

# JOURNAL OF BANKING AND FINANCE LAW AND PRACTICE

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## ARTICLES

### **The equitable charge: A remedy in search of an explanation – *Lee Aitken***

The challenge to define the equitable charge has long baffled the most distinguished jurists. The question is of the greatest practical importance because a chargee will enjoy an equitable proprietary interest in the collateral which will survive the chargor's insolvency. Unlike a legal charge, the chargor may create an equitable charge in an almost absent-minded state using the most inartificial, and informal, language. Does this mean the whole question is a myriad of single instances? In this article, a number of the classical cases, and underlying principles, are examined to see whether an "explanation" can be provided for a vital remedy. .... 157

### **A review of European regulation of the payment system – *Rhys Bollen***

Payments have been described as the "oil in the wheels of the Internal Market". As part of the wider internal market project, the European Commission has, over a number of years, pursued legislation and other measures to encourage a pan-European "Single Payment Area". This article introduces the EU internal market, and examines the rationale for payment services regulation, the EU legislative model and the EU's approach to payment services regulation to date. It includes a detailed review of the main current pieces of EU legislation dealing with payment services and institutions. .... 167

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