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Rubin and New Cap: Foreign Judgments and Insolvency (https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=1000&context=jday_lect)

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Abstract

The decisions of the UK Supreme Court in 2012 in *Rubin and New Cap*, and of the Singapore High Court in 2013 in *Beluga Chartering*, raise in acute form the question of how far the common law of international insolvency and of the recognition of foreign judgments can go when a local court is asked by a court in another country to render particular forms of assistance in relation to an insolvency administration which is taking place there. It asks how the instinct to give assistance for the ultimate benefit of creditors needs to be balanced by the caution which a local court naturally shows when asked to take a foreign court's word that the facts and matters are as it has determined them to be. It also prompts the question whether the common law of England, now overlaid with substantial legislative provision for assisting foreign insolvencies, might have departed from the common law of countries, like Singapore, where the intervention of the legislature has been rather less. The lecture, given at SMU on 10th April 2013, looks at, and hopes to prompt others to look at, some of the issues which arise.

This lecture was delivered by Professor Adrian Briggs who is the Professor of Private International Law at the University of Oxford, Fellow and Tutor in Law, St Edmund Hall, Oxford; Barrister, Middle Temple and the Jones Day Professor of Commercial Law at the Singapore Management University for 2013-13.

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Comments

The full text of the lecture will be made available after 10 April 2013.

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