



SECURED TRANSACTIONS LAW REFORM

Principles, Policies and Practice

*Edited by Louise Gullifer
and Orkun Akseli*

October 2016

9781849467438 | 600pp | Hbk | RSP: £70

Discount Price: £56

Secured transactions law has been subjected to a close scrutiny over the last two decades. One of the main reasons for this is the importance of availability of credit and the consequent need to reform collateral laws in order to improve access to finance. The ability to give security effectively influences not only the cost of credit but also, in some cases, whether credit will be available at all. This requires rules that are transparent and readily accessible to non-lawyers as well as rules that recognise the needs of small and medium-sized enterprises.

This book critically engages with the challenges posed by inefficient secured credit laws. It offers a comparative analysis of the reasons and the needs for a secured transactions law reform, as well as discussion of the steps taken in many common law, civil law and mixed law jurisdictions.

The book, written under the auspices of the Secured Transactions Law Reform Project, informs the debate about reform and advances novel arguments written by world renowned experts that will build upon the existing literature, and as such will be of interest to academics, legal practitioners and the judiciary involved in secured transactions law around the world.

The text considers reform initiatives that have taken place up to the end of April 2016. It has not been possible to incorporate events since then into the discussion. However, notable developments include the banks decree passed by the Italian Government on 29th June 2016, and the adoption of the Model Law on Secured Transactions by UNCITRAL on 1st July 2016.

THE EDITORS

Louise Gullifer is Professor of Commercial Law at the University of Oxford.

Orkun Akseli is Senior Lecturer in Commercial Law at Durham University.

CONTENTS

1. Introduction (*Louise Gullifer*)

Part I: Modernisation of the Law of Secured Transactions in Common and Mixed Law Jurisdictions

2. An Outline of a Typical PPSA Scheme (*Hugh Beale*)

3. An Historical Overview of UCC Article 9 (*Peter Winship*)

4. Transplanting Article 9: The Canadian PPSA Experience (*Catherine Walsh*)

5. Current Issues in Secured Transactions Law in Canada: An Ontario Perspective (*Anthony Duggan*)

6. The New Zealand Perspective (*Mike Gedye*)

7. Australian Secured Transactions Law Reform (*David Brown*)

8. Secured Transactions Law Reform in Malawi: the 2013 Personal Property Security Act (*Marek Dubovec and Cyprian Kambili*)

9. Reforming the Law of Secured Transactions in Jersey (*Roy Goode and John Rainer*)

10. Reforming the Company Charge Register in Ireland (*Noel McGrath*)

11. Reforming the Law of Secured Transactions in Scotland (*Andrew JM Steven and Hamish Patrick*)

Part II: The Current State of Affairs: the English Law of Secured Transactions

12. The English Law of Personal Property Security: Under-reformed? (*Louise Gullifer and Magda Raczynska*)

13. An Uneasy Case of Multiple Tracing Claims in English Law (*Magda Raczynska*)

14. Should Clauses Prohibiting Assignment be Overridden by Statute? (*Louise Gullifer*)

Part III: Modernisation of the Law of Secured Transactions in Selected European Civil Law Jurisdictions

15. The Peculiar Approach of German Law in the Field of Secured Transactions and Why it has worked (So Far) (*Moritz Brinkmann*)

16. Italian Secured Transactions Law: the Need for Reform (*Anna Veneziano*)

17. The Still Uncompleted Evolution of the French Law on Secured Transactions towards Modernity (*Jean-Francois Riffard*)

18. The Belgian Reform on Security Interests in Movable Property (*Eric Dirix*)

19. Secured Transactions Law Reform in Lithuania (*Andrius Smaliukas*)

20. Modernisation of the Law of Secured Transactions in Spain (*Teresa Rodriguez de las Heras Ballell and Jorge Feliu Rey*)

Part IV: The Potential Influence of International Legislative Texts on Law Reform

21. The EBRD's Experience in Secured Transactions Reform: How Can Outsiders Help? (*Frederique Dahan*)

22. The United Nations Convention on the Assignment of Receivables in International Trade and Small Businesses (*N Orkun Akseli*)

23. The UNCITRAL Legislative Guide on Secured Transactions and the Draft UNCITRAL Model Law on Secured Transactions compared (*Spyridon V Bazinas*)

Part V: Conclusions and Recommendations

24. Conclusions and Recommendations (*Louise Gullifer*)

*20% discount
with this flyer!*

To order go to
www.hartpub.co.uk
and use the code CV7
at the checkout

UK ORDERS

+44 (0)1256 302692
direct@macmillan.co.uk

EU / ROW ORDERS

+44 (0)1256 329242
export@macmillan.co.uk

FOLLOW US ON TWITTER!

For news about
Hart Publishing
[@HartPublishing](https://twitter.com/HartPublishing)

**KEEP UP TO DATE WITH
HART PUBLICATIONS
AND RECEIVE 10%
DISCOUNT BY JOINING
OUR EMAIL MAILING
LIST!**

Visit www.hartpub.co.uk
for details

**HART
PUBLISHING**

*Good Books
for Lawyers*

