

Bankruptcy/ Insolvency Law

Infos pratiques

- > ECTS : 3.0
- > Nombre d'heures : 24.0
- > Période de l'année : Enseignement huitième semestre
- > Méthodes d'enseignement : En présence
- > Forme d'enseignement : Cours magistral
- > Ouvert aux étudiants en échange : Oui
- > Composante : Droit et science politique

Présentation

Programme : The module focuses on corporate insolvency law in England and Wales (the course does not deal with personal insolvency or bankruptcy law). The module is designed to introduce the learners to the principles, objectives and issues associated with corporate insolvency law in England and Wales. It aims to promote a more informed and nuanced understanding of some company/business law issues. More prominently, it promotes and develops the students' ability to critically assess current cases, practices, reform proposals and ongoing issues in corporate insolvency practice.

The first sessions cover the history of insolvency law, its principles and objectives, its regulation and the context surrounding corporate insolvency practice. Next, the module describes the liquidation procedures available under the current law. It discusses the importance and relevance of the principle of rateable distribution (pari passu principle) and how it has been excepted (priority and preferences recognised under the law) or bypassed. It also covers the statutory powers to investigate and suppress misconduct.

The module then considers the rescue options available to corporate entities and the impact that these procedures have on directors and employees. Finally, it considers the principles governing the enforcement and recognition of domestic judgments in other countries, and the issues raised by the withdrawal of the United Kingdom from the European Union (Brexit).