains the Insolvent Trading provisions.

This book is the third volume in the Oxford International and Comparative Insolvency Law Series. It addresses one of the critical issues of any insolvency by providing comprehensive analysis of the law and practice in relation to creditor claims. As with the two previous volumes in the series the book would provide a comparative view by setting out the relevant law and practice in over 20 jurisdictions drawing out the divergences and common features of domestic insolvency laws from a broad spectrum of countries. Areas covered include submission of claims, verification and admission of claims, ranking of insolvency and administration claims, treatment of non-enforceable claims, and voting and participation rights. Quality, uniformity and the high level of detail of National Reports are the key benefits of this volume. The book would assist practitioners in assessing which ranking and participation rights could be asserted by the various types of creditors in the jurisdictions covered. For scholars it would provide access to a wealth of information which is currently not accessible in English.

Company Liquidations

Annual Survey of South African Law 2005+

Transnational impacts on law: perspectives from South Africa and Germany

Legislative Guide on Insolvency Law

Modern Company Law for a Competitive South African Economy

This introductory work provides a complete account of the law of insolvency with reference to all of the major issues in insolvency practice such as rescue and restructure, insolvency of corporate groups and cross-border matters.

This outstanding compilation of papers addresses current, diverse issues in company law. Topics of discussion include governance of enterprises, rights and responsibilities of management, protection of investors, minority shareholder protection, company solvency, and the impact of technology on commercial practice. This important collection of quality work marks the occasion of the retirement of Len Sealy, a scholar, teacher, author, law reformer, and even drafter who has made a profound, globally-felt contribution to the realm of company law. The works brought together in this unique tribute come from leading company lawyers from around the world. Practitioners and academics in the field will want to add this momentous work of lasting import to their libraries.

Earn the grade you want in your course with the help of this invaluable tool. This Study Guide lists key learning objectives for each chapter, outlines key sections, provides self-test questions, and a set of problems similar to those in the book and those that may be used on tests, with fully worked-out solutions.

Commercial Law Reports 2016

Understanding Bankruptcy

Case Studies in Bankruptcies, Buyouts, and Breakups

Realm of Company Law

The Intersection of Insolvency and Company Laws

This interdisciplinary examination of corporate insolvency law assesses recent reforms and anticipates new legislation.

Dieses Werk enthält die Forschungsergebnisse zu transnationalen, rechtlichen Fragestellungen aus südafrikanischer und deutscher Perspektive, die in Zusammenarbeit der Universität Augsburg mit der Universität Johannesburg im letzten Jahrzehnt entstanden sind. Aktuelle Themen werden von Wissenschaftlern aus Südafrika eingeführt und anschließend von deutschen Kollegen reflektiert. Dies führt zu einem besseren Verständnis ungeklärter Rechtsfragen beider Rechtssysteme.

International insolvency is a newly established branch of the study of insolvency that owes a great deal to the phenomenon of cross-border incorporations and the conduct of business in more than one jurisdiction. While it is a study of law and economic rules, there is the added complication of private international law and the conflict of legal rules due to the involvement of more than one legal order. This valuable book examines the texts that have formed part of the European experience at managing insolvency across frontiers and looks at insolvency as a phenomenon affecting the formation of the Single Market within the European Community (and later Union).

Guide to Business Law

Contemporary Company Law

Corporate Financial Distress and Bankruptcy

Company Law

The sixth edition of Guide to Business Law offers a clear and practical introduction to the basic principles of commercial law. It covers a broad spectrum of subject areas within commercial law, in a concise, simple and straightforward manner. The text provides numerous examples and case illustrations, and a rich and diverse collection of teaching and learning resources, in order to support readers to understand and apply legal principles, to assess their progress, and to successfully master their learning.

For many years, the functioning of the single European market has made it easy for companies to establish themselves and do business throughout the European Union--unless, that is, they failed. In that case, until recently, a company became subject to the insolvency laws of each individual country. The divergence among these laws seemed far beyond the possibility of harmonisation. During the last few years, however, a twofold development is bringing relief. First, thanks to the European Regulation on Insolvency and the UNCITRAL Model Insolvency Laws, jurisdictional issues can be resolved and determined in cases where more than one country is affected by the insolvency of a particular enterprise. Second--and far more promising--stated EU policy goals urging a convergence in thinking on substantive insolvency issues at the Member State level are bearing fruit in reforms that abandon extreme or unusual features and open more common ground. Spearheading these reforms are statutory corporate insolvency procedures that offer an alternative to liquidation--procedures grouped under the heading of corporate rescue. In this book eleven outstanding European insolvency law specialists, representing both practitioners and academics, investigate significant changes in corporate rescue laws that have either already been implemented or that are on the law reform agenda. The essays include expert analyses and evaluations of corporate rescue laws in each of six EU Member States--France, Germany, Italy, Spain, Sweden, and the United Kingdom--as well as insightful discussions of the broader European context. Because corporate rescue is the lifeblood of insolvency law, it is likely to be this aspect that has the greatest role to play in the economic and social development of the European Union. For this reason--and because of the obvious beneficial value of corporate rescue in ensuring fair treatment of creditors and protection of debtors, as well as in reducing the level of stigma attached to insolvency--"Corporate Rescue in Europe will be valued by company lawyers and law firms throughout Europe, and in particular to those handling bankruptcy and insolvency proceedings.

This is the first volume in the new Oxford International and Comparative Insolvency Law Series. The series will provide a comparative analysis of all important aspects of insolvency proceedings and domestic insolvency laws in the main economically developed and emerging countries, starting with the opening of proceedings. This volume addresses the commencement of insolvency proceedings over business debts and the conditions in which they may arise. It explains the types of proceedings available and the participants involved. The book also analyses the effect of such action on the various players, assets and liabilities concerned. The detail and uniform nature of the treatment of topics helps practitioners to understand specific features of a foreign legal system and effectively brief foreign counsel. For all readers, the book provides access, through analysis in the detailed commentary, to material that was previously only available in a foreign language. Most major legal families (including various mixed legal systems) are covered to reflect the needs of the international insolvency community and intergovernmental organizations. This is the only book that offers a thorough comparative analysis of existing domestic insolvency laws concerning the opening of insolvency proceedings in the main economically developed and emerging countries.

Ranking and Priority of Creditors

A History of Bankruptcy Law in America

Bankruptcy and Related Law in a Nutshell

Corporate Insolvency Law

Land Title in South Africa

This book provides a detailed introduction to bankruptcy and related state and federal debtor-creditor law. It is equally useful in an introductory Creditors' Rights course that emphasizes bankruptcy; a free-standing Bankruptcy course; or an advanced course in Chapter 11 Reorganization. It provides an ample explanation of the issues likely to arise in any of these courses, specifically including issues raised by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. It is also a useful and inexpensive single-volume guide for new and experienced bankruptcy practitioners. This eBook features links to Lexis Advance for further legal research options.

The text combines a strong theoretical foundation with a practical applied approach and is the first to give students a unique blend of company law and accounting expertise. The content complies with the curriculum structure set out by the South African Institute of Chartered Accountants. The South African Institute of Professional Accountants have endorsed the book as their preferred text. The author team comprises authoritative, highly-respected experts in company law and includes legal practitioners, policy-makers and academics.

The law of business structures provides a comprehensive but simplified treatment of the different types of business structures in South African law. The book examines the law of partnerships, business trusts, close corporations and companies, whether large or small, and whether formed for a profit-making or a non-profit-making objective. The chapters on company law provide a detailed discussion and explanation of core company law topics. Discussions of modern corporate governance best practices, insider trading and market manipulation are also included. Excessive theoretical analysis has been avoided, but important legal concepts and principles are nevertheless carefully explained and analysed. Case law and references to legislation have been kept to a minimum, but discussions of the important cases and relevant legislation are included.--Résumé de l'éditeur.

A Survey

Companies and Other Business Structures

An Overview of Recent Developments from Selected Countries in Europe

Perspectives and Principles

Developments in Insolvency

This book provides the first comprehensive treatment of out-of-court restructuring and post-commencement insolvency financing in the corporate group setting, domestically and internationally. Bringing together a collection of distinguished contributors-academics and practitioners at the forefront of insolvency practice and law reform efforts-the book addresses and critiques "state of the art" practice and work-arounds for financing out-of-court restructurings as well as judicial reorganisations, going-concern liquidations and administration proceedings of financially distressed global business groups. The book opens with a detailed introduction from the editors which provides an overview of domestic law issues and an exploration of principles guiding judicial and administrative cooperation to facilitate group financing in cross-border cases. The final section analyzes regional and global law reform and harmonisation progress to date. This book is a valuable resource for practitioners who must structure (and courts that must approve) financing for global enterprise groups in reorganisation. With another wave of global corporate group failures anticipated, practitioners, courts and policy makers are well served by a work describing cutting-edge advances in this field in domestic and cross-border cases.

"This important new work is the first comprehensive survey of South African land law following the sweeping land reforms enacted during the past decade. It considers the substance and working of these reforms in the context of the pre-existing common law and legislation. An outline of the main features of the South African landholding before 1990 is followed in a detailed discussion of the established procedures of registration, prescription nad alternative forms of title. Registration in terms of the Deeds Registries Act remains a fundamental aspect of the acquisition of real rights in land, and chapters dealing with these subjects constitute an authoritative source of reference for the property practitioner and conveyancer, the consultant and developer. They revise and update the corresponding chapters from The Acquisition and Protection of Ownership (Jutta, 1986) by the same author, which is relied upon by practitioners and the courts as a standard reference in the field of property law. The land reform programme is examined in the context of these pre-existing procedures, and with reference to the history of discriminatory landholding and constitutional property provisions. The result is a coherent account of land title in South Africa at the end of the 20th century."

The new edition of this popular textbook offers an in-depth analysis of the legal framework in which companies operate. Updated with the latest developments in law and case-law, it goes beyond black letter analysis to explain important concepts such as corporate governance and multinational corporations in an international context. Logically structured, the writers' clear writing style help students understand this complex area of the law. Ideal for students taking a module in company law, the book includes learning resources throughout such as key terms and concepts, helpful summaries for each chapter, case notes and suggestions for further reading. Informative end-of-chapter summaries and exercises act as a useful refresher. New to this Edition: - Includes latest case law - Up-to-date material on directors'/ duties and derivative claims - More material on corporate governance issues

Intermediate Financial Management

Law@work

Financing Company Group Restructurings

Global Investment Fraud and Corporate Investigations

Bankruptcy in America, in stark contrast to its status in most other countries, typically signifies not a debtor's last gasp but an opportunity to catch one's breath and recoup. Why has the nation's legal system evolved to allow both corporate and individual debtors greater control over their fate than imaginable elsewhere? Masterfully probing the political dynamics behind this question, David Skeel here provides the first complete account of the remarkable journey American bankruptcy law has taken from its beginnings in 1800, when Congress lifted the country's first bankruptcy code right out of English law, to the present day. Skeel shows that the confluence of three forces that emerged over many years--an organized creditor lobby, pro-debtor ideological currents, and an increasingly powerful bankruptcy bar--explains the distinctive contours of American bankruptcy law. Their interplay, he argues in clear, inviting prose, has seen efforts to legislate bankruptcy become a compelling battle royale between bankers and lawyers--one in which the bankers recently seem to have gained the upper hand. Skeel demonstrates, for example, that a fiercely divided bankruptcy commission and the 1994 Republican takeover of Congress have yielded the recent, ideologically charged battles over consumer bankruptcy. The uniqueness of American bankruptcy has often been noted, but it has never been explained. As different as twenty-first century America is from the horse-and-buggy era origins of our bankruptcy laws, Skeel shows that the same political factors continue to shape our unique response to financial distress.