

vdpPfandbriefAkademie-Seminar

Länderseminar Immobilienfinanzierung in Schottland

Berlin, 9. November 2017, 10:00 – 16:30

Hotel Meliá

Referenten / **Dr. Ross Anderson**, Advocate

Speakers **Dr. Frankie McCarthy**, Senior Lecturer, University of Glasgow

Neil Campbell, Associate, Banking and Finance, Shepherd and Wedderburn LLP

Dr. John MacLeod, Lecturer in Commercial Law, University of Glasgow

Ken Gerber, Partner, Commercial Real Estate, Anderson Strathern LLP

09:30 – 10:00 **Empfang / Registrierung**

10:00 – 10:10 **Begrüßung**

Moritz Leo, Verband deutscher Pfandbriefbanken (vdp)

Mario Thurner, Center of Legal Competence (CLC)

10:10 – 10:55 **Einführung**

Dr. Ross Anderson (in deutscher Sprache)

- Struktur
 - Dingliche Rechte in Schottland
 - Andere Sicherheiten
 - Trusts
 - Gesellschaftsrechtliche Mechanismen
 - Verhältnis zwischen Darlehensvertrag und Sicherheit

- Grundsätzliche Fragen im schottischen Immobilienrecht
 - Gestaltung von dinglichen Rechten
 - Formpflichten
 - Grundbuch
 - Andere Eintragungspflichten
 - Übertragung und "Securitisations"

10:55 – 11:15 Kaffeepause

11:15 – 12:00 Real Estate Finance in Practice

Neil Campbell (in englischer Sprache)

- Typical Structure of a Real Estate Finance Transaction
- Constitution of the loan agreement
- Choice of security device
- Practicalities of Registration
- Syndication

12:00 – 12:45 Land Reform in Scotland

Dr. Frankie McCarthy (in englischer Sprache)

- 1998–2016
 - The Scottish land questions
 - Land Reform (Scotland) Act 2003
 - Subsequent legislation
- Land Reform (Scotland) Act 2016
 - Land Rights and Responsibilities Statement
 - Transparency in relation to land ownership
 - Community engagement
 - Community rights to buy

12:45 – 13:45 Mittagspause

13:45 – 14:30 Overview of the Real Estate Market in Scotland

Ken Gerber (in englischer Sprache)

14:30 – 15:15 Enforcement and Insolvency

Dr. John MacLeod (in englischer Sprache)

- Exercising securities
 - Standard Securities
 - Floating Charges
 - Share Pledges
 - Trusts
- Basic Structure of Insolvency Procedures in Scots Law
 - Sequestration: natural persons, trusts and partnerships
 - Administration and Liquidation: LLPs and companies
- Judicial Execution
- Competitions
 - Effect of other security rights on enforcement
 - Effect of insolvency on enforcement

15:15 – 15:35 Kaffeepause

15:35 – 16:00 Monitoring

Dr. John MacLeod (in englischer Sprache)

- Recent case law developments
- Proposed reform of security over moveable property
- Proposed reform of security of immovables

16:00 – 16:30 Resume and Discussion