

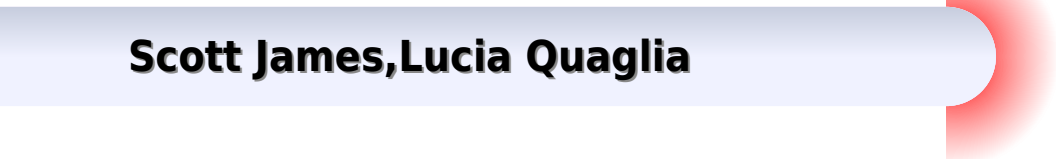


Hedge Fund Regulation

- SEC mission and history
- SEC/ government interest in hedge funds
 - Systemic risk
 - Regulatory “gaming”
 - Other issues
- Recent SEC registration decision
- Bigger questions

Hedge Fund Regulation

Scott James, Lucia Quaglia



Hedge Fund Regulation:

Hedge Funds Theodor Baums, Andreas Cahn, 2015-02-06 The number of hedge funds and the assets they have under management has increased in recent years This increase became significantly more pronounced after the market downturn in 2001 Hedge funds can help investors to benefit from volatile and even sinking stock markets However despite the prominent use of the word hedge in their name such funds rarely offer a safe hedge against risk given that they depend heavily on skill based investment techniques and often invest in highly speculative financial instruments Nevertheless such funds received no specific treatment in the legislation of such major markets as Germany and the United States for years Against the backdrop of international regulatory concern for hedge funds the Institute for Law and Finance ILF in cooperation with Deutsches Aktieninstitut e V DAI brought together leading scholars lawyers and bankers to assess the risks opportunities and regulatory challenges that hedge funds present At the time of the conference German lawmakers were still discussing the need and possible content of a new law The fruit of their discussions was the German Investment Modernization Act Investmentmodernisierungsgesetz which entered into force on January 1 2004 and increased the attractiveness of offering hedge fund products in the German market This inaugural volume of the Institute for Law and Finance Series contains the proceedings of the ILF DAI May 2003 conference entitled Hedge Funds Risks and Regulation and presents papers discussing the economic characteristics of and regulatory strategies for addressing hedge funds The first two papers examine hedge funds from an economic perspective Alexander M Ineichen Managing Director and Global Head of AIS Research at UBS reveals the economic reality of hedge funds from the myths that has surrounded them Then Franklin R Edwards Professor and Director of the Center for the Study of Futures Markets of the Columbia Business School in New York explains how the regulation of hedge funds should be tailored to their core economic reality and the goals of financial stability and investor protection Next Marcia L MacHarg a partner of Debevoise Plimpton LLP Ashley Kovas a Manager in the Business Standards Department of the Financial Services Authority London and Edgar Wallach a partner of Hengeler Mueller present the state of the relevant regulatory structures in the United States the United Kingdom and Germany respectively The book then closes with an analysis of corporate structures used for German hedge funds offered by Kai Uwe Steck a member of the German Asset Management practice group of Shearman Sterling LLP *Hedge Fund Structure, Regulation, and Performance Around the World* Douglas Cumming, Na Dai, Sofia A. Johan, 2013-03-07 This book uses data from a multitude of countries to explain how and why hedge fund markets differ around the world The authors consider international differences in hedge fund regulation which include but are not limited to minimum capitalization requirements restrictions on the location of key service providers and different permissible distribution channels via private placements banks other regulated or non regulated financial intermediaries wrappers investment managers and fund distribution companies U.S. Regulation of Hedge Funds Douglas L. Hammer, 2005 This authoritative resource surveys federal

securities laws and rules applicable to the organization capitalization and operations of private U S domestic investment partnerships that invest and trade mainly in the public securities markets Includes a detailed index *Hedge Fund Regulation in the European Union* Phoebus Athanassiou,2009-04-14 While hedge funds have been part and parcel of the global asset management landscape for well over fifty years it is only relatively recently that they came to prominence as one of the fastest growing and most vigorous sub sectors of the financial services industry Despite their growing significance for global and European financial markets hedge funds continue enjoying a sui generis regulatory status The ongoing credit crisis and its lessons for the wisdom of unregulated or loosely regulated pockets of financial activity raise with renewed urgency the issue of deciding how long for the relative regulatory immunity of hedge funds is to be tolerated in the name of financial innovation This well thought out book the first of its kind in this particular field examines the case for the European onshore hedge fund industry s regulation making concrete proposals for its normative future Following a detailed account of the established regulatory systems in Ireland and Luxembourg as well as of the emerging hedge fund jurisdictions in Italy France Spain and Germany and of the regulatory treatment of hedge funds in the UK this book examines to what extent the continuing exclusion of hedge funds from harmonized European regulation is defensible whether their differences to traditional asset management products justify their distinct regulatory treatment and ultimately if their EU wide regulation is possible and if so what form this should take This book offers enormously valuable insights into all facets of the subject of the regulation of hedge funds including the legitimacy of the public policy interest in their activities the conceptual underpinnings and systemic stability emphasis of a realistic hedge fund regulatory scheme the main parameters of a workable onshore hedge fund regulatory framework the role of investor protection and market integrity as part of a holistic hedge fund regulatory scheme the possible use of the UCITS framework as a foundation for the EU wide regulation of hedge funds the MiFID s impact on the regulatory future of the European hedge fund industry existing cross jurisdictional differences and similarities in the normative treatment of hedge funds within the EU hitherto initiatives and recommendations of the Community institutions and bodies and the need for more efficient co operation and information sharing arrangements amongst national supervisors for the monitoring of the cross border risks inherent in the activities of hedge funds As the first ever comprehensive account of the profile main features and normative future of the contemporary global and European hedge fund markets including a systematic inquiry into the conceptual underpinnings of hedge fund regulation and a detailed examination of the European hedge fund industry s treatment under Community and domestic law this book represents a major contribution to the literature on hedge funds and their regulation which through its concrete proposals for the onshore industry s regulation and its clear analysis of the conditions necessary for their implementation should be of extraordinary value to policymakers supervisors and academics alike *The Regulation of Hedge Funds* Ana Maria Fagetan,2020-12-28 This book analyses elements of international finance comparing the regulation of hedge funds in

United States Europe the UK and off shore jurisdictions in the aftermath of the financial crisis It critically compares the Dodd Frank Act in US with the Alternative Investment Funds Managers Directive in Europe Moreover it goes further by analyzing the implementation of the AIFM Directive in seven jurisdictions in Europe famous for the incorporation of hedge funds the United Kingdom Italy France Ireland Malta Luxembourg and Switzerland The book also analyses the effect of Brexit on the legislation in the UK regarding the application of the directive and the distribution of financial products in Continental Europe and will be of particular interest to researchers academics and students of international finance and financial regulation

International Guide to Hedge Fund Regulation Martin Cornish,Ian Mason,2009 This book provides a detailed guide to the regulation of hedge funds in key jurisdictions It covers all the legal and regulatory matters in relation to hedge funds and discusses how funds can be operated to comply with laws and regulations in the most popular jurisdictions in which they operate Written by experts from each jurisdiction the book includes coverage of approximately 20 jurisdictions with each chapter examining the following key issues in relation to hedge funds authorization establishment and initial set up supervision and regulatory issues enforcement and taxation The jurisdictions include the US the UK the Channel Islands Isle of Man the Cayman Islands Bermuda the British Virgin Islands Australia Ireland Germany Luxembourg Asian jurisdictions and Latin American jurisdiction

Regulating Hedge Funds in the EU Alexandros Seretakis,2022-01-13 Hedge funds remain the most controversial vehicles of the alternative investment funds universe Their opaque nature alleged role in major crises around the world and perceived lack of investor protection have repeatedly led to calls for greater regulation Yet despite its tremendous growth the hedge fund industry is still shrouded in a veil of mystery largely due to the highly complex and dynamic trading strategies employed by hedge funds and the scarcity of information about them For the first time in one comprehensive volume this concise but thorough guide explains how hedge funds work analyses risk compares the European Union EU and United States US systems and proposes reforms to the European framework in order to improve its resilience Focusing on the contribution of the hedge fund industry to systemic risk the author elucidates the complex world of hedge funds and the legal issues linked to it The analysis proceeds as follows introduction to the world of hedge funds definition main characteristics organizational structure investment strategies and benefits deeply informed exploration of the dangers posed by hedge funds documentation and examination of the major incidents connecting hedge funds and financial crises rationales for regulation of hedge funds comparison of relevant legislative developments in the US and EU and proposals for strengthening the current EU supervisory and regulatory framework Guiding legislation such as the EU Alternative Investment Fund Managers Directive and the US Dodd Frank Act is analysed along with topical issues such as hedge fund activism Because the direction that hedge fund regulation takes in the future has implications for the Eurozone and systemic risk in the wider financial system this book will be of immeasurable value to professionals in both the legal and business communities It will be welcomed by corporate lawyers regulatory authorities policymakers and academics in both business

related and finance related disciplines **Hedge Fund Compliance** Jason A. Scharfman, 2016-12-19 The long awaited guide for modern hedge fund compliance program development Hedge Fund Compliance Website provides straightforward practical guidance toward developing a hedge fund compliance program drawn from the author's experience training financial regulators consulting with government entities and analyzing hedge fund compliance structures across the globe In depth explanations of compliance principles are backed by illustrative case studies and examples Highly in demand templates of popular hedge fund compliance documentation provide actionable illustrations of key compliance policies Designed to assist investors fund managers service providers and compliance job seekers directly this book describes the fundamental building blocks of the hedge fund compliance function Compliance is one of the fastest growing areas in the hedge fund space This reference book provides an essential foundation in modern hedge fund compliance reflecting the recent changes of this dynamic field Design and run a hedge fund compliance program Access templates of core compliance documentation and checklists Discover how investors can evaluate and monitor compliance programs Interviews with hedge fund compliance practitioners A steady stream of regulatory changes combined with the enhanced enforcement efforts of regulators ensure that hedge funds compliance related expenditures will continue to grow While hedge fund compliance legislation continues to evolve globally little practical guidance exists for those tasked with the boots on the ground aspects of developing an actual compliance program to comply with best practices and regulatory guidance from leading hedge fund regulators including the US Securities and Exchange Commission the National Futures Association the Commodity Futures Trading Commission and the United Kingdom's Financial Conduct Authority Hedge fund professionals and investors need a fundamental framework for establishing and evaluating an effective program and when compliance is the issue trial and error carries too much risk Hedge Fund Compliance Website provides clear guidance and practical tools to meet today's compliance professional needs **Hedge Fund Regulation** Scott J. Lederman, 2006 Offering a comprehensive review of one the most dynamic sectors of the financial marketplace Hedge Fund Regulation provides you with up to date insights into the ever changing world of hedge funds Hedge Fund Regulation guides you through the complex interplay of the many federal and state laws and regulations including the Securities Act of 1933 Securities Exchange Act of 1934 Investment Advisers Act of 1940 Investment Company Act of 1940 Commodities Exchange Act State Blue Sky laws Internal Revenue Code and ERISA that must be considered in the structuring and operation of these investment vehicles while also providing you with an understanding of the historical developments current investment strategies and recent innovations that have seen hedge funds rise from relative obscurity to the forefront of the financial markets This up to date resource also tracks the latest developments in the field including the recent federal court reversal of the SEC's efforts to require registration of most hedge fund managers the latest developments on soft dollar arrangements and ERISA's plan asset rule and innovative methods by which investors can access hedge funds The Oxford Handbook of Hedge Funds Douglas Cumming, Sofia

Johan, Geoffrey Wood, 2021-10-26 The Oxford Handbook of Hedge Funds provides a comprehensive overview of the hedge fund industry from a global perspective bringing together insights from theoretical and applied research The book seeks to both introduce the industry and what it does to scholars and practitioners new to the area and to provide more advanced insights to those with extensive expertise in the area The handbook explains the main context in which hedge funds operate how they raise capital and their structure and governance It evaluates the main factors that have affected the operation of hedge funds including competition from mutual funds the market environment and financial regulation explains key concepts such as hedge fund flows and core issues of practice such as hedge fund manager fees This volume provides insights into the principle hedge fund strategies and how these have changed over the years The behavioural dimensions of hedge fund behaviour are evaluated as are fintech's consequences The volume evaluates the effects of hedge funds on the firms they invest in in terms of internal governance strategy and practice Furthermore it explores a range of ethical issues around the operation of hedge funds how they fit within the wider political economy and changes in hedge fund regulation and taxation strategies

US Hedge Investment Funds Handbook Volume 1 Strategic Information and Regulations IBP USA, 2013-08 2011 Updated Reprint Updated Annually Hedge Investment Funds Handbook

Research Handbook on Hedge Funds, Private Equity and Alternative Investments Phoebus Athanassiou, 2012-01-01 This unique and detailed Handbook provides a comprehensive source of analysis and research on alternative investment funds in the EU the US and other leading jurisdictions Expert contributors offer an unparalleled perspective on the contemporary alternative funds industry the main areas of regulatory policy concern surrounding its activities and the role that alternative funds have played in recent financial crises as well as an account of the rules governing their operation in selected jurisdictions Providing insight and analysis of the contemporary investment funds industry at a time of crisis and transition the Research Handbook on Hedge Funds Private Equity and Alternative Investments will be a valuable tool for scholars practitioners and policymakers alike

Hedge Fund Regulation: Introduction to hedge funds Scott J. Lederman, 2013-05

Regulation and Governance of Mutual Funds Mohammed Khair Alshaleel, 2022-08-12 This book provides a detailed analysis of mutual fund regulations and governance in the UK from the investor protection perspective It comprehensively describes mutual funds by their function social utility and legal attributes examining the level of protection provided to retail investors under existing regulations Mutual funds are externally managed with fund ownership separated out from their management which carries a potential conflict of interest between the self interests of the fund management and each fund's investors The book provides an in depth analysis of this agency problem in the mutual fund industry comparing the competing governance models in the UK and the US and the supervision of management activities In the UK it investigates the main governance mechanisms including disclosure the effectiveness of voting rights and the role of the Financial Conduct Authority in protecting investors It also considers the role of prudential regulations in protecting mutual fund investors with a particular focus on risk

management and mutual fund liquidity crisis The book further investigates the impact of the withdrawal of the UK from the European Union Brexit on the industry and what this means for the future of the undertakings for collective investment in transferable securities UCITS in the UK The concept of mutual funds is still not clearly understood so this book will clearly define the different legal and practical aspects of mutual funds It will be the first substantial study of mutual fund governance mechanisms under the existing mutual fund laws and regulations in the UK Principles of Financial Regulation John Armour, Dan Awrey, Paul Davies, Luca Enriques, Jeffrey N. Gordon, Colin Mayer, Jennifer Payne, 2016-08-04 The financial crisis of 2007 9 revealed serious failings in the regulation of financial institutions and markets and prompted a fundamental reconsideration of the design of financial regulation As the financial system has become ever more complex and interconnected the pace of evolution continues to accelerate It is now clear that regulation must focus on the financial system as a whole but this poses significant challenges for regulators Principles of Financial Regulation describes how to address those challenges Examining the subject from a holistic and multidisciplinary perspective Principles of Financial Regulation considers the underlying policies and the objectives of regulation by drawing on economics finance and law methodologies The volume examines regulation in a purposive and dynamic way by framing the book in terms of what the financial system does rather than what financial regulation is By analysing specific regulatory measures the book provides readers to the opportunity to assess regulatory choices on specific policy issues and encourages critical reflection on the design of regulation

EU Securities and Financial Markets Regulation Niamh Moloney, 2023 Over the decade or so since the global financial crisis rocked EU financial markets and led to wide ranging reforms EU securities and financial markets regulation has continued to evolve The legislative framework has been refined and administrative rulemaking has expanded Alongside the Capital Markets Union agenda has developed the UK has left the EU and ESMA has emerged as a decisive influence on EU financial markets governance All these developments as well as the Covid 19 pandemic have shaped the regulatory landscape and how supervision is organized EU Securities and Financial Markets Regulation provides a comprehensive critical and contextual account of the intricate rulebook that governs EU financial markets and its supporting institutional arrangements It is framed by an assessment of how the regime has evolved over the decade or so since the global financial crisis and considers among other matters the post crisis reforms to key legislative measures the massive expansion of administrative rulemaking and of soft law the Capital Markets Union agenda the development of supervisory convergence as the means for organizing pan EU supervision and ESMA s role in EU financial markets governance Its coverage extends from capital raising and the Prospectus Regulation to financial market intermediation and the MiFID II MiFIR and IFD IFR regimes to the new regulatory regimes adopted since the global financial crisis including for benchmarks and their administrators to retail market regulation and the PRIIPs Regulation and on to the EU s third country regime and the implications of the UK s departure from the EU This is the fourth edition of the highly successful and authoritative

monograph first published as EC Securities Regulation Heavily revised from the third edition to reflect developments since the global financial crisis it adopts the in depth contextual and analytical approach of earlier editions and so considers the market political institutional and international context of the regulatory and supervisory regime *The European Union and Global Financial Regulation* Lucia Quaglia, 2014 1 Introduction 2 The State of the Art and the Research Design 3 The EU and Global Banking Regulation 4 The EU and Global Securities Markets Regulation 5 The EU and Global Insurance Regulation 6 The EU and International Accounting and Auditing Standards 7 An Overall Cross sectoral Assessment Over Time 8 Conclusions

Guide to Hedge Funds Philip Coggan, *The Economist*, 2014-02-25 In 1990 hedge funds managed some 39 billion of assets and were almost unknown By 2008 that figure had grown to almost 2 trillion and hedge funds were being blamed by some for contributing to the credit crunch and demonized by others for their greed The rise of the industry has created a new bunch of billionaires who have made themselves rich by managing other people s money Nowadays most people have heard the term hedge fund but few are clear about what exactly a hedge fund is or what it does This guide aims to put them in the picture with the clarity and lively prose that *The Economist* is famous for It provides a succinct survey of the industry for all those who think they should know about hedge funds but do not It is aimed at all those who might want or have to deal with a hedge fund private investors trustees of a pension fund directors of a listed company lawyers and accountants who may be interested in working in the industry It is also aimed at those who happily criticize hedge funds without really knowing what they do

The Foundations and Future of Financial Regulation Mads Andenas, Iris H-Y Chiu, 2013-11-20 Financial regulation has entered into a new era as many foundational economic theories and policies supporting the existing infrastructure have been and are being questioned following the financial crisis Goodhart et al s seminal monograph *Financial Regulation Why How and Where Now* Routledge 1998 took stock of the extent of financial innovation and the maturity of the financial services industry at that time and mapped out a new regulatory roadmap This book offers a timely exploration of the Why How and Where Now of financial regulation in the aftermath of the crisis in order to map out the future trajectory of financial regulation in an age where financial stability is being emphasised as a key regulatory objective The book is split into four sections the objectives and regulatory landscape of financial regulation the regulatory regime for investor protection the regulatory regime for financial institutional safety and soundness and macro prudential regulation The discussion ranges from theoretical and policy perspectives to comprehensive and critical consideration of financial regulation in the specifics The focus of the book is on the substantive regulation of the UK and the EU as critical examination is made of the unravelling and the future of financial regulation with comparative insights offered where relevant especially from the US Running throughout the book is consideration of the relationship between financial regulation financial stability and the responsibility of various actors in governance This book offers an important contribution to continuing reflections on the role of financial regulation market discipline and corporate responsibility in the financial

sector and upon the roles of regulatory authorities markets and firms in ensuring the financial health and security of all in the future

The UK and Multi-level Financial Regulation Scott James, Lucia Quaglia, 2020-02-06

The UK and Multi level Financial Regulation examines the role of the United Kingdom UK in shaping post crisis financial regulatory reform and assesses the implications of the UK's withdrawal from the European Union EU It develops a domestic political economy approach to examine how the interaction of three domestic groups elected officials financial regulators and the financial industry shaped UK preferences strategy and influence in international and EU level regulatory negotiations The framework is applied to five case studies bank capital and liquidity requirements bank recovery and resolution rules bank structural reforms hedge fund regulation and the regulation of over the counter derivatives It concludes by reflecting on the future of UK financial regulation after Brexit The book argues that UK regulators pursued more stringent regulation when they had strong political support to resist financial industry lobbying UK regulators promoted international harmonisation of rules when this protected the competitiveness of industry or enabled cross border externalities to be managed more effectively but were often more resistant to new EU rules when these threatened UK interests Consequently the UK was more successful at shaping international standards by leveraging its market power regulatory capacity and alliance building with the US But it often met with greater political resistance at the EU level forcing it to use legal challenges to block reform or secure exemptions The book concludes that political and regulatory pressure was pivotal in defining the UK's hard Brexit position and so the future UK EU relationship in finance will most likely be based on a framework of regulatory equivalence

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