

Principles Of Corporate Insolvency Law

UNCITRAL Legislative Guide on Insolvency Law
Principles of Corporate Insolvency Law
Corporate Insolvency Law
Principles of Corporate Finance Law
Corporate Insolvency Law and Bankruptcy Reforms in the Global Economy
Principles of European Insolvency Law
Vulnerable Transactions in Corporate Insolvency
Insolvency and Restructuring Manual
Vulnerable Transactions in Corporate Insolvency
Global Privacy Protection
Statutory Priorities in Corporate Insolvency Law
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Orderly and Effective Insolvency Procedures
International Insolvency Law
The Oxford Handbook of Fiduciary Law
Lightman & Moss on the Law of Administrators and Receivers of Companies
EU Value Added Tax Law
Insolvency Law

UNCITRAL Legislative Guide on Insolvency Law

Offers comprehensive coverage of the key topics and emerging themes in private sector corporate governance.

Principles of Corporate Insolvency Law

This new edition of Shareholders' Rights provides guidance for readers on the statutory remedies for the protection of minority shareholders with coverage/guidance also of articles of association and shareholders' agreements; the fiduciary duties of directors; restrictions on the power of the majority under general principles of equity and the principles of partnership law (such as good faith) which have been adopted in company law.

Corporate Insolvency Law

Written by IMF's Legal Department, this book outlines the key issues involved in designing and implementing orderly and effective insolvency procedures, which play a critical role in fostering growth and competitiveness and may also assist in the prevention and resolution of financial crises. The book draws on lessons learned from firsthand experience by some of the IMF's 182 member countries. It includes an analysis of the major policy choices that countries need to address when

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designing an insolvency system, a discussion of the advantages and disadvantages of these choices, and a number of specific recommendations.

Principles of Corporate Finance Law

The thesis of this book is that cross-border insolvency rules of all kinds aim to pursue and enforce basic standards. Furthermore, several principles can be identified, distinguished and sorted into three groups: conflict of laws principles, procedural principles and substantive principles. Using the principle-oriented approach, the book will have a significant impact for both deciding cases and shaping cross-border insolvency law. It offers both legislators and courts new substantive and methodological support in making decisions, for example where the treatment of secured creditors, support for foreign insolvency practitioners or even harmonisation of cross-border insolvency laws is at stake --Back cover.

Corporate Insolvency Law and Bankruptcy Reforms in the Global Economy

Principles of European Insolvency Law

A new and substantially revised edition which looks critically at the broad effect and conceptual underpinnings of corporate insolvency law.

Vulnerable Transactions in Corporate

Insolvency

This timely new work is a collection of essays focusing on different aspects relating to the recent case of Spectrum Plus. The House of Lords decision in Spectrum has generated a lot of interest in the profession and has important commercial implications for the business community as well as altering the position on charges given over book debts. These amongst other issues are discussed by the various contributors.

Insolvency and Restructuring Manual

This book focuses on the obligations regarding management of an enterprise when it faces imminent insolvency or insolvency becomes unavoidable. The aim of imposing such obligations, which become enforceable once insolvency proceedings commence, is to protect the legitimate interests of creditors and other stakeholders and encourage timely action to address financial distress and minimize its effects. This publication addresses the key elements of provisions imposing such obligations, as well as the nature of the obligations, the time at which the obligations should arise, the persons to whom the obligations would attach, liability for breach of the obligations and enforcement of those obligations, specifically applicable defences, remedies, the persons who may bring an action to enforce the obligations and how those actions might be funded.

Vulnerable Transactions in Corporate

Insolvency

Principles of Insolvency Law is widely regarded as 'the' text on Insolvency law. Professor Sir Roy Goode's reputation as the "doyen of commercial law" has established a unique position for the Work as a leading authority in the field. The book provides a clear and concise treatment of the general philosophical principles underpinning Insolvency law. It works as an introduction to this complex area and as such it has a broad market, ranging from students and newly qualified practitioners to barristers in Court.

Global Privacy Protection

This meticulously researched book provides a practical commentary on, and analysis of, the harmonised system of Value Added Tax (VAT) in the European Union and each of its Member States. Written by a team of expert practitioners led by KPE Lasok QC, an authority on European law with extensive practical experience of VAT and Customs cases, this book is destined to become the reference work of choice on VAT for both practitioners and scholars.

Statutory Priorities in Corporate Insolvency Law

This title covers the essentials of international insolvency with a very practical slant, providing the reader with a comparative overview of insolvency law

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and practice in the key jurisdictions of the world. The intention is to illustrate how the concepts and analyses raised throughout "The Law and Practice of International Finance" series may be applied in a real world setting

Corporate Insolvency Law

"This book offers an empirically grounded theory that reframes the study of law and society from a predominantly national context, which dichotomizes the study of international law and national compliance into a dynamic perspective that places national, international, and transnational lawmaking and practice within a coherent single frame. By presenting and elaborating on a new concept, transnational legal orders it offers an original approach to the emergence of legal orders beyond nation-states. It shows how they originate, where they compete and cooperate, and how they settle on institutions that legally order fundamental economic and social behaviors that transcend national borders. This original theory is applied and developed by distinguished scholars from North America and Europe in business law, regulatory law and human rights"--

Comparative Insolvency Law

Comparative Insolvency Law argues that the most important development in contemporary insolvency law and practice is the shift towards a rescue culture rather than full creditor satisfaction. This book is the first to specifically examine the rise of the pre-pack

approach, which permits debtor companies to formulate a clear pre-arranged exit before entering into formal insolvency proceedings.

A Global View of Business Insolvency Systems

Recent insolvency cases highlight the growing importance of cross-border insolvency matters in international transactions. In order to obtain relevant information essential for conduct in such transactions, an insolvency lawyer needs to have access to the many relevant instruments that have been introduced and implemented in recent years, but that until now have not been available in any single place. This very useful volume collects, for the second time in one source, all important international and regional legal instruments relating to insolvency of companies and consumers, as well as to corporate rescue law. The book includes international and regional conventions, model laws, EU regulations and directives, and guiding principles produced by various international bodies (such as the World Bank, the United Nations Committee on International Trade Law ('UNCITRAL'), the American Law Institute, INSOL International, and INSOL Europe), and international and European restatements of insolvency law by scholars. In addition to reproducing the complete texts of these instruments, the editors provide insightful commentary covering such important matters as the following: • key issues of each text; • expected amendments and revisions; and • comparative analysis of instruments. A unique resource bringing

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together core material in the field of cross-border insolvency law and legislation, this book will be welcomed by international insolvency practitioners worldwide.

Equity and Administration

No Marketing Blurb

Statutory Priorities in Corporate Insolvency Law

Insolvency Law: Corporate and Personal is written in a detailed yet straightforward way, making it accessible to both practitioners and students. This comprehensive book explains legislation and discusses cases on all aspects of corporate and personal insolvency, covering each of the procedures available. The text is presented logically under headings, with pointers to more specialised information and additional cases. [Subject: Insolvency Law]

Corporate Insolvency Law

This interdisciplinary examination of corporate insolvency law assesses recent reforms and anticipates new legislation.

The Framework of Corporate Insolvency Law

With the additional contribution of Look Chan Ho, an

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expert in the field of corporate finance, this thoroughly revised and updated second edition of Ferran's 'Principles of Corporate Finance Law' explores the relationship between law and finance.

Principles of International Insolvency

We live in an age of economic turmoil. The recent crises emphasize the need for modern, sophisticated rules to govern businesses in financial distress in order to realize value from distressed companies and to protect economic institutions. This book provides information for legislators, policymakers, lawyers, accountants, academics, and administrators who seek to understand the workings of insolvency laws. Guided by the World Bank's Principles and Guidelines, it supplements the work in this field done by UNCITRAL.

Rescue of Business in Europe

Cross-Border Insolvency Law in Australia engages with several current multi-billion dollar insolvencies such as those of Nortel Networks and Lehman Brothers to provide the reader with state of the art knowledge of the complex problems posed by transnational insolvency. As the number of transnational insolvencies grows due to prevailing economic conditions, practitioners are increasingly required to navigate the mass of legal rules applicable to cross-border insolvency situations. The associated challenges are heightened by the diversity of legal structures employed by modern business entities and

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a patchwork of costly, inefficient, and unpredictable national legal rules. The response has been a proliferation of international legal instruments such as the UNCITRAL Model Law, supra-national rules such as the EU Insolvency Regulation, and judicial practice, adding further layers of complexity. Writing from an Australian perspective, the authors analyse this network of legal rules and subsequent case law. In addition, they explain the theoretical underpinnings of these rules in an accessible manner to build a solid foundation for practice, facilitate advanced reasoning, and enable the development of sophisticated arguments for law reform. Comparative case law from jurisdictions such as the United States and United Kingdom is also included. This book is highly relevant to insolvency practitioners faced with the recovery of assets transnationally, transactional lawyers for whom knowledge of potential insolvency pitfalls is essential, and academics. It is invaluable for students at both undergraduate and postgraduate level seeking a sound understanding of this challenging area of law.

Features

- o Provides a concise theoretical account of international insolvency to develop clear understanding of the concepts underpinning the cross-border insolvency practice
- o Includes a comparative overview of key international developments and case law
- o Highlights key trends in practice to ensure practitioners remain current
- o Offers innovative arguments and approaches to this complex area of law

Related Titles

Assaf, Shields & Kincaid, Voidable Transactions in Company Insolvency, 2014
Brown, Symes & Wellard, Australian Insolvency Law: Cases & Materials, 2015
Rodrigo, Demand Guarantees: Operation,

Enforcement and the Autonomy Principle, 2015
Symes, Australian Insolvency Law, 3rd ed, 2015

Bankruptcy and Insolvency Law

The Oxford Handbook of Fiduciary Law provides a comprehensive overview of critical topics in fiduciary law and theory through chapters authored by leading scholars. The Handbook opens with surveys of the many fields of law in which fiduciary duties arise, including agency law, trust law, corporate law, pension law, bankruptcy law, family law, employment law, legal representation, health care, and international law. Drawing on these surveys, the Handbook offers a synthetic analysis of fiduciary law's key concepts and principles. Chapters in the Handbook explore the defining features of fiduciary relationships, clarify the distinctive fiduciary duties that arise in these relationships, and identify the remedies available for breach of fiduciary duties. The volume also provides numerous comparative perspectives on fiduciary law from eminent legal historians and from scholars with deep expertise in a diverse array of the world's legal systems. Finally, the Handbook lays the groundwork for future research on fiduciary law and theory by highlighting cross-cutting themes, identifying persistent theoretical and practical challenges, and exploring how the field could be enriched through empirical analysis and interdisciplinary insights from economics, philosophy, and psychology. Unparalleled in its breadth and depth of coverage, The Oxford Handbook of Fiduciary Law represents an invaluable resource for practitioners,

policymakers, scholars, and students in this essential field of law.

Cross-Border Insolvency Law

This book provides a critical examination of modern English corporate insolvency law, in particular the procedures under the Insolvency Act 1986, from both conceptual and functional points of view. It focuses throughout on identifying a rational explanation for the form that the rules and institutions of the modern law take or, where there is no such rational explanation, the history which has resulted in the present position. A central theme of the book is that the nature and fundamental purpose of insolvency proceedings themselves dictate many of the features of English insolvency proceedings. For example, collective execution on behalf of creditors necessitates definition of the insolvent estate and the provision of rules concerning provable debts and transaction avoidance. Many key features of the insolvency procedures are therefore essentially matters of practicality rather than principle, albeit practicalities applied justly and fairly. The book covers the nature and purpose of insolvency law; the procedures; the administration, supervision and regulation of insolvency proceedings; the insolvent estate and transaction avoidance; investigation and wrongdoing by directors; phoenixism and pre-packing; distribution of the insolvent estate; and, lastly, cross-border insolvency. It examines the various principles of insolvency law in the context of practice, drawing upon historical perspectives where

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appropriate. By explaining how the law takes the form that it does, the book promotes an understanding of the present law and institutions as a whole, and shows how this understanding might inform future developments.

Basic Bankruptcy Law for Paralegals, Abridged

This book examines powers and remedies available to a liquidator or administrator that render 'vulnerable' the company's prior contractual commitments or proprietary dispositions so as to enhance the asset pool available to creditors. In the process, the book does two things. First, it offers comprehensive accounts of the relevant causes of action: undervalue transactions, preferences, late floating charges, unregistered charges, transactions defrauding creditors, gratuitous corporate transactions and post-petition dispositions in liquidation. Secondly, it seeks to raise issues about the context and purpose of these causes of action, many of which have not yet been fully explored in the case law or academic literature. These are considered through a discussion of their relationship to the *pari passu* principle; a restitutionary analysis of the remedial provisions; and issues arising specifically in cross-border and international insolvency proceedings. The book is thus a source of reference both for insolvency litigators and for transactional lawyers seeking advice on potential vulnerability. The thematic approach and rigorous analysis will also make it of interest to an academic readership.

Company Charges

A careful analysis of the fundamentals of bankruptcy law.

Corporate Finance Law

This book examines the legal framework that governs bankruptcy and insolvency law in Canada. It is organized in a way that illuminates the structure of insolvency law, its aims and objectives, and its foundational principles. The book will appeal to judges, insolvency lawyers and professionals as well as to students and others new to the field.

The Logic and Limits of Bankruptcy Law

Cross-Border Insolvency Law

International insolvency is a newly-established branch of the study of insolvency that owes much to the phenomenon of cross-border incorporations and the conduct of business in more than one jurisdiction. It is largely the offspring of globalization and involves looking at both law and economic rules. This book is a compendium of essays by eminent academics and practitioners in the field who trace the development of the subject, give an account of the influences of economics, legal history and private international law, and chart its relationship with finance and security issues as well as the importance of business rescue as a phenomenon. Furthermore, the essays examine

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how international instruments introduced in recent years function as well as how the subject itself is continually being innovated by being confronted by the challenges of other areas of law with which it becomes entangled.

The Law of Insolvency

What is equity? This book explores modern equity's nature, especially its facilitative character and its role in common law systems.

Corporate Insolvency Law

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Transnational Legal Orders

Who enjoys statutory preferred creditor status? What justifications exist for jurisdictions to maintain statutes that favour 'priority' creditors over other creditors and contributories? This book examines preferential debts derived from specific legislative provisions applying to corporate insolvency. In exploring the concept of preferential treatment, *Statutory Priorities in Corporate Insolvency Law* includes chapters that provide a doctrinal, theoretical and historical analysis of who enjoys preferred creditor status. As well as examining the traditional major categories of priorities, this work also identifies potential new categories for priority status such as environmental clean-up costs, international creditors, tort claimants and consumers among other non-consensual creditors. While the study focuses on Australian corporate insolvency law, where appropriate, comparisons are made with other common law jurisdictions, particularly the UK, Canada, New Zealand and the US.

Principles of Contemporary Corporate Governance

This volume analyses corporate insolvency law as a

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coherent whole, stemming from common fundamental principles and amenable to being justified or criticised on that basis. The author explains why consistency of principle must be sought and how it might be found in the relevant statutory and case law. He then constructs an egalitarian theory for the analysis of corporate insolvency law, based on the premise that all the parties affected by this law are to be treated as equals. He argues that this theory can reconcile the dictates of fairness with the demands of economic efficiency. The theory is employed to analyse some of the most important aspects of insolvency law. Why should the individualistic method of enforcing claims against solvent companies give way to a collective method during insolvency? Why are there different formal mechanisms for dealing with troubled companies? What role does the pari passu principle play in the distribution of an insolvent company's assets? The controversial issues of whether and when secured creditors should be accorded priority over others receive detailed consideration. The functional role of the floating charge and its relationship with receivership are also analysed in this context. The many questions relating to the operation of the new administration procedure introduced by the Enterprise Act 2002 are considered in the light of principle. The book also analyses the role of the wrongful trading provisions. It examines, finally, why insolvency law objects to certain transactions at an undervalue and those having a preferential effect. This volume aims to enhance understanding of this important branch of the law, and to suggest principled solutions to problems which have not yet received judicial

attention.

Principles of Corporate Insolvency Law

Basic Bankruptcy Law for Paralegals, Abridged Edition evolved from a need to develop a nuts-and-bolts description of the bankruptcy system written in a manner that could be easily understood by nonlawyers. The primary intent has been to design this text as a basic primer for legal assistants or paralegal students to help them grasp the practical aspects of representing debtors or creditors within the bankruptcy system. To meet this challenge, the authors have explained practice and theory together in as concise a format as possible. This Abridged Edition focuses primarily upon consumer bankruptcy since the vast majority of bankruptcy cases are filed as consumer Chapter 7 or Chapter 13 cases.

Principles of Cross-border Insolvency Law

Who enjoys statutory preferred creditor status? What justifications exist for jurisdictions to maintain statutes that favour 'priority' creditors over other creditors and contributories? This book examines preferential debts derived from specific legislative provisions applying to corporate insolvency. In exploring the concept of preferential treatment, Statutory Priorities in Corporate Insolvency Law includes chapters that provide a doctrinal, theoretical and historical analysis of who enjoys preferred creditor status. As well as examining the traditional

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major categories of priorities, this work also identifies potential new categories for priority status such as environmental clean-up costs, international creditors, tort claimants and consumers among other non-consensual creditors. While the study focuses on Australian corporate insolvency law, where appropriate, comparisons are made with other common law jurisdictions, particularly the UK, Canada, New Zealand and the US.

Principles of Corporate Insolvency Law

This textbook deals with the foundations and key issues of insolvency law and approaches the topic from a comparative perspective, i.e. it does not concentrate on one insolvency law in particular but rather introduces the relevant rules from various jurisdictions, primarily England (and Wales), France, Germany and those of the USA. It is case focused and designed for learning and teaching insolvency law.

Orderly and Effective Insolvency Procedures

The distinguished editors and contributors to this book have produced a valuable report of the state of privacy in a number of jurisdictions with their distinct legal and political traditions. It highlights the challenges we confront in our effort to protect and defend a central democratic ideal. Raymond Wacks, *Computer Law and Security Review* . . . This book is . . . a seminal piece of literature. . . Although the volume is about privacy law and the international politics of

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data protection, it is vitally important for the whole field of surveillance studies. It is easy to follow, and written in a way that nonlegal scholars can easily grasp. Nils Zurawski, *Surveillance and Society* Global Privacy Protection is certainly to be commended. Daniel Seng, *Singapore Journal of Legal Studies* Global Privacy Protection reviews the origins and history of national privacy codes as social, political and legal phenomena in Australia, France, Germany, Hong Kong, Hungary, South Korea and the United States. The first chapter reviews key international statements on privacy rights, such as the OECD, EU and APEC principles. In the following chapters, the seven national case studies present and analyze the widest variety of privacy stories in an equally varied array of countries. They look beyond the details of what current national data-protection laws allow and prohibit to examine the origins of public concern about privacy; the forces promoting or opposing privacy codes; the roles of media, grassroots activists and elite intervention; and a host of other considerations shaping the present state of privacy protection in each country. Providing a rich description of the interweaving of national traditions, legal institutions, and power relations, this book will be of great interest to scholars engaged in the study of comparative law, information law and policy, civil liberties, and international law. It will also appeal to policy-makers in the many countries now contemplating the adoption of privacy codes, as well as to privacy activists.

International Insolvency Law

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Provides comprehensive analysis of the civil rights and remedies for police misconduct. This book covers complaints against the police as well as the practice and procedure of bringing a claim and also provides detailed explanation on the traditional tort actions that may be brought against the police

The Oxford Handbook of Fiduciary Law

The third edition of this acclaimed book continues to provide a discussion of key theoretical and policy issues in corporate finance law. It has been fully updated to reflect developments in the law and the markets. One of the book's distinctive features is its equal coverage of both the equity and debt sides of corporate finance law, and it seeks, where possible, to compare and contrast the two. This book covers a broad range of topics regarding the debt and equity-raising choices of companies of all sizes, from SMEs to the largest publicly traded enterprises, and the mechanisms by which those providing capital are protected. Each chapter provides a critical analysis of the present law to enable the reader to understand the difficulties, risks and tensions in this area, and the attempts by the legislature, regulators and the courts, as well as the parties involved, to deal with them. The book will be of interest to practitioners, academics and students engaged in the practice and study of corporate finance law.

Lightman & Moss on the Law of Administrators and Receivers of Companies

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This edited volume is based on the European Law Institute's project, The Rescue of Business in Insolvency Law, which ran from 2013 to 2016. The project sought to investigate and articulate the essential features of well-functioning procedures for the "rescue" of distressed but viable businesses. Although the focus was primarily on the design and implementation of formal procedures (that is, those provided by law), the project also required consideration of the interaction between such procedures and informal solutions to distress, given the obvious cost advantages of the latter. The ELI project was not confined exclusively to restructurings, since these are only one possible route to maximising the value of a distressed but viable business (an auction procedure, in which the business is sold on a going concern basis to a new owner, is one obvious alternative). The ELI project encompasses various aspects of both public/constitutional law and insolvency law that may have a bearing on the functionality of formal restructuring procedures.

EU Value Added Tax Law

With the increasing interdependence of global economies, international relations are becoming a more complex system. Through this, the growth of any economy is dependent upon the ease of business transactions; however, in recent times, there has been a growing impact of corporate insolvency law. Corporate Insolvency Law and Bankruptcy Reforms in the Global Economy is an essential reference source that discusses the importance of insolvency laws in

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the financial architecture of emerging economies, as well as its fundamental issues. Featuring research on topics such as business restructuring, debt recovery, and governance regulations, this book is ideally designed for law students, policymakers, economists, lawyers, and business researchers seeking coverage on the jurisprudence and policy of corporate insolvency law in a globalized context.

Insolvency Law

In the past decades, many Member States of the European Union have introduced important new legislation in the field of insolvency law. Principles of European Insolvency Law tries to capture the common elements that national insolvency laws share and that make up the essence of insolvency proceedings in Europe. It makes a first, and, so far, unique attempt, to tackle an area of law which is of great commercial importance, but in which some might have thought it was too difficult to detect a European approach. Principles of European Insolvency Law looks to a future of more European integration in areas of commercial law and practice. They may serve as working material for further study, which could result in proposals for legislation on a supranational level. In the shorter term, the Principles will be of use in efforts to modernise national insolvency laws by serving as a 'European framework'. Taking account of the Principles in drafting reform proposals can lead to a greater conformity of new national legislation with the essence of European insolvency law.

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