

Question Paper 18march2014

George Worthington

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The Interpretation and Uniformity of the UNCITRAL Model Law on International Commercial Arbitration Dean Lewis, 2016-03-22 Numerous jurisdictions worldwide have augmented their ratification of the New York Convention of 1958 with the UNCITRAL Model Law 1985 UML which takes a giant step forward toward global uniformity in legal application and understanding of the arbitration process This book develops a standard or benchmark for the UML objective of uniformity using the relevant legislation and case law of Hong Kong Singapore and Australia to consider whether a uniform approach to implementation of the UML and its interpretation is being achieved across those jurisdictions The author's methodological tools are eminently adaptable to other jurisdictions Given the importance of the ability to set aside an arbitral award the body of case law on setting aside and the directly related area of enforcement the emphasis throughout is on Article 34 In addition the study considers the meaning of uniformity in law and in the context of the UML the correct approach to interpretation of the UML pre and post Article 2A the interpretational relationship between the UML and the Convention on Contracts for the International Sale of Goods CISG the relationship between the UML and the New York Convention the degree of textual uniformity of Article 34 with the three jurisdictions focused on and the degree of applied uniformity of Article 34 both in terms of juristic methodology and similarity of results The author with more than thirty years of practice in the field of commercial arbitration in Hong Kong has had access to voluminous cases spanning decades and brings his specialist expertise to the subject This book considers whether the UML has succeeded in its aim of achieving uniformity It serves as a guide both academic and practical to exploring and adopting the correct approach to the interpretation of the UML as well as to the method of classification of court decisions under the UML This study is of immeasurable academic and practical value

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The Alternative Investment Fund Managers Directive Dirk A. Zetsche, 2015-09-14 Apart from MiFID the Alternative Investment Fund Managers Directive AIFMD may be the most important European asset management regulation of the early twenty first century In this in depth analytical and critical discussion of the content and system of the directive thirty eight contributing authors academics lawyers consultants fund supervisors and fund industry experts examine the AIFMD from every angle They cover structure regulatory history scope appointment and authorization of the manager the requirements for depositaries and prime brokers rules on delegation reporting requirements transitional provisions and the objectives stipulated in the recitals and other official documents The challenging implications and contexts they examine include the following connection with systemic risk and the financial crisis nexus with insurance for negligent conduct connection with corporate governance doctrine risk management transparency the cross border dimension liability for lost assets impact on alternative investment strategies and the nexus with the European Regulation on Long Term Investment Funds ELTIFR Nine country reports representing most of Europe's financial centres and fund markets add a national perspective to the discussion of the European regulation These chapters deal with the potential interactions among the AIFMD and the relevant laws and regulations of Austria France Germany Italy Luxembourg Liechtenstein The Netherlands Malta and the United Kingdom The second edition of the book continues to deliver not only the much needed discussion of the inconsistencies and difficulties when applying the directive but also provides guidance and potential solutions to the problems it raises The second edition considers all new developments in the field of alternative investment funds their managers depositaries and prime brokers including but not limited to statements by the European Securities and Markets Authority ESMA and national competent authorities on the interpretation of the AIFMD as well as new European regulation in particular the PRIIPS Regulation the ELTIF Regulation the Regulation on European Venture Capital Funds EuVeCaR the Regulation on European Social Entrepreneurship Funds EUSEFR MiFID II and UCITS V The book will be warmly welcomed by investors and their counsel fund managers depositaries asset managers administrators as well as regulators and academics in the field

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