

	consideration is not a sum certain in money)	agreement is entered into
4	redeeming redeemable preference shares that are redeemable at its option	when the company exercises the option
5	issuing redeemable preference shares that are redeemable otherwise than at its option	when the shares are issued
6	financially assisting a person to acquire shares (or units of shares) in itself or a holding company	when the agreement to provide the assistance is entered into or, if there is no agreement, when the assistance is provided
7	entering into an uncommercial transaction (within the meaning of section 588FB) other than one that a court orders, or a prescribed agency directs, the company to enter into	when the transaction is entered into

588G(2). By failing to prevent the company from incurring the debt, the person contravenes this section if:

- (a) the person is aware at that time that there are such grounds for so suspecting; or
- (b) a reasonable person in a like position in a company in the company's circumstances would be so aware.

The elements of the duty

- **Who is liable?** [s 588G(1)(a) of the *Corporations Act 2001* (Cth)]
 - A person who is a **director at the time** when the company incurs the relevant debt.
 - Persons not formally appointed as directors but who act as **de-facto or shadow** directors are also subject to the duty.
- **Incurs a debt** [s 588G(1)(a) of the *Corporations Act 2001* (Cth)]. The obligation must be an **ascertainable debt** involving an obligation to pay a liquidated sum instead of an obligation to pay unliquidated damages or equitable compensation for breach of fiduciary duty by the director [*Hawkins v Bank of China* (1992) 26 NSWLR 562]:
 - "Debt" was held to include a contingent liability such as a guarantee.
 - "Incurs" was held to include the undertaking of an engagement to pay a sum of money at a future time, even if the engagement is conditional and the amount involved is uncertain.
- **When is debt incurred?** [table in s 588G(1A) of the *Corporations Act 2001* (Cth)]. This is important because s 588G(1)(b) of the *Corporations Act 2001* (Cth) requires proof that the company is insolvent at the time the transaction **took place**.
- **Insolvency.** The test for insolvency is outlined in s 95A of the *Corporations Act 2001* (Cth):
 - 95A(1).** A person is solvent if, and only if, the person is able to pay all the person's debts, as and when they become due and payable.
 - 95A(2).** A person who is not solvent is insolvent.
- Even if company owed substantial amounts of money it must be foreseeable that this money will be paid in sufficient time to pay current debts. Hence the relevant test is a 'cash flow' test not an 'assets over liabilities' test [*Metropolitan Fire Systems Pty Ltd v Miller* (1997) 23 ACSR 699].
- **Rebuttable presumption of insolvency** – s 588E of the *Corporations Act 2001* (Cth) operates to assist in proving that a company was insolvent at the relevant time:

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India Chapter 37 Urban Local Government ULG in India Chapter 38 Union Territories Chapter 39 Special Provisions for Some States in the Indian Constitution Chapter 40 Scheduled Areas and Tribal Areas in India Chapter 41 The Election Commission of India Chapter 42 Comptroller and Auditor General of India CAG Chapter 43 Union Public Service Commission UPSC Chapter 44 State Public Service Commission Chapter 45 Finance Commission Chapter 46 Attorney General of India Chapter 47 Advocate General of the State Chapter 48 National Commission for Scheduled Castes NCSC Chapter 49 National Commission for Scheduled Tribes NCST Chapter 50 National Commission for Backward Classes NCBC Chapter 51 Special Officer for Linguistic Minorities Commissioner for Linguistic Minorities Chapter 52 Goods and Services Tax Council GST Council Chapter 53 NITI Aayog Chapter 54 National Human Rights Commission NHRC Chapter 55 State Human Rights Commissions SHRCs Chapter 56 Central Vigilance Commission CVC Chapter 57 Central Information Commission CIC Chapter 58 State Information Commission SIC Chapter 59 Central Bureau of Investigation CBI Chapter 60 National Investigation Agency NIA Chapter 61 Co-operative Societies Chapter 62 National Disaster Management Authority NDMA Chapter 63 Law Commission of India Chapter 64 Bar Council of India Chapter 65 Delimitation in India Chapter 66 Lokpal and Lokayuktas Chapter 67 Official Language in the Indian Constitution Chapter 68 Public Services in India Chapter 69 Rights and Liabilities of the Government Chapter 70 Special Provisions for Certain Classes Chapter 71 Special Provisions for Some States Chapter 72 National Consumer Disputes Redressal Commission NCDRC Chapter 73 Elections Chapter 74 Election Laws Chapter 75 Electoral Reforms in India Chapter 76 Political Parties in India Chapter 77 Role of Regional Parties in India Chapter 78 Pressure Groups Chapter 79 Anti Defection Law in India Chapter 80 Voting Behaviour Chapter 81 Coalition Government Chapter 82 National Integration in India Chapter 83 Significant Supreme Court Judgments Chapter 84 National Commission to Review the Working of the Constitution NCRWC Chapter 85 Indian Foreign Policy Join One to One Guidance Programme From Basic to Advance Charges 9999 Rs for 2 Years Whatsapp 9267929744 **Lecture Notes on Turbulence**

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will provide a useful review for both postgraduate students and researchers new to the advancements in this field as well as specialists seeking to expand their knowledge across different areas of turbulence research **Founding the Fathers**

Elizabeth A. Clark, 2011-04-12 Through their teaching of early Christian history and theology Elizabeth A Clark contends Princeton Theological Seminary Harvard Divinity School Yale Divinity School and Union Theological Seminary functioned as America's closest equivalents to graduate schools in the humanities during the nineteenth century These four Protestant institutions founded to train clergy later became the cradles for the nonsectarian study of religion at secular colleges and universities Clark one of the world's most eminent scholars of early Christianity explores this development in *Founding the Fathers: Early Church History and Protestant Professors in Nineteenth Century America* Based on voluminous archival materials the book charts how American theologians traveled to Europe to study in Germany and confronted intellectual currents that were invigorating but potentially threatening to their faith The Union and Yale professors in particular struggled to tame German biblical and philosophical criticism to fit American evangelical convictions German models that encouraged a positive view of early and medieval Christianity collided with Protestant assumptions that the church had declined grievously between the Apostolic and Reformation eras Trying to reconcile these views the Americans came to offer some counterbalance to traditional Protestant hostility both to contemporary Roman Catholicism and to those historical periods that had been perceived as Catholic especially the patristic era **CUET PG Mass Communication and Journalism Revision ready Notes**

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- Chapter 1: Introduction to Uts Law Notes
- Chapter 2: Essential Elements of Uts Law Notes
- Chapter 3: Uts Law Notes in Everyday Life
- Chapter 4: Uts Law Notes in Specific Contexts
- Chapter 5: Conclusion

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Table of Contents Uts Law Notes

1. Understanding the eBook Uts Law Notes

- The Rise of Digital Reading Uts Law Notes
- Advantages of eBooks Over Traditional Books
- 2. Identifying Uts Law Notes
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Uts Law Notes
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from Uts Law Notes
 - Personalized Recommendations
 - Uts Law Notes User Reviews and Ratings
 - Uts Law Notes and Bestseller Lists
- 5. Accessing Uts Law Notes Free and Paid eBooks
 - Uts Law Notes Public Domain eBooks
 - Uts Law Notes eBook Subscription Services
 - Uts Law Notes Budget-Friendly Options
- 6. Navigating Uts Law Notes eBook Formats
 - ePub, PDF, MOBI, and More
 - Uts Law Notes Compatibility with Devices
 - Uts Law Notes Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Uts Law Notes
 - Highlighting and Note-Taking Uts Law Notes
 - Interactive Elements Uts Law Notes
- 8. Staying Engaged with Uts Law Notes
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Uts Law Notes

9. Balancing eBooks and Physical Books Uts Law Notes
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Uts Law Notes
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Uts Law Notes
 - Setting Reading Goals Uts Law Notes
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Uts Law Notes
 - Fact-Checking eBook Content of Uts Law Notes
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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