



Personal Liability and Disqualification of Company Directors

Stephen Griffin

B L O O M S B U R Y

Disqualification And Personal Liability Of Directors

L. S. Sealy



Disqualification And Personal Liability Of Directors:

Disqualification and Personal Liability of Directors L. S. Sealy, 2000 Disqualification and Personal Liability of Directors is a handbook explaining in clear and straightforward terms the rules and practice relating to director disqualification the imposition of personal liability on directors and the rules restricting wrongful trading The book is not only a handbook for the insolvency or company law specialist but aids compliance with the law and can be used in Investigations of possible breaches of the law Preparation of reports on the financial health of a company The handling of cases

Personal Liability and Disqualification of Company Directors Stephen Griffin, 1999-03-19 Foreword by Rt Hon Mary Arden D B E The purpose of this new work is to provide an in depth analysis of circumstances giving rise to the disqualification and personal liability of directors of insolvent companies By way of introduction the book commences by considering the legal identification of a company director and the general corporate responsibilities and duties expected from a director of an insolvent company Following the introduction the first part of the work is devoted to an examination of the statutory provisions which may potentially render a director to be made personally liable to contribute to the debts and liabilities of an insolvent company Accordingly Part I of this book considers the law governing misfeasance proceedings fraudulent trading wrongful trading phoenix companies and the misuse of corporate names under section 349 4 of the Companies Act 1985 Part II of the book involves an examination of the disqualification process under the Company Directors Disqualification Act 1986 The ability and powers of the courts to impose disqualification orders have generated an abundance of case law Part II commences with a general analysis of the disqualification process before moving on to specifically concentrate its attention on section 6 of the Act namely the disqualification of directors for unfit conduct The final chapter of the work involves an analysis of the procedural aspects of the disqualification process Table of Contents Part I Personal Liability of Company Directors Chapter 1 Introduction Chapter 2 Misfeasance Proceedings Chapter 3 Fraudulent Trading Chapter 4 Wrongful Trading Chapter 5 The Phoenix Syndrome Chapter 6 Section 349 4 of the Companies Act 1985 Part II Disqualification of Company Directors Chapter 7 The Company Directors Disqualification Act 1986 Chapter 8 Disqualification for Unfit Conduct in the Management of an Insolvent Company section 6 CDDA 1986 Chapter 9 Procedural and Evidential Matters Pertinent to the CDDA 1986

Disqualification of Company Directors Jean Jacques du Plessis, 2017-04-28 Cover Half Title Title Page Copyright Page Table of Contents Table of cases Table of legislation List of tables About the editors and authors Preface 1 Analyses perspectives and jurisdictional overview 2 The United Kingdom 3 Australia 4 South Africa 5 The United States 6 Germany Index

Disqualification and Personal Liability of Directors L. S. Sealy, 1986 **Directors' Personal Liability for Corporate Fault** Helen Anderson, 2008-01-01 This collection of essays describes and analyzes the legal regimes governing directors liability for corporate fault and default across eleven important trading jurisdictions , *Company Directors' Liability and Creditor Protection* Andrew Keay, 2023-06-23 The book provides an analytical exposition of the law concerning

directors liability for the losses sustained by their companies creditors when the directors companies are in financial distress or become insolvent It is a detailed one stop resource for obtaining a good understanding of the law which has developed from legislation and case law In particular there is a detailed consideration of what needs to be proved what defences there are and what might be the issues of concern for all parties A doctrinal method is adopted and there is extensive analysis of the relevant legislation and case law Rather than merely referring to cases to support propositions the discussion considers many of the cases in context and in depth and their relevance to the aim of the book The book also endeavours to provide views in a practical way on aspects of the law and it identifies problems and how they may be addressed Of interest to legal practitioners and insolvency practitioners alike in addition the book will be useful to directors government officials and academics

Smith & Keenan's Company Law Charles Wild,2019 *Corporate Ownership and Control* Shalini Perera,2011 The governance of companies is of importance to developing countries due to the link between effective corporate governance and economic development Ownership and control of public companies except in the US and UK is often in the hands of a few individuals families or corporate groups and impact on corporate governance and economic development Using Sri Lanka as an illustrative example *Corporate Ownership and Control* sets out the implications of corporate ownership and control structures on the governance of companies and suggests a reform agenda to meet the challenges posed by such structures Any analysis into the reform of corporate governance in developing countries should begin with a focus on the local market structures that define its adaptation and effectiveness The issues explored in the book provide an insight into ownership and control structures in Sri Lanka the costs and benefits of such structures and the necessary reform framework to promote effective corporate governance The analysis can be used to both understand the impact of ownership structures on corporate governance and suggest how corporate governance issues arising from such structures should be resolved in order to promote economic development and growth

Corporate Insolvency Law Vanessa Finch,2002-09-12 Vanessa Finch provides an interesting look at corporate insolvency laws and processes She adopts an interdisciplinary approach to place two questions at the centre of her discussion Are current UK laws and procedures efficient expert accountable and fair Are fundamentally different conceptions of insolvency law needed for it to develop in a way that serves corporate and broader social ends Topics considered in this wide ranging book include different ways of financing companies causes of corporate failure and prospects for designing rescue friendly processes Also examined are alternative asset distribution of failed companies allocations of insolvency risks and effects of insolvency on a company s directors and employees Finch argues that changes of approach are needed if insolvency law is to develop with coherence and purpose This book will appeal to academics and students at advanced undergraduate and graduate level and to legal practitioners throughout the common law world

Reform of UK Company Law John De Lacy,2013-03-04 With the completion of the DTI sponsored Company Law Review the reform of company law has now become a very important subject

of study This new book is a must for all those interested in the development and reform of UK company law The book collates the work of leading authorities on company law including members of the judiciary and the Law Commission and individuals from the worlds of professional practice and academia All main areas of company law are covered including directors duties corporate governance minority protection ultra vires company charges and human rights and the company as well as a comprehensive analysis of the work of the Company Law Reform Steering Group The central purpose of this book is to analyze the current state of play and to note in particular the work of the Company Law Review Group Critical analysis and suggestions on how company law should be reformed are also offered **Rethinking Corporate Governance in Financial Institutions** Demetra Arsalidou, 2015-11-06 There are many deep seated reasons for the current financial turmoil but a key factor has undoubtedly been the serious failings within the corporate governance practices of financial institutions There have been shortcomings in the risk management and incentive structures the boards supervision was at times weak disclosure and accounting standards were in some cases inadequate the institutional investors engagement with management was at times insufficient and last but not least the remuneration policies of many large institutions appeared inappropriate This book will provide a critical overview and analysis of key corporate governance weaknesses focusing primarily on three main areas directors failure to understand complex company transactions the poor remuneration practices of financial institutions and finally the failure of institutional investors to sufficiently engage with management The book while largely focused on the UK will also consider EU and Australian developments as well as offering a comparative angle looking at the corporate governance of financial institutions in the US **Directors' Decisions and the Law** Alice Belcher, 2014-02-24 Directors are key decision makers in any organisation whether it is in the public sector a family business or a transnational company The UK Companies Act 2006 codified directors duties for the first time and describes the director as the most likely to promote the success of the company for the benefit of its members as a whole This book addresses key tensions and problems involved in the duties and responsibilities of the director in promoting success including corporate culture and credibility trust risk and uncertainty collective responsibility and the degree of control The book considers directors decision making in both private and public sector organisations and explicitly examines aspects of decision making during periods of financial distress The book compares the legal contexts of director s decisions in the UK to those of the USA Germany and Australia and takes an interdisciplinary approach in its combination of management theory economic theory and behavioural studies In doing so the book addresses issues key to the understanding of corporate governance in light of recent financial crises **Mayson, French & Ryan on Company Law** Derek French, 2019 Updated annually Mayson French Ryan on Company Law is the ideal companion for students looking for an up to date thorough and accessible account of company law The content has been recently streamlined with modern company law courses in mind and includes plenty of student friendly features and a fresh modern text design **Disqualification and Personal Liability of**

Directors L. S. Sealy, 1987 *Directors' Disqualification* Adrian Walters, Malcolm Davis-White, 1999 **International Liability of Corporate Directors [2007] II** Christian Campbell, 2007-10 International Liability of Corporate Directors Volume II 2007 edition with nearly 750 pages in two volumes examines the law applicable to company directors and the means available to minimize the risks of claims against them The publication surveys 20 jurisdictions in Australasia Europe and North America Purchase Volume I to complete the set Purchase of print version includes CD version and 24 7 online access A 10% discount applies to a subscription for next year's update A 25% discount applies to a subscription for three years of updates Discounts are applied after purchase by rebate from publisher **CIMA Official Learning System Fundamentals of Ethics, Corporate Governance and Business Law** Larry Mead, David Sagar, Kevin Bampton, 2009-07-18 CIMA Official Learning Systems are the only coursebooks recommended by CIMA Written by a team of experts that include past and present CIMA examiners and markers they contain everything you need to know Each book maps to the syllabus chapter by chapter to help you learn effectively and reinforce learning with features including comprehensive coverage of the whole syllabus step by step coverage directly linked to CIMA's Learning Outcomes up to date examples and case studies practice questions to test knowledge and understanding integrated readings to increase understanding of key theories colour used throughout to highlight key learning points The Official Learning systems are the only study materials endorsed by CIMA Key sections written by former examiners for the most accurate up to date guidance towards exam success Complete integrated package incorporating syllabus guidance full text recommended articles revision guides and extensive question practice *Company Law* Alan Dignam, John P. Lowry, 2022 The Core Text series takes the reader straight to the heart of the subject providing a reliable and invaluable guide for students of law at all levels Written by leading academics and renowned for their clarity these concise texts explain the intellectual challenges of each area of the law Company Law gives a clear and authoritative account of key principles covering all of the essential concepts in a way that demystifies this complex area of law without oversimplification The text also includes valuable coverage of corporate governance and theory including the current debates surrounding these areas Company Law provides the perfect balance between depth concision and accessibility Digital formats and resources This edition is available for students and institutions to purchase in a variety of formats The e book offers a mobile experience and convenient access along with functionality tools navigation features and links that offer extra learning support www.oxfordtextbooks.co.uk/ebooks **Annotated Guide to the Insolvency Legislation Volume 2.** L. S. Sealy, David Milman, 2012 This long established legislation handbook provides annotated commentary and clarification on the legal and practical implications of the latest insolvency legislation It is the standard work for accountants lawyers and government officers dealing with insolvency

Unveiling the Magic of Words: A Overview of "**Disqualification And Personal Liability Of Directors**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their capability to kindle emotions, provoke contemplation, and ignite transformative change is truly awe-inspiring. Enter the realm of "**Disqualification And Personal Liability Of Directors**," a mesmerizing literary masterpiece penned by a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve into the book's central themes, examine its distinctive writing style, and assess its profound affect on the souls of its readers.

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