
Security and insolvency

at Norton Rose Fulbright LLP

This five-day course on security and insolvency issues builds on the basic elements covered in the Banking Academy (our foundation course for junior finance lawyers and clients held every year in Spring and Autumn). Topics typically covered include:

Creation and registration of security

A discussion of how security can be created in English law; how and why security is registered in order to protect the interests of lenders; and how, generally, security should be documented, with a particular focus on drafting security documents and secured obligations provisions.

Guarantees and indemnities

Deals with the principles of drafting guarantees in English law and aims to provide in-depth understanding of the key provisions of guarantees and how these provisions operate.

Priorities

Examines the principles underlying the priority ranking of security in English law and explains the steps lenders must take in order to ensure the validity of their security against third parties.

Security over specific assets, including cash deposits, shares, contractual rights and goods

Analyses the issues underlying the creation of security over particular types of asset and shows how these varying security interests should be structured and how they can be enforced.

Fixed and floating charges

A discussion of the differences between fixed and floating charges and the ways they are prioritised and enforced in English law. The discussion includes the statutory moratorium on administration and how floating charges are treated differently to fixed charges in English law.

Enforcement of security

Covers the various methods of enforcing security in England and how these methods operate on differing security interests.

The basics of insolvency and restructuring; the effect of insolvency on security

A discussion of how failing companies in England are dealt with, coverage of formal English law insolvency procedures, including those relevant to breach of fiduciary duties and statutory clawback provisions.

Governing law and cross-border issues

Considers English law conflicts of law principles as they apply to security issues and proprietary rights in cross-border situations.

To register or register your interest for the next security and insolvency course please visit the Norton Rose Fulbright online training calendar or email Client Training (client.training@nortonrosefulbright.com).