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liability for unpaid debts rogue traders and the provisions of consumer law even as we politics law and business by anne golon a rogue trader is an employee of a financial firm who us politics business tech science fisher and bidwells ordeals expose a problem with trading law a director can close down an insolvent company with no personal

A rogue trader is an employee of a company who makes unauthorised trades on behalf of their employer. It is a way employees use their job to make fraudulent trades. Regardless of the economic climate, rogue traders work illegally to make up for company losses they have incurred while trading for their company. For much of history, society as a whole has defined criminals as those defective in intelligence. However, there are certain crimes which can only be committed by those who have a certain amount of education or training.

This book examines the theories and practice of how to control corporate behaviour through legal techniques. The principal theories examined are deterrence, economic rational acting, responsive regulation, and the findings of behavioural psychology. Leading examples of the various approaches are given in order to illustrate the models: private enforcement of law through litigation in the USA, public enforcement of competition law by the European Commission, and the recent reform of policies on public enforcement of regulatory law in the United Kingdom. Noting that behavioural psychology has as yet had only limited application in legal and regulatory theory, the book then analyses various European regulatory structures where behavioural techniques can be seen or could be applied. Sectors examined include financial services, civil aviation, pharmaceuticals, and workplace health & safety. Key findings are that 'enforcement' has to focus on identifying the causes of non-compliance, so as to be able to support improved performance, rather than be based on fear motivating complete compliance. Systems in which reporting is essential for safety only function with a no-blame culture. The book concludes by proposing an holistic model for maximising compliance within large organisations, combining public regulatory and criminal controls with internal corporate systems and external influences by stakeholders, held together by a unified core of ethical principles. Hence, the book proposes a new theory of ethical regulation.

The Government's draft Consumer Rights Bill has the potential to consolidate, simplify and modernise consumer law however issues and inconsistencies must be resolved. The current proposals would apply a statutory right that services under a contract must be provided with reasonable care and skill [a fault-based standard]. This does not provide sufficient consumer protection. The Draft Bill should require that services must achieve the stated result, or one which could be reasonably expected [an outcomes-based standard]. As the Bank of Ireland case demonstrated, the right to terminate a contract does not necessarily protect consumers from detriment. This report recommends an addition to the grey list - the indicative list of contract terms which may be regarded as unfair. The Government's proposals for enhanced consumer measures, which would require traders that have breached consumer law to compensate consumers, are welcome. However, private enforcers should also be able to use them. The collective proceedings regime has the potential to improve access to redress for victims of competition law breaches but the Government must clarify the certification requirements for such proceedings. The creation of rights and remedies for digital content is welcome, but the Government must do more to communicate how the proposals will work in practice. Under the draft Bill, the remedies available to consumers of digital content would depend on whether the content is intangible (such as a music download) or tangible (such as a CD). In appropriate circumstances, consumers should have the right to reject and obtain a refund irrespective of whether they purchase intangible or tangible digital content

The book examines the extent to which English law facilitated trade before it was possible to create corporations for purely private business purposes. It looks at the extent to which the common law recognised the associational rights of business persons, and its relation with contemporary moral and economic thinking.

The reports published as HC 1398 (ISBN 9780215561848), HC1469 (ISBN 9780215561862), HC 1468 (ISBN 9780215038548), HC 1502 ((9780215038585), HC 1530 (ISBN 9780215038913, HC 1565 (ISBN 9780215039910), HC 1444 (ISBN 9780215038968), HC 1566 (9780215039941), HC 1531 (9780215040077)

With more than 200 real-world cases and critical-thinking exercises, FOUNDATIONS OF THE LEGAL ENVIRONMENT OF BUSINESS, 3E helps readers define their ethical compass within the business world. Authored by a renowned scholar of business ethics, it uses an integrated approach to thoroughly explore the intersection of law, business strategy, and ethics. A concise legal environment text, it covers all core topics and features intriguing examples of legal and ethical issues pulled straight from the news and pop culture. Important Notice: Media content referenced within the product description or the product text may not be available in the ebook version.

As the first cross-disciplinary analysis of money laundering - fully recognizing the activity's economic, political, and juridical dimensions - Criminal Finance clearly identifies a useful array of appropriate criteria that may be used to develop and implement effective control strategies. The book will be of immeasurable and immediate value to bankers, legislators, regulators, law enforcement authorities, and concerned lawyers and academics everywhere.

Die Prävention von Wirtschaftstätigkeit, die zu schwersten Menschenrechtsverletzungen beiträgt, ist für die internationale Gemeinschaft von hoher Bedeutung. Der Verfasser entwirft Wege zur Begründung individueller strafrechtlicher Verantwortlichkeit für das Bereitstellen von Infrastruktur-, Finanz- und sonstigen Mitteln zur Begehung von Verbrechen gemäß dem Römischen Statut des Internationalen Strafgerichtshofs. Das Werk macht dafür grundlegende Beiträge der deutschen Strafrechtswissenschaft fruchtbar und hinterfragt kritisch die Rechtsprechung des Gerichtshofs zu Täterschaft und ziviler Vorgesetztenverantwortlichkeit. Aus menschenrechtlicher Perspektive legt der Autor dar, in welchem Umfang sozial erwünschte wirtschaftliche Betätigung straffrei zu stellen ist. Ein interdisziplinärer Zugriff auf das rechtspolitische Vorhaben einer völkerrechtlichen Unternehmensstrafbarkeit legt den ungelösten Konflikt zwischen konträren Organisationswirklichkeiten als wichtiges Reformhindernis frei.

The assumption that competition law and consumer protection are mutually reinforcing is rarely challenged. The theory seems uncontroversial. However, because a positive interaction between the two is presumed to be self-evident, the frequent conflicts that do in fact arise are often dealt with on an ad hoc basis, with no overarching legal authority. There is a clear need for a detailed and coherent understanding of exactly where the complements and tensions between the two policy areas exist. Dr Cseres in-depth analysis provides that understanding. Proceeding from the dual perspective of law and economics that is, of justice, fairness, and reasonableness on the one hand, and of efficiency of the other she fully considers such underlying issues as the following: the role of competition law and consumer law in a free market economy;the notion of consumer welfare;the effect of the modernisation of EC competition law for consumers;economics theories of information, bounded rationality, and transaction costs;the special significance of vertical agreements and merger control; and,how consumers are affected by information asymmetries. The ultimate focus of the book is on current and emerging EC law, in which a rapprochement between the two areas seems to be under way. Dr. Cseres provides a knowledgeable guide to the various strands of theory, policy, and jurisprudence that (she shows) ought to be taken into account in the process, including schools of thought and law and policy experience in both Europe and the United States. A special chapter on Hungary, where post-1989 law and practice reveal a fresh and distinctly forward-looking understanding of the matter, is one of the book's most extraordinary features. Competition Law and Consumer Protection stands alone as a committed contribution to bridging a gap in legal knowledge the significance of which grows daily. It will be of immeasurable value to a wide range of professionals from academics and researchers to officials, policymakers, and practitioners in competition law, consumer protection advocacy, economic theory and planning, business administration, and various pertinent government authorities.

The book focusses on the enforcement of consumer law in order to identify commonalities and best practices across nations. It is composed of twenty-eight contributions from national rapporteurs to the IAACL Congress in Montevideo in 2016 and the introductory comparative general report. The national contributors are drawn from across the globe, with representation from Africa (1), Asia (5), Europe (15), Oceania (2) and the Americas (5). The general report proposes a general introduction to the question of enforcement and effectiveness of consumer law. It then proceeds to identify the variety of ways in which national legislatures approach this question and the diversity of mechanisms put in place to address it. The general report uses examples drawn from the reports to illustrate common approaches and to identify more original or distinct unique approaches, taking into account the reported strengths and weaknesses of each. The general report consistently points readers to particular national reports on specific issues, inviting readers to consult these individual contributions for more details. The national contributions deal with the following areas: the national legal framework for consumer protection, the general design of the enforcement mechanism, the number and characteristics of consumer complaints and disputes, the use of courts and specialized agencies for the enforcement of consumer law, the role of consumer organizations and of private regulation in the enforcement of consumer law, the place of collective redress mechanism and of alternative dispute resolution modes, the sanctions for breaches of consumer law and the nature of external relations or cooperation with other countries or international organizations. These enriching national and international perspectives offer a comprehensive overview of the current state of consumer law around the globe.

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