

Personal Insolvency In The 21st Century A Comparative Ysis Of The Us And Europe

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Since 1979 the world has witnessed a remarkable cycle of personal insolvency law reform. Changes in capitalist economies, financial crises and political interest groups all contributed to this cycle of reform. This book examines the role of interest groups and distinct narratives in shaping reform in different countries while drawing attention to the role of timing, path dependency and unintended consequences in the development of personal insolvency law. The book presents case studies of personal insolvency law in the US, France, Sweden, and England and Wales. It then analyses how, following the Great Recession of 2008, international financial institutions paid greater attention to the significance of household debt in contributing to financial instability and the role of individual insolvency law in providing a fresh start. Personal insolvency law reform became part of EU responses to the eurozone crisis and the EU has proposed harmonisation of individual insolvency law to promote entrepreneurialism. This book examines the extent to which these developments represent an emerging international commonsense about personal insolvency and its relationship to neo-liberalism. Finally, this book discusses whether the international emergence of individual personal insolvency law represents a progressive step or a band-aid for the costs of neo-liberal policies, where a significant number of people live close to the precipice of over-indebtedness.

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Excessive household debt has allowed for economic growth, but this model has become increasingly unstable. Spooner examines bankruptcy law as a potential solution.

The Pocket Lawyer series is designed for members of the public who want 'how to' guidance in situations that would normally require expert advice. Each title: written by experts in their field contains all the information you need in one book has an accessible and user-friendly layout and structure is supported by a companion website providing free updates and ready-to-use documents and letters.

This study compares the insolvency regimes currently in place or likely to be adopted in the foreseeable future in various countries worldwide.

Written by IMF's Legal Department, this book outlines the key issues involved in designing and implementing orderly and effective insolvency procedures, which play a critical role in fostering growth and competitiveness and may also assist in the prevention and resolution of financial crises. The book draws on lessons learned from firsthand experience by some of the IMF's 182 member countries. It includes an analysis of the major policy choices that countries need to address when designing an insolvency system, a discussion of the advantages and disadvantages of these choices, and a number of specific recommendations.

Analyses personal debt and the over-indebtedness of consumers in the European Union from the multi-disciplinary perspectives of economics, policy, and law.

This volume explores the potentially transformative role of effective laws and legal institutions in providing people with more opportunity that is both inclusive and equitable.

This book charts the difficulties encountered by vulnerable consumers in their access to justice, through the contributions of prominent authors (academic, practitioners and consultants) in the field of consumer law and access to justice. It demonstrates that despite the development of ADR, access to justice is still severely lacking for the vulnerable consumer. The book highlights that a broad understanding of access to justice, which encompasses good regulation and its public enforcement, is an essential ingredient alongside access to the mechanisms of traditional private justice (courts and ADR) to protect the vulnerable consumer. Indeed, many of the difficulties are linked to normative obstacles and lack of access to justice is primarily a vulnerability in itself that can exacerbate existing ones. In addition, because it may contribute to 'pushing' already vulnerable consumers into social exclusion it is not simply about economic justice but also about social justice. The book shows that lack of access to justice is not irreversible nor is it necessarily linked to consumer apathy. New technologies could provide solutions. The book concludes with a plea for developing 'inclusive' justice systems with more emphasis on public enforcement alongside effective courts systems to offer the vulnerable with adequate means to defend themselves. This book will be suitable for both students and practitioners, and all those with an interest in the justice system.

The legal meaning of bankruptcy and insolvency law has often remained elusive, even to practitioners and scholars in the field, despite having been enshrined in Canada's Constitution since Confederation. Federal jurisdiction in this area must be measured against provincial powers over property and civil rights, among others. Debt and Federalism traces conceptions of the bankruptcy and insolvency power through four cases that form the constitutional foundation of the Canadian bankruptcy system: the 1894 Voluntary Assignments Case, Royal Bank of Canada v Larue in 1928, the 1934 Companies' Creditors Arrangement Act Reference Case, and the 1937 Farmers' Creditors Arrangement Act Reference Case. Together, they produced the bedrock for modern understandings of bankruptcy and insolvency law.

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