

Secured Credit Under English And American Law

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An equitable charge could be created by an informal transaction for value and over any kind of property. 8 The workhorse of the secured credit industry in England has traditionally been the charge, particularly the floating charge, 9 but there are many different types of security right recognised under English law. The law on both sides of the Atlantic is similar in generally granting secured creditors priority over unsecured creditors.

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A secured creditor will hold a prior ranking status in terms of collecting debt owed by an insolvent company or individual. They will have the priority to claim what is owed above unsecured creditors. So, who is a secured creditor?

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'One of the many attractions of Secured Credit under English and American Law is that it provides a single source from which to gauge and evaluate the current controversies in a complex area of law. It is a straightforward comparative guide to the complex subject of English and American credit and security laws with a clear explanation of the law and a practical guidance on its implementation.

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Secured credit drives economic activity. Under English law it is possible to create security over almost any asset, but the law is widely considered to be unsatisfactory for several reasons, including a cumbersome registration system, a preoccupation with formalistic distinctions and the lack of clear and rationally determined priority rules. Gerard McCormack examines the current state of English law, highlighting its weaknesses.

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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.

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