

Why businesses should choose English law

Law, its extent and method are critical to doing business; and English law provides a highly desirable system. It is predictable yet innovative; and also apolitical.

Key benefits of English law

(1) The law supports business ambitions, powering global business rather than slowing it down.

It brings:

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| a) Contractual certainty and predictability | f) Robust commercial law which is suited to international trade |
| b) Commercial freedom | g) Damages for contractual and tortious breach which are awarded to compensate not punish |
| c) Recognition of the trust and equitable ownership | h) No juries in commercial cases |
| d) Confidence in the system through the doctrine of precedent | i) Robust conflicts of law rules |
| e) A sophisticated body of common law | |

(2) The English law system is visionary and progressive, constantly evolving and looking to the future. It has proved flexible for adapting to societal changes and events over the centuries. There is a large body of practitioners with a great depth of international experience and specialist industry knowledge.

(3) The system has the support of a robust court, arbitration and disputes infrastructure.

- a) The U.K. is a leading place for the resolution of disputes involving international contracts. There is a deep bench of legal and commercial experts.
- b) The U.K. has strong, relatively fast and efficient judicial and arbitration systems, with high quality judges and arbitrators.
- c) State of the art technology is available for dispute resolution. There is a wide, progressive, dispute resolution sector, constantly innovating.

How to choose English law

- In contract, it is possible expressly to choose English law; a further step is to submit to the jurisdiction of the U.K. courts.
- Taking advantage of U.K. regulation, and U.K. corporate and insolvency laws, generally requires a business to be located here.
- Property rights are usually governed by the place in which property is located. For financial and certain other assets, English law can be chosen by locating the relevant holder of the asset in the U.K. The advantages of English property law have resulted in the U.K. being a key global jurisdiction for the custody and holding of financial assets.

Why establish business vehicles in the U.K.?

U.K. business vehicles – formation, restructuring and insolvency

U.K. corporate law is flexible and the U.K.'s restructuring and insolvency laws are seen as efficient and fair. The U.K. is often seen as a hub for international restructuring or insolvency matters. English law encompasses the highly developed recognition of trusts, security interests, netting, set-off and other means of reducing exposures, with no surprises.

U.K. regulation

The U.K.'s regulatory system is flexible, well managed, and can be changed quickly, by professional regulators. The regulators:

- are respectful of the free market;
- seek to focus on matters of untoward risk to customers, market integrity and systemic risk;
- do not impose penal fines, nor fines levied to fund their own activities.