

Faculty of Laws



UCL

**Intercollegiate/Interdepartmental/Affiliate
Module Option Booklet
2018-19**

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LAWS1001: CONTRACT

Convenor: Prince Saprai (p.saprai@ucl.ac.uk) and Lucinda Miller (l.miller@ucl.ac.uk)

Method of instruction: Lectures and Tutorials

Assessment: unseen written examination (3 hours)

The aims of this course are: (a) to inculcate techniques of legal analysis of statutes and case law; (b) to explain and unpack the rules and doctrines that constitute the law of contract; (c) to understand the basic structure of contract law in England and Wales and evaluate it critically. Students should gain a grasp of the basic rules of contract law and acquire the skills of interpreting, applying and analysing those rules.

Some of the key themes covered are: the distinctive nature of contractual obligations; how contracts are formed; how unfair terms are regulated by the courts; vitiation of contracts for mistake, misrepresentation, undue influence and duress; breach of contract and remedies for breach.

LAWS1002: PROPERTY LAW I

Convenor: Term 1 – TBD, Term 2 - Ben McFarlane (ben.mcfarlane@ucl.ac.uk)

Method of instruction: Lectures and Tutorials

Assessment: unseen written examination (3 hours)

Property I provides an introduction to the whole of the law of property, and a detailed examination of the law of property related to land. It leads to Property II, which focuses on trusts in greater depth.

Property law is about rights to things. You will learn what property rights are, how they differ from personal rights, and why that distinction matters. You will be introduced to the variety of different property rights recognised in English law, including possession, estates, trusts, and mortgages. The course covers many of the various ways in which new property rights can be generated, existing property rights can be transferred to others and the rules that are used to resolve disputes when two or more people have competing property rights to the same thing.

Property I provides an essential foundation for the study of a number of areas of law, such as commercial law, company law, intellectual property, and trusts. It also helps provide a framework for understanding the relationship among the three pillars of private law: contract, torts, and property. There is overlap in several topics with material and ideas from contract law. The course requires careful and thorough engagement with statutory material, improving skills in statutory interpretation, in addition to using cases.

The course is taught through a combination of 19 two-hour lectures and 9 one-hour tutorials. The seminars are held weekly and tutorials biweekly in terms 1 and 2. You are expected to prepare material in advance and to participate in both lectures and tutorials.

You will have the opportunity to submit two written assignments and write a practice assessment. The assignments are normally due in November and February, while the practice assessment is completed as a take-home examination in December or January. You will receive feedback on this work from your tutor, but it does not form part of your final grade for the module, which is based solely on the unseen written examination in May.

LAWS1007: EUROPEAN LEGAL STUDIES (FRENCH) I

Note: Entry to a European Legal Studies module is only permitted pending a successful interview in the target language. ELS French I is not available to Affiliate students visiting from France.

Convenor: Myriam Hunter-Henin (m.hunter-henin@ucl.ac.uk)

Method of instruction: 20 x one-hour lecture, 20 x two-hour tutorials

Assessment: N/A (Non-credit bearing)

COURSE SUMMARY

The course starts with an introduction to the French Legal System (term one) followed by an introduction to French Public Law.

AIMS OF THE COURSE

The course is designed to introduce students to the basic principles of the French legal system. It presents the courts' structure, the main sources of legal norms and a "French way" of approaching legal problems.

In term 2, the course moves on to more substantive issues of public law. Students study the various modes of constitutional review, the review of compatibility of national norms with international Treaties, the role of the Constitutional Council, the balance of powers between Parliament, Government and the French President.

Pedagogically, the course also aims to train students in the two main types of exercises on which they will be assessed in their main subjects in France: the case-note (commentaire d'arrêt) and the dissertation.

While the fully pledged case-note (commentaire d'arrêt) will only be explained in year 2, students will from year one, learn how to compose case summaries ("fiches d'arrêt") which will help them understand French cases and allow them to build up their written legal skills.

A few sessions, through on-line personalised projects and class presentations, will also be dedicated to comparative legal research.

COURSE STRUCTURE

The course will entail one-hour weekly lecture and two-hour weekly tutorials. Advance reading of documents (available on Moodle) will be expected.

A list of books for further reading will be made available at the top of the Moodle page but the seminar will follow the structure displayed on the relevant handout.

Teaching, oral and written participation will be in French.

COURSE ASSESSMENT:

The course will not be examined at the end of the year but Public Law will be included in the syllabus for the exam and the coursework the following year.

Revision sessions will be arranged in the second year to refresh students' memories.

During the course of the year, one compulsory practice assignment will need to be submitted per term.

LAWS1008: EUROPEAN LEGAL STUDIES (GERMAN) I

Note: Entry to a European Legal Studies module is only permitted pending a successful interview in the target language. ELS German I is not available to Affiliate students visiting from Germany.

Convenor: Myriam Hunter-Henin (m.hunter-henin@ucl.ac.uk)

Method of instruction: 20 x two-hour lectures, 20 x two-hour tutorials

Assessment: N/A (Non-credit bearing)

COURSE SUMMARY

The course starts with an introduction to the German Legal System (term one) followed by an introduction to German Public Law.

AIMS OF THE COURSE

The course is designed to introduce students to the basic principles of the German legal system. It presents the courts' structure, the main sources of legal norms and the history of German law. It also explains the German legal profession and the methodology used in German law. Basic concepts of German Public law such as the rule of law and the eternity clause are looked at.

In term 2, the course moves on to more substantive issues of public law. Students study the fundamental rights and freedoms enshrined in the German constitution, the Basic Law. Human Dignity, personal freedom, freedom of expression, arts and sciences, freedom of assembly and occupational freedom will be looked at in context of key judgments by the German constitutional court, the *Bundesverfassungsgericht*. Pedagogically, the course also aims to train students in the *Gutachtenstil* as the technique to solve cases. Familiarisation with the *Gutachtenstil* will allow students to build up their written legal skills.

COURSE STRUCTURE

The course will entail two-hour weekly lectures and two-hour weekly tutorials. Advance reading of documents (available on Moodle) will be expected.

Students will be given a detailed handout and syllabus to follow each lecture but there will also be additional reading material available on Moodle. Teaching, oral and written participation will be in German.

COURSE ASSESSMENT:

The course will not be examined at the end of the year but Public Law will be included in the syllabus for the exam and the coursework the following year.

Revision sessions will be arranged in the second year to refresh students' memories. During the course of the year, one compulsory practice assignment will need to be submitted per term.

LAWS1010: EUROPEAN LEGAL STUDIES (SPANISH) I

Note: Entry to a European Legal Studies module is only permitted pending a successful interview in the target language. ELS Spanish I is not available to Affiliate students visiting from Spain.

Convenor: Myriam Hunter-Henin (m.hunter-henin@ucl.ac.uk)

Method of instruction: 20 x three-hour seminars

Assessment: N/A (Non-credit bearing)

The Spanish law course is taught over two years. The first year consists of an introduction to Spanish legal language and Private Spanish Law whereas the second year focuses on issues of public law.

COURSE SUMMARY

The course starts with an introduction to the Spanish Legal System followed by an introduction to Spanish Private Law. The course concentrates on the general principles governing the law of contracts in Spanish Law. The course covers problems relating to the nature and formation of contracts, the definition of contracts and core elements, the interpretation of contracts, terms and conditions of contracts and termination clauses.

INTENDED LEARNING OUTCOMES FOR STUDENTS

- Will understand the structure of the Spanish legal system;
- Will understand the general principles of Spanish contract Law;
- Will increase their range of legal vocabulary;
- Will improve their accuracy in the use of the Spanish Language;
- Will be able to communicate more confidently in legal situations and use specialised legal vocabulary more effectively.

COURSE STRUCTURE

The course will be taught through 3 hour weekly seminars.

COURSE ASSESSMENT

The course will not be examined at the end of the year but the content of the course will be included in the syllabus for the end of year 2 exam.

Revision sessions will be arranged in the second year to refresh students' memories.

During the course of the first year, one compulsory practice assignment will need to be submitted per term.

LAWS1011: PUBLIC LAW

Convenor: Jeff King (jeff.king@ucl.ac.uk)

Method of instruction: Two hour lectures and fortnightly one hour tutorials

Assessment: unseen written examination (3 hours)

This compulsory first year course is an introduction to Public Law. The first part of the course covers general principles of UK Constitutional Law, including the principle of legality, the sovereignty of Parliament, the separation of powers, and the rule of law. The second part covers the devolution of power to Northern Ireland, Scotland and Wales, an introduction to judicial review (administrative law), the constitutional dimensions of British membership of the European Union, and the judicial protection of European Convention rights under the UK Human Rights Act 1998. Other themes discussed in the course include the impact of Brexit on the constitution, the rise of the common law as a source of the constitution, and recent parliamentary reforms.

LAWS1012: CRIMINAL LAW

Convenors: Jonathan Rogers (j.rogers@ucl.ac.uk) and Mark Dsouza (m.dsouza@ucl.ac.uk)

Method of instruction: Lectures and tutorials

Assessment: unseen written examination (3 hours)

The course will comprise of 40 hours of lectures and ten tutorials, of no more than eight students per group, which will follow those lectures.

Marks in criminal law tend to be relatively low (at many English Universities) largely due to the messy state of the criminal law itself, which is almost wholly uncodified. You will need to be happy with reading a lot of case law and making various distinctions between different factual scenarios in order to do well in the course. If that does not worry you though, the course should be very enjoyable.

Subject to a possible change in sequence, the ten tutorials will (broadly described) cover the following subjects:

1. Introduction: Arguing a moot point
2. Introduction to the Criminal Law: Limited introduction to mens rea, the courts' role in developing the law.
3. Sexual Offences
4. Non-fatal offences against the person (1): Causation, recklessness, assault, battery, actual bodily harm
5. Non-fatal offences against the person (2): Grievous bodily harm, Consent
6. Homicide (1): Involuntary manslaughter
7. Homicide (2): Murder
8. Theft
9. Complicity
10. Defences

LAWS2002: PROPERTY LAW II

Note: Property Law II is only available as an optional module for students who have previously studied and passed LAWS1002: Property Law I

Convenor: Charles Mitchell (charles.mitchell@ucl.ac.uk)

Method of instruction: 20 x two-hour lectures, 8 x one-hour tutorials

Assessment: unseen written examination in May (3 hours)

The purpose of the course is to enable students to acquire a good knowledge and understanding of the core concepts and concerns of trusts law. At the end of the course, students should be familiar with the rules governing the creation of express trusts, the imposition of constructive and resulting trusts, the duties of trustees and other fiduciaries, and the remedies available when these duties are breached.

LAWS2004: JURISPRUDENCE & LEGAL THEORY

Convenor: George Letsas (george.letsas@ucl.ac.uk)

Method of instruction: lectures and tutorials

Assessment: 8-page essay (50%) and 2-hour unseen examination in May (50%)

Introduction

Jurisprudence is the philosophical inquiry into the nature of law and the values it serves. It is closely bound up with broader questions in moral and political philosophy, such as the justifiability of state coercion, the grounds of individual rights against the state and the value of the rule of law. These are important and persistent questions about how individuals and societies should conduct their lives and have occupied philosophers from ancient times until today.

Since the middle of the previous century, there has been a tremendous revival in English-language legal and political philosophy, spear-headed by the publication of H.L.A. Hart's *The Concept of Law* in 1961. Hart's book defined Anglo-American jurisprudence and set the agenda for current debates. UCL is proud to be associated with three of the main protagonists to these debates. Jeremy Bentham, whose utilitarian philosophy underpinned classical legal positivism, is UCL's spiritual father; John Austin, whose command theory of law was dominant in England for over a century, was UCL's first Professor of Jurisprudence; and Ronald Dworkin, one of the greatest legal and political thinkers of the 20th century, was Professor of Jurisprudence at UCL between 1998 and 2008. The overall aim of this module is to introduce you to some of these important ongoing debates about the nature of law in the hope that you will become not only well-informed about them but also an intelligent participant in them.

Jurisprudence is more abstract than other subjects in the LLB and often seems, at first sight, to be unconnected with the practice of law. But it is connected. Legal practice is not insulated from abstract argument, nor is 'abstract' the same as 'vague'. During the last year you will have formed views about law's nature, purposes, and point. The study of Jurisprudence gives you an opportunity to assess, develop and articulate your views in an informed way.

Teaching

Part A (the General Part) consists of lectures and seminars. There will be **(i)** twelve consecutive weekly two-hour lectures beginning in the first week of term 1 and ending in the second week of term 2 and **(ii)** five two-hour seminars starting either in the third or fourth week, depending on the group to which you are assigned. There will be a maximum of 8 students per seminar group. Seminars will cover selected topics drawn from the lectures, but the exam questions may relate to any topic covered in the lectures. The lectures will cover some of the main debates in jurisprudence as well as specific topics (such as precedent, international law and human rights).

Part B (the Big Book) consists of four consecutive weekly two-hour seminars, which take place in the second term (2 before reading and 2 after reading week). You will be given a choice to study one complete major historically significant work in legal theory, political or moral philosophy, from an array of options. A selection of books will be publicized towards the end of first term. Options in the past have included Plato's Republic, Aristotle's Nicomachean Ethics, Hume's Treatise of Human Nature, Smith's Theory of Moral Sentiments, Kant's Groundwork of the Metaphysics of Morals, Mill's On Liberty, among other works. You will write an **8 page essay** on the Big Book to which you are allocated. Your tutor will suggest a list of essay titles to choose from and you will be asked to submit an essay plan and bibliography, on which you will receive feedback.

LAWS2006: EUROPEAN LEGAL STUDIES (FRENCH) II

Note: Entry to a European Legal Studies module is only permitted pending a successful interview in the target language.

ELS French II is only available as an optional module for students who have previously studied and passed LAWS1007: ELS French I. ELS French II I is not available to Affiliate students visiting from France.

Convenor: Myriam Hunter-Henin (m.hunter-henin@ucl.ac.uk)

Method of instruction: 20 x two-hour seminars

Assessment: 2x 5-page essays (25% each) and 2-hour unseen examination in May (50%)

COURSE SUMMARY

Through analysis of the relevant provisions of the French Civil Code and of relevant cases, students on this course will discover the key features of French Tort Law (first term) and French Contract Law (second term).

AIMS OF THE COURSE

The course is designed to introduce students to the basic principles of this area of French Private Law.

A lot of attention will be dedicated to reading and analysing cases so that students will gradually become familiar with the French judicial style of reasoning and grasp how and why the law, as written in the French Civil Code, has been construed by judges.

Reforms of the Code (in force or in prospect) will be studied and critically analysed.

Pedagogically, the course also aims to train students in the two main types of exercises on which they will be assessed in their main subjects in France: the case-note (commentaire d'arrêt) and the dissertation.

COURSE STRUCTURE

The course will entail two-hour weekly seminars. Advance reading of cases (available on Moodle) will be expected.

A list of books for further reading will be made available at the top of the Moodle page but the seminar will follow the structure displayed on the relevant handout.

Teaching, oral and written participation will be in French.

COURSE ASSESSMENT

During the course of the year, one compulsory practice assignment will need to be submitted per term.

The case-note, which is introduced only in year 2, will be explained in detail in class over a specific methodology session.

Each of the compulsory practice assignment will moreover lead to detailed written individual feedback as well as a full correction session in class.

The final ELS (French Law) mark will be made out of :

One dissertation (in French, in the French format) of 5 pages – 25% of the mark

One case-note (in French, in the French format) of 5 pages – 25% of the mark

A final two-hour exam – 50% of the mark.

Public Law (studied in year one) will be included in the syllabus for the exam and the coursework.

LAWS2007: TORT LAW

Convenor: Maria Lee (maria.lee@ucl.ac.uk) & Paul Mitchell (p.mitchell@ucl.ac.uk)

Method of instruction: Lecture plus tutorials for fifteen weeks; four seminars over five weeks

Assessment: unseen written examination (2 hours) and coursework

The law of torts is the law governing civil wrongs (i.e. wrongs which give rise to liability to pay damages to the victim, as opposed to criminal misconduct). This course is designed to enable students to become familiar with the core concepts, scope of application, and concerns of tort law and to explore one specialist aspect of tort in greater depth. By the end of the course, students should be aware of the core elements of some major torts; understand the rationale and development of these torts; and be capable of identifying and analysing the factual situations in which these torts typically arise. Students will also have acquired a sophisticated and deep knowledge of one specialist area.

In the first part of the course (which consists of term 1 and the first half of term 2) we examine a number of different torts (such as negligence, nuisance, defamation, privacy, products liability) as well as a number of cross cutting issues (such as causation, vicarious liability and remedies). Students will apply the law to different factual situations, as well as exploring some of the theoretical and conceptual issues around the subject. In the second half of the second term, students are given the opportunity to specialize: they choose one topic (from options which might include topics such as medical malpractice, lawyers' negligence, tort theory, environmental torts) and pursue an in-depth study of that area.

LAWS2009: EUROPEAN UNION LAW

Convenor: Oliver Gerstenberg (o.gerstenberg@ucl.ac.uk)

Method of instruction: lectures and tutorials

Assessment: unseen written examination (3 hours)

This course examines some key institutional and substantive aspects of EU law. It begins by providing an analytical overview of some institutional and administrative law aspects of the EU. This eventually leads to an in depth study of the functioning and regulation of the EU internal market, with a principal focus on the rules shaping free movement of goods and persons. The course also covers the Human Rights framework of the EU, and includes a series of more specialised and discrete lectures on topics such as EU external policies; the functioning of the European Monetary Union, with a specific focus on the ongoing Euro-currency crisis; EU environmental law; the EU's democratic deficit; and Brexit.

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LAWS2010: EUROPEAN LEGAL STUDIES (GERMAN) II

Note: Entry to a European Legal Studies module is only permitted pending a successful interview in the target language.

ELS German II is only available as an optional module for students who have previously studied and passed LAWS1008: ELS German I. ELS German II I is not available to Affiliate students visiting from Germany.

Convenor: Myriam Hunter-Henin (m.hunter-henin@ucl.ac.uk)

Method of instruction: 20 x two-hour lectures, 10 x one-hour tutorials

Assessment: 2 x 5-page essays (25% each) and 2-hour unseen examination in May (50%)

COURSE SUMMARY

Through analysis of the relevant provisions of the German Civil Code and of relevant cases, students on this course will discover the key features of German Contract Law (first term) and the Law of Obligations (second term).

AIMS of the COURSE

The course is designed to introduce students to the basic principles of German Private Law.

A lot of attention will be dedicated to familiarising and analysing the key concepts of German Private law as displayed in the Civil Code, (*Bürgerliches Gesetzbuch, BGB*). The structure of the *BGB* into its five books will be analysed and the significance of signposting (*Verweisungstechnik, Klammerteknik*) will be highlighted. Particular emphasis will be laid on the historical development of the *BGB* and its roots in both Roman law and Germanic law. Training the abstraction principle (*Abstraktionsprinzip*), the separation between obligations and dispositions such as transfer of ownership will be a core element throughout this course.

Pedagogically, the course also aims to further strengthen students' ability to use the *Gutachtenstil* as a technique.

COURSE STRUCTURE

The course will entail two-hour weekly lectures and a fortnightly one-hour tutorial. Advance reading of cases (available on Moodle) will be expected.

Students will find a detailed handout for both term 1 (*BGB – Allgemeiner Teil*) and term 2 (*BGB – Schuldrecht*) on Moodle.

Additional reading such as journal articles and excerpts from textbooks will be available on Moodle as well.

Teaching, oral and written participation will be in German.

COURSE ASSESSMENT

During the course of the year, one compulsory practice assignment will need to be submitted per term.

Each of the compulsory practice assignment will moreover lead to detailed written individual feedback as well as a feedback session in class.

The final ELS (German) Law mark will be made out of:

Two pieces of coursework (in German language, one in Public law and one in Contract law) of 5 pages each - 50% of the mark

A final two-hour exam - 50% of the mark.

Public law (studied in year one) will be included in the syllabus for the exam and the coursework.

LAWS2011: EUROPEAN LEGAL STUDIES (SPANISH) II

Note: Entry to a European Legal Studies module is only permitted pending a successful interview in the target language.

ELS Spanish II is only available as an optional module for students who have previously studied and passed LAWS1010: ELS Spanish I. ELS Spanish II I is not available to Affiliate students visiting from Spain.

Convenor: Myriam Hunter-Henin (m.hunter-henin@ucl.ac.uk)

Method of instruction: 10 x four-hour seminars

Assessment: 10 page essay (50%) and 2-hour unseen examination in May (50%)

The Spanish law course is taught over two years. The first year consists of an introduction to Spanish legal language and Private Spanish Law whereas the second year focuses on issues of public law

COURSE SUMMARY

This course deals with the fundamental branches of Spanish Public Law. It focuses on the historical development in the last few years, particularly after General Franco's death and the commencement of the democratic transition.

A detailed analysis of the provisions of the Spanish Constitution is carried out, especially with regard to the form of the State, the territorial organization, the relationship between the central State and the Autonomous Communities, as well as the links between public authorities and religious denominations. Furthermore, this subject includes a thorough analysis of the Crown, Parliament, Government and the judicial organization.

LEARNING OUTCOMES

At the conclusion of this module, students will be able to:

1. Describe, explain, analyse and evaluate the principal characteristics and Spanish Public law, relating them to their political, social, economic, and intellectual context. These shall include, at least:

- The Constitution and the institutional scheme
- National, regional and local government
- Legislation and Parliament
- The Government
- The courts and the Constitutional Court
- Church and State relations

GENERAL TRANSFERABLE INTELLECTUAL SKILLS

When presented with a set of facts, a student shall be able to do the following:

- 1.1 state correctly the legal issues which arise from those facts;
- 1.2 state correctly all the relevant rules of Spanish Law for resolving those issues ;
- 1.3 cite accurately the relevant legal authorities to support the statement ;
- 1.4 state any legal distinctions between the rules stated and the facts given;
- 1.5 apply the law to resolve those issues correctly and relevantly;
- 1.6 compare and contrast the particular approach of Spanish law to the problem with that of English law and other legal systems with which the student is familiar.

COURSE STRUCTURE

The course will be taught through four-hour fortnightly seminars.

COURSE ASSESSMENT

During the course of the year, one compulsory practice assignment will need to be submitted per term.

The final ELS (Spanish Law) mark will be made out of:

One dissertation on Public Law (in Spanish) of 10 pages – 50% of the mark

A final two-hour exam – 50% of the mark.

Private Law (studied in year one) will be included in the syllabus for the exam.

LAWS3002: EMPLOYMENT LAW

Note: Employment Law is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.

Convenor: Nicola Countouris (n.countouris@ucl.ac.uk)

Method of instruction: seminars and tutorials

Assessment: unseen written examination in May (3 hours)

This module will examine the crucial and fast-moving field of employment law and employment-related equality law. Students will be encouraged not only to understand the relevant legal rules, but also to analyse the wider significance of these rules in reflecting and in shaping society and the economy.

This area of law engages with many issues which will affect most people during their working lives: Why does the law intervene to protect some categories of workers but not others? What rights does a worker have if he or she is dismissed? Does equality always mean treating people the same or does it sometimes require that difference be accommodated? The module will help you both to gain a deep understanding of the framework of UK employment and equality law and to appraise the law, not only on its own terms, but also from other points of view. The aim will be not only for you to gain insight into the substance and the mechanisms of employment law, but to have an understanding of how these interact with social, economic and political developments. This approach will facilitate a highly imaginative and contextual analysis of the law. From this relatively large field, the module will pick out central themes, such that the substantive areas covered will typically include: the contract of employment; regulation of dismissals; collective representation and the role of trade unions; human rights in the workplace; equality (or anti-discrimination) law related to areas such as sex, ethnic origin, disability, sexual orientation, religion or belief, and age; regulation of the 'work-life' balance.

There are considerable overlaps and complementarities between this subject and others that you will already have studied and will study in your final year. It has important links to public law and especially the human rights component of that subject, European Union law, contract law and jurisprudence. The module also combines, on the one hand, a highly practical side, in that employment law is a lively area of legal practice, and, on the other hand, being outward-looking and intensely topical, in that a day barely goes by without a major news story touching upon employment or equality issues and how these are treated in law.

LAWS3004: HISTORY OF ENGLISH LAW

Note: *History of English Law is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.*

Convenor: Ian Williams (i.s.williams@ucl.ac.uk)

Method of instruction: Seminars

Assessment: unseen written examination in May (3 hours)

Recommended texts: Baker, *An Introduction to English Legal History* 4th ed. (2002, Butterworths)

Legal history involves the study of old law and thinking about broader ideas from a historical perspective. Questions which underlie parts of the module include how and why does law change and what was law?

The study of legal history also provides a means of placing contemporary law into a broader context. Important concepts with which modern lawyers still grapple emerged at particular times and for particular reasons. Our students find this wider perspective particularly valuable. Comments from students in recent years include:

- ‘this class has been the best I've taken throughout my time at UCL, although at times difficult it was invaluable to helping me in all my other classes I took, and I truly feel like I understand English law better now. Honestly it made me understand the reason (or lack thereof!) behind the legal rules in English law’
- ‘History of English Law was my favourite module this year, and possibly the one which I find myself most often thinking about day-to-day as I encounter other legal matters. I enjoy that moment of realising “Ah, so this might be why we do X in this way....”’

The module covers English legal institutions and aspects of the substantive law of obligations, property and crime, principally from around 1150 until 1900. This module is introductory; no previous knowledge of English legal history is expected. Relatively little knowledge of broader English history is required (relevant historical information is found in the reading).

Legal history scholarship is a lively field of study and students are expected to be familiar with academic debates related to the subject matter of the module. These debates cover both what happened and, crucially, why something happened. By the end of the module students should be able to consider both of these issues in relation to the topics studied.

Module Materials are varied. The only books to which reference will be made throughout the module are:

- J.H. Baker, *An Introduction to English Legal History* 4th ed. (2002, Butterworths), and
- S.F.C. Milsom, *Historical Foundations of the Common Law* 2nd ed. (1981, Butterworths)

Reference will be made to various other books, articles and collections of essays throughout the module, most of which are accessible through the UCL electronic reading list facility.

Many of the primary sources for English legal history remain unprinted and untranslated (being originally written in either Latin or French). We attempt to provide references to a selection of accessible sources, of which the most common is: J H Baker & S F C Milsom, *The Sources of English Private Law to 1750* 2nd edn (2010, OUP). This book is only available in hardback and students are not expected to purchase it.

There is no introductory reading for the module.

LAWS3005: INTELLECTUAL PROPERTY LAW

Note: *Intellectual Property Law is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.*

Convenor: Matt Fisher (m.fisher@ucl.ac.uk)

Method of instruction: lectures and tutorials

Assessment: unseen written examination in May (3 hours)

Assigned texts:

- L Bently, B Sherman, D Gangjee and P Johnson, *Intellectual Property Law* (OUP, 5th ed, 2018) – to be published in July 2018
OR
- Cornish, Llewelyn & Aplin, *Intellectual Property* (Sweet & Maxwell, 2013)
AND
- *Blackstone's Intellectual Property Statutes* (latest edition)

Intellectual property is the study of property in intangibles. Although this sounds rather abstract (and at times it is), it also involves issues which are of vital importance to businesses, consumers and the general public. Have you ever downloaded music from the internet? Have you ever taken a prescription drug? Do you photocopy books in the library? Have you ever chosen goods because of the brand image that is associated with them (and possibly paid a premium because of this)? Do you believe that lifesaving drugs should be freely available to those who cannot afford to pay for them? If you've answered yes to any of these questions then you've come into contact with, and may even have infringed, intellectual property rights.

These issues (and many more) are what we will be considering during the module. The module is grounded in a thorough study of the main intellectual property rights:

- Patents for the protection of inventions.
- Copyright for the protection of creative works, but also to protect the activities that are necessary to market those creative rights.
- Trade marks for the protection of signs indicating the origin of goods and the common law equivalent, passing off.
- Designs: overlapping to an extent with each of the foregoing, the laws of designs protect aspects of shape or configuration or the appearance of articles, and
- The protection of trade secrets and the developing law of privacy.

As we will see, a number of common themes occur. For example, throughout the module we will consider the extent to which we should recognise and protect investment, rather than requiring a truly inventive or original intellectual contribution. We will examine the difficulties that arise in maintaining a system which balances the need to incentivise actors to create and market the subject-matter of IP rights with the need to guarantee fair access for competitors and the wider public. Our analysis takes place against a political and economic backdrop which has caused one commentator to note that, over the past fifty years, many IP rights have been expanded or created anew, but none have been restricted.

The module also has a considerable international and European law dimension. The harmonisation of intellectual property rights has been one of the key tools in the quest for the creation of an internal market. We will consider the extent to which this harmonisation has been achieved, and will examine the on-going attempts at further harmonisation. We will also analyse the degree to which broader attempts at 'internationalising' IP have influenced the development of the law in the UK.

LAWS3007: COMPANY LAW

Note: *Company Law is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.*

Convenor: Anna Donovan (anna.donovan@ucl.ac.uk)

Method of instruction: lectures and tutorials

Assessment: unseen written examination in May (3 hours)

Recommended text: A. Reisberg & A. Donovan, *Pettet and Lowry's Company Law*, 5th ed. (Longman, 2017) – note this textbook is due to be released in August 2017.

Introduction

Following the enactment of the Companies Act 2006, company law has become a topic of major current interest for practitioners and academics alike. In the context of these developments, this unit identifies and examines a number of key issues in UK company law from both a practical and theoretical perspective. Particular emphasis is placed on the relationship between: on the one hand, the modern framework of statutory rules and other regulations governing the company's specific operations; and, on the other, the long-standing body of common law and equitable doctrine which continues to define many of the company's most important legal features.

Module content

The module involves a consideration of the ramifications of the corporate entity doctrine, under which a company is treated as a person separate and distinct from its members. This is followed by an analysis of the constitutional structure of companies, for it is this which determines what rights the shareholders have against the assets of the company and against each other. A central part of the module examines the legal structures within which the controlling organs of the company, the directors and shareholders, relate to each other, an area much in the public eye at present in the light of recent failures in corporate governance. Also examined here are the duties and liabilities of directors. As companies are so often affected by internal conflict it is also necessary to look at the statutory and common law protections given to minority shareholders. The regulation of share capital is further considered. The module is taught from a critical perspective, and considers current ideas in the theory of company law.

There are two pieces of formative coursework issued during the academic year although these do not count towards your final mark for the module.

LAWS3008: LAW OF TAXATION

Note: Law of Taxation is only available as an optional module for students who will be entering their final year of study and have previously studied and passed LAWS1001: Contract Law.

Convenor: Monica Bhandari (m.bhandari@ucl.ac.uk)

Method of instruction: seminars

Assessment: unseen written examination in May (3 hours)

Recommended texts: Revenue Law Principles and Practice Bloomsbury Lee (relevant edition for the year of study)

Comment

Tax is a fundamental part of any commercial entity and something that most individuals will have to think about in some form during their lifetime. In commercial terms, no transaction is put in place without first considering the tax consequences and thus an understanding of tax is crucial for anyone working in the commercial sphere. This is underlined by the fact that the professional exams for legal practice, devote a substantial amount of time to tax. It is also likely that in during your legal studies, you have read a number of tax cases, which set out important points of law because tax is pervasive across our legal system.

The module is intended to provide an understanding of the foundations of direct taxation. This will ensure an appreciation of the existence of a tax problem and, in the areas studied in detail, knowledge of the relevant law. The subject is a fast moving one, with a budget announced each year and an annual Finance Act. This course will therefore not be able to teach you everything you need to know about tax law, but rather will give you the skills to be able to deduce it for yourself at any given time and consider the bases and complexities of any tax system.

The tax legislation is copious and the statutory language is complex, but understanding it is essential to this subject. Thus, during this course we will consider how best to undertake detailed analysis of the statutory material. Case law is also important as many crucial terms, such as income, employment - are not defined by statute.

This subject is taught by weekly seminars. Emphasis is placed on critical examination of the current law but we also consider fiscal policy and possible reforms. Assessment of the module is by a written examination in the summer.

Introductory

Sources, the influence of history eg . why does the tax year start on 6th April?, administration of the tax system (in outline), system of appeals, Inland Revenue discretion, the Budget, concept of a good tax, distinction between income and capital, the tax unit, personal reliefs, rewriting tax law.

Income Tax

Definition of office and employment. Income from offices and employment including golden handshakes, benefits in kind eg company cars, mobile phones and accommodation. Overseas earnings. Deduction of expenses. Definition of trade. Trading and professional income, receipts expenditure, stock in trade, work in progress, attribution of profits. Anti-avoidance legislation.

Inheritance Tax

Transfers of value actual and deemed, potentially exempt transfers, exemptions, grossing up, property subject to a reservation, associated operations. Death.

Capital Gains Tax

Disposals of assets, computation of gains, inflation, rebasing, husband and wife transfers, exemptions including main residence, gifts, deaths. Capital gains tax on settled property.

Tax Avoidance

Recent developments in the courts. Statutory general anti-avoidance legislation. Tax simplification.

LAWS3009: COMMERCIAL LAW

Note: *Commercial Law is only available as an optional module for students who will be entering their final year of study and have previously studied and passed LAWS1001: Contract Law.*

Convenor: Magda Raczynska (magda.raczynska@ucl.ac.uk)

Method of instruction: lectures and tutorials

Assessment: unseen written examination in May (3 hours)

Text: various sources are used and made available online free to UCL students; one example is *English Private Law* (ed A. Burrows, 2013): parts of chs 4, 5, 9 and 10, via Oxford Scholarship Online.

Commercial Law is a subject of immense importance, especially for those intending to go on to practise law. It is also a dynamic and exciting area of considerable academic significance. If you enjoyed subjects such as Contract Law, Tort Law, Property I and Property II, there is a good chance that you will also enjoy this module. You will see how core concepts of contract law, equity and property law are applied in practice and will also study commercially important concepts such as assignment and agency. You will thus both deepen and broaden your knowledge of private law. You will also see how commercial law aims to provide the certainty that business requires whilst also evolving to keep pace with rapid changes in the commercial world. We will look at:

1. Contractual Interpretation: how do, and how should, courts interpret commercial contracts?
2. Agency: why is agency so important in practice; how can the acts of an agent bind a principal; how is a principal protected from misconduct of an agent?
3. Property Rights: why are property rights so important in commercial transactions? What limits are there on the parties' ability to create such rights?
4. Security Rights: how can a commercial party acquire a security right? Does the law provide the right balance between commercial convenience and the need to protect third parties?
5. Assignment of Contractual Rights: is a chose in action, such as a debt, a piece of property that can be transferred? Should non-assignment clauses in contracts be enforced?
6. Commercial Remedies: What remedies are available to a commercial party if, for example, a contractual partner fails to perform? Can the law protect a commercial party even if a breach of contract causes that party no loss?
7. Pre-contractual liability: When might a commercial party, who has acted in reliance on the belief that a contract would be concluded with another commercial party, have a claim?
8. Torts: When might a commercial party be able to look outside contract law and instead seek protection under the economic torts? Should third parties be under a strict duty not to interfere with another party's contract?

LAWS3010: FAMILY LAW

Note: *Family Law is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.*

Convenor: Alison Diduck (a.diduck@ucl.ac.uk)

Method of instruction: lectures and tutorials

Assessment: unseen written examination in May (3 hours)

Recommended texts:

- S Harris-Short, J Miles and R George, *Family Law: Text, Cases and Materials* (OUP, 2015)
 - J Herring, *Family Law* (Longman, 2017)
 - A Diduck and F Kaganas, *Family Law, Gender and the State* (Hart, 2012) – but NB this book is getting a little dated now and while useful for some of the sources quoted is probably best used as a supplementary book rather than a main text.
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In this module, we study the legal constitution and regulation of personal relationships and how that regulation affects individuals' relationships with the state. We look at the problems people encounter in those relationships and the legal responses to those problems. We are as concerned with what actually happens in practice and the policy behind it as with the law as stated in the books.

We look at families and family law in their social and cultural contexts. We consider not just what the law is but why it is what it is and what significance, if any, attaches to this. Clearly, to get to grips with a subject in this way involves a range of reading beyond cases and textbooks and students should expect to read widely and think about policies and practices and values.

Syllabus (*not all subjects are covered every year*)

1. Personal relationships, 'families' and the law: historical and social perspectives.
2. Adult relationships: Marriage, Civil Partnership and Cohabitation. The regulation of marriage. Regulation of Civil Partnership. Cohabitation and its effects. Contracts. Prioritisation of marriage and its effect on other relationships.
3. The Legal Relations of Husband and Wife/Civil Partners. Violence in relationships and the legal responses (criminal and civil). Maintenance obligations and state benefits and the relationship between these. Actions for neglect to maintain (enforcement questions).

4. The Legal Dissolution of Relationships: Divorce and dissolution of civil partnerships - Objectives, trends, causes. Reconciliation and conciliation. Economic Consequences: Property adjustment and financial provision. The clean break philosophy. Periodical payments, lump sums. Marital agreements – pre- and postnuptial agreements. Financial provision for children. Types of property order. Tax considerations. Social security implications. The wealthy and the poor.
5. Legal Relations of Parent and Child. Reproductive control and the state’s power to affect private decision-making in the context of the ‘reproduction revolution’. The meaning of ‘mother’ and ‘father’. Parental responsibility and its significance. The unmarried father. Disputes between partners. The orders courts can make about the upbringing of children Problems over name, education, religion, punishment, relocation. Step-parents.
6. The State, Parents and Children. Parental autonomy v State interference. Child abuse (physical, sexual, emotional) and legal responses to it (criminal, civil, administrative). Case conferences and registers. The duties of local authorities. Prevention and assistance to families. Provision of accommodation. Duties of local authorities towards accommodated children. Emergency protection orders; child assessment orders; police protection. Care proceedings. Contact orders. Education supervision orders. Dealing with abuse and neglect (identification, proof, remedies).
7. Administration of Family Law. Jurisdiction and powers of courts; the role of the legal profession and other professions (medical and psychiatric evidence, reports). The ‘Family Court’. Separate representation of children, mediation and adr.

Comment

Family law is valuable to all. It should engage you with current controversy and give you an insight into state policy, the position of women and children and the state of the contemporary family.

LAWS3012: ENVIRONMENTAL LAW

Note: *Environmental Law is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.*

Convenor and Seminar leader: Professor Jane Holder and Eloise Scotford (jane.holder@ucl.ac.uk; eloise.scotford@ucl.ac.uk)

Method of instruction: participatory seminars and tutorials

Assessment: 8-page essay (50%) and 1.5-hour unseen examination in May (50%)

Recommended texts: Stuart Bell, Donald McGillivray and Ole Pedersen, *Environmental Law* (9th edition, OUP 2017) OR Liz Fisher, Bettina Lange and Eloise Scotford, *Environmental Law: Text, Cases and Materials* (OUP 2013), supplemented with materials (provided) from Jane Holder and Maria Lee, *Environmental Protection, Law and Policy: Text and Materials* (CUP, 2007)

About the Course

The air we breathe. The food we eat. The ground we live on. Environmental protection poses unique challenges to the law. In this course on environmental law, we critically assess the role that law has to play in regulating and protecting the environment by examining a range of contemporary environmental issues including climate change, nature conservation, and pollution control. We will look at English, EU, and international environmental law. We consider how relevant aspects of these bodies of law apply to the complexities of environmental problems that cross borders and are ever changing, and which implicate ingrained social behaviours.

We will look at a range of regulatory philosophies and mechanisms, ranging from traditional approaches such as 'command and control' regulation of pollution, to the establishment of trading regimes in carbon, to the ways in which environmental impacts are assessed and evaluated before the development of land or the adoption of strategic social and economic plans. We will consider how environmental philosophies such as environmental justice inform, inspire and critique environmental law. We end the course by looking at the ethics of environmental lawyers.

This course is ideal for those interested in contemporary environmental issues and disputes and is a useful stepping-stone for those wishing to work in private, commercial practice as well as for those students wishing to enter the NGO/public sector.

Please note that an important aspect of the module is the extended assessed essay, which may be on a subject of your own choosing, following consultation with the module leaders.

LAWS3014: PUBLIC INTERNATIONAL LAW

Note: *Public International Law is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.*

Convenor: Kimberley Trapp (k.trapp@ucl.ac.uk)

Method of instruction: Lectures and tutorials

Assessment: Unseen written examination in May (3 hours)

Recommended text: M Evans (ed.), *International Law* (4th edn, 2014)

Recommended background reading: V Lowe, *International Law* (2007)

Is Russia's military intervention in Syria lawful? Is Russia legally responsible for the acts of separatists in Ukraine? Is 'Islamic State' a state? Is Palestine a state? Could the UK lawfully pull out of the European Convention on Human Rights? Could Scotland lawfully pull out of the UK? Does the North Pole belong to any state? What if I murder someone on the moon? Are diplomats obliged to pay parking fines? Can I sue the prime minister for the UK's role in the CIA's programme of 'extraordinary rendition'? And just what *is* the International Court of Justice?

The course aims to introduce students to the characteristic legal techniques and central doctrinal concerns of public international law, the law governing the conduct of states, international organizations and certain other actors on the international plane.

After a brief introduction to the nature, efficacy and conceptual underpinnings of public international law, the course examines the sources of this law, in particular customary international law; the law of treaties; the law of state responsibility; the law regulating the peaceful settlement of international disputes; the legal criteria of statehood and the law on the creation of states; the law governing title to territory; the law governing the assertion and exercise of jurisdiction, especially criminal jurisdiction, by states, as well as immunity from such exercise; the law regulating states' recourse to armed force; and the relationship between international and English law.

Public international law will be of interest to anyone who takes an interest in international affairs. In professional terms, it is indispensable for those keen to join the ranks of the increasing numbers of barristers and solicitors whose practice involves advising states and private clients on everything from bilateral investment treaties and sovereign rights over the oil and gas of the seabed to challenging drone strikes in Pakistan in the English courts; for those thinking of working, in a legal or diplomatic capacity, for the Foreign & Commonwealth Office or its foreign equivalents, for an international organization like the United Nations or for an international judicial institution like the International Criminal Court; and for those interested in a legal career in a non-governmental organization like Amnesty International or Greenpeace.

LAWS3016: HEALTH CARE LAW

Note: *Health Care Law is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.*

Convenor: Jonathan Montgomery (jonathan.montgomery@ucl.ac.uk)

Method of instruction: seminars (including some workshop-style exercises), and self-directed learning and research on the law reform project with 'clinic' support from the Convenor.

Assessment: 8 page essay (50%) and 2-hour unseen examination in May (50%)

Recommended Texts: There is no need to purchase a textbook. Readings are provided via Moodle.

Health care raises important issues of public morality in very personal contexts. Some old (e.g. abortion, euthanasia), others new (e.g. gene editing, cloning). The law is not the only tool that we use to make sense of them but it has an important role to play. Recent Supreme Court cases have asserted an increased jurisdiction for the courts over clinical freedom and also over Parliamentary sovereignty on matters of health care ethics. For a flavour of the approach adopted by the Convenor, see 'Patient no Longer: What next in Health Care Law' on YouTube at https://www.youtube.com/watch?v=ys2Kzol_FTY.

This module explores conceptual concerns, including the acceptability of imposing moral values in a pluralist society, aspects of constitutional legitimacy raised by the law-making processes, and questions about clinical freedom, indeterminacy and the Rule of Law. It examines them through substantive topics, selected after discussion with students. They are likely to include consent to treatment, confidentiality and the use of health information, medical termination of pregnancy, assisted reproductive technologies, the use of human tissue for transplantation and research, end-of-life care (including assisted suicide and euthanasia) and some aspects of public health law (e.g. liability for disease transmission) and NHS Law (rationing and rights to care)

Attention will be paid to the differences between regulatory strategies; different branches of the law (e.g. criminal, tort and public), ideas of rights (including human rights), the roles of the courts, and licensing systems. The course examines how public controversies are managed through legal means (e.g. NHS accountability following the Francis Report), and assesses current legal developments including the implications of recent Supreme Court cases that seem to signal a sea change in judicial approaches (two major decisions on end-of-life care, one on informed consent, and one on professional rights of conscientious objection).

Readings: There is a wide range of literature available; textbooks, public and Parliamentary reports, specialist journals (especially the Medical Law Review and the Journal of Medical Ethics). You will not need to purchase a textbook, but could have a look at E. Jackson *Medical Law, Text and Materials* 4th ed OUP (2016) or K Mason & G. Laurie, *Mason and McCall Smith's Law and Medical Ethics* (10th ed OUP 2016). For most sections of the course official reports and academic articles are identified that are available electronically. The Convenor will provide advice on readings for the law reform project to students once they have selected their topic.

LAWS3029: HUMAN RIGHTS IN THE UK

Note: Human Rights in the UK is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.

Convenor: Silvia Suteu (s.suteu@ucl.ac.uk)

Method of instruction: seminars and tutorials

Assessment: unseen written examination in May (3 hours)

Recommended texts: see below

Aims and Objectives

The primary aim of this course is to introduce students to the principal legal provisions protecting the human rights of British citizens and other persons resident in the UK. The primary focus will therefore be fourfold: first, the provisions of domestic statute and common law, second, the provisions of EC/EU law and the impact of Brexit, third, the Convention rights enshrined by the Human Rights Act 1998, and fourth, the relevant jurisprudence of the European Convention on Human Rights. By the end of the course, the students should be familiar with and able to apply the relevant provisions of domestic law, EC/EU law as currently relevant, and the Charter of Rights, the Human Rights Act and the ECHR to practical problems concerning a substantial range of the rights and liberties of British citizens. Students should also be able to appreciate the role that domestic law, EC/EU law, the Human Rights Act and the ECHR play in providing legal protection for those rights and liberties and how each of these sources of law interact. The students should also have a sound understanding of the significance of human rights and civil liberties within the legal, political and constitutional framework of the U.K. They should also be able to conduct independent research at an appropriate level into a complex issue of civil liberties and human rights law.

During the course, students will be required to apply the various legal provisions to practical problems, to discuss the content and significance of the relevant legal principles and their rationales, and to discover the relationship between British and European law in this context. They will also be required to conduct research and submit at least two formative, non-assessed, written assignments, on approved topics from within the syllabus.

Teaching Method

Teaching will be by one two-hour seminar per week plus one tutorial (weekly or fortnightly, depending on teaching resources and student numbers), for both terms. The UCL library has an extensive collection of relevant materials on European Convention law and jurisprudence, on EC/EU law and on domestic civil liberties materials. In addition, there is a separate, charitably funded Human Rights collection in the main library. Much of the relevant material is also available via the college mainframe system or the Internet. Reading lists will be provided for each class.

Assessment

There will be one three-hour, written, sight unseen, examination, with limited, unmarked materials permitted, worth 100% of the marks for the course.

Course Outline

Introduction: the theory and nature of and justifications for human rights; cultural relativism v universalism; human rights and feminist theory; civil and political rights, equality and non-discrimination rights, social and economic rights, group/identity rights; the various means of legal, administrative and constitutional protection for human rights.

Traditional Legal Protection of Rights in UK: negative definition of freedom under the law, to do whatever is not legally prohibited. Some specific common law and statutory protections for particular rights, but no overarching system of rights protection, nor any hierarchy of rights as more or less fundamental. The formalistic rule of law requirements of legality and equality before the law, but few if any rights guaranteed against state erosion or abrogation by statute. The judicial development of common law constitutional rights, protected from implied repeal by statute, under the *Simms* principle of legality. The post-Human Rights Act continuing primary role of the common law and statute in ensuring the protection of both fundamental constitutional rights and Convention rights, under *Osborn*, and the continuing importance of common law and statutory constitutional fundamentals, under *Jackson v A-G* and *HS2 Action Alliance*.

The European Convention on Human Rights: history, institutions and procedures; the roles of the former commission, the court and the committee of ministers; relationship with domestic jurisdictions; relationship with EU; the substantive rights and freedoms (in outline); the obligation to secure the rights and provide effective domestic remedies; the right of individual petition and the compulsory jurisdiction of the Court; remedies available under just satisfaction; the application and enforcement of the decision of the Court and the remedies awarded; extra-territorial application of the Convention.

The Human Rights Act 1998: the history of and arguments surrounding incorporation; the degree and nature of incorporation of the ECHR; the relationship and integration with domestic civil liberties and constitutional rights law, including problems of inconsistency with statute; the impact of incorporation upon other areas of law, e.g. civil liability in tort: compliance with Article 13 by provision of effective domestic remedies; the nature of protection for "convention rights"; remedies. The arguments for and against repeal of the Human Rights Act and for its replacement with a "British Bill of Rights."

Human Rights under Devolution: the incorporation of ECHR rights under the devolution settlements in Scotland, Wales and Northern Ireland; the subjection of the legislative powers of the devolved legislatures and executives to the limitations of the Convention rights; the role of the courts of the devolved nations and the role of the Supreme Court.

Human Rights post-Brexit: The distinctions between ECHR and EC/EU standards, scope and application of freedoms and rights, the Charter of Rights; ECJ/CJEU jurisprudence on the Charter and ECHR; the impact of Brexit..

ECHR Substantive Rights and Freedoms: Clearly it will not be possible to study all of the Convention rights. Accordingly, a selection will be made from the following rights and freedoms, dependent upon teaching preferences and availability:

1. the right to life.

2. the freedom from torture, degrading and inhumane treatment.
3. the right to personal liberty, including freedom from involuntary servitude, forced labour, etc.
4. the right to fair trial, including the privilege against self-incrimination, the right to silence, the right not to be subject to retrospective crimes.
5. the right to privacy and family life.
6. freedom of conscience and religion.
7. freedom of expression.
8. freedom of peaceful assembly and association.
9. freedom from discrimination, or the right to equality.

In respect of each right or freedom, the course will examine both domestic law, including relevant EC/EU law and the Human Rights Act 1998, and Convention law and jurisprudence.

Social, Economic and Group Rights: developing theory and practice of social and economic rights and group rights.

International Human Rights law: United Nations Universal Declaration of Human Rights, UN Covenant on Civil and Political Rights, UN Covenant on Economic, Social and Cultural Rights, other international treaties on torture, refugees and asylum, women's rights, children's rights, rights of indigenous peoples, war crimes and crimes against humanity, the International Criminal Court, etc.

Recommended Texts

Fenwick, *Civil Liberties and Human Rights*, Cavendish, (5th ed), 2016.

Amos, *Human Rights Law*, (2nd ed), 2014, Hart Publishing,.

Harris, O'Boyle and Warbrick, *Law of the European Convention on Human Rights*, (3rd ed, 2014) OUP.

OR

Jacobs, White and Ovey, *The European Convention on Human Rights*, (6th ed), OUP, 2014.

LAWS3036: ROMAN LAW

Note: Roman Law is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.

Convenor: Andrew Lewis (a.d.e.lewis@ucl.ac.uk) & Paul Mitchell (p.mitchell@ucl.ac.uk)

Method of instruction: weekly seminars and four tutorials

Assessment: unseen written examination in May (3 hours)

Recommended texts: Du Plessis, P. Textbook on Roman Law, 5th edn

The Institutes of Gaius, tr. Robinson (Duckworth) or de Zulueta (OUP)

Justinian's Institutes, tr. P Birks and G Macleod (Duckworth)

Twice in European history has a legal system been created out of the customary practices of a particular people which has gone on to dominate the legal culture of half the world. The second such system is our own Common law, varieties of which are now to be found in all English-speaking countries and in their former colonies. The first was Roman law.

Roman law was the local law of a small city-state in Italy which grew to become an empire dominating the Mediterranean and western European world during antiquity. Developing out of this in the mediaeval period, Roman law ideas influenced the law in all western countries (not excepting England). In France, Germany, Holland, Spain and Italy and their overseas possessions from the Philippines and Sri Lanka to Francophon Africa and Louisiana, together with the Slavic countries of Eastern Europe, Roman law has dominated legal development. Codification has added Japan and Turkey to countries affected by Roman legal culture. Those who know no Roman law are ignorant of half the legal history of the world.

The growth of trade within the European Union and the consequent increase in the numbers of English lawyers setting up in continental Europe adds a peculiarly practical emphasis to the study of Roman law. As a practising barrister, Stephen Zollner, put it in a letter to The Times: "Rarely in recent times has there been so visible an advantage in studying (or having studied) basic Roman law."

The Roman Law module introduces you to the full range of legal practices and concepts developed by the lawyers of ancient Rome. There was a customary system, like our own, developed out of the practice of the courts and there are many points of similarity and comparison between the two. Gaining an understanding of the Roman legal system is a fascinating and intriguing exercise which has engaged the minds of some of the finest legal scholars over the past few hundred years. The result is a study which offers a unique blend of comparative law, detailed scholarship, legal history and practical legal insights.

The module is taught by a weekly two-hour seminar and four one hour tutorials.

All the texts we study are translated. No prior knowledge of Latin, or of Roman history, is needed to take (and to do well in) this module.

Module outline

1. Sources of Law in the Republic and Empire
2. Legal Procedure: the primacy of claims in court
3. The Law of Contracts: Verbal, Real, Written and Consensual contracts. Pacts. Quasi contracts.
4. The Law of Delict: Theft, damage to property (Lex Aquilia), contumelious insult. Quasi-delict.
5. The Law of Property: Ownership and Possession. Servitudes.
6. The Law of Succession
7. The Law of Persons: Slaves. Citizenship. Marriage and family relations.

Recommended preparatory reading

On Roman Law:

* Nicholas, B: Introduction to Roman Law (OUP 1962/1975 p/b ISBN: 0198760639)

*P Birks, "Roman Law in Twentieth Century Britain" in J Beatson and R Zimmermann (ed), *Jurists Uprooted* (Oxford, 2004) 249 (available online through the library's OUP subscription).

Wolff, H J: Roman Law (Oklahoma UP, 1985 p/b ISBN: 0806112964)

Robinson, O R: The Sources of Roman Law (1997 Routledge p/b ISBN: 0415089956)

On Roman history (for background):

Crawford, M H: The Roman Republic (2nd edn., 1992, p/b)

Starr, C G: The Roman Empire (1982 OUP, p/b)

LAWS3039: ALTERNATIVE DISPUTE RESOLUTION

Note: Alternative Dispute Resolution is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.

Please note that numbers on this course will be limited.

Convenor: John Sorabji (j.sorabji@ucl.ac.uk)

Method of instruction: two-hour weekly seminar

Assessment: 16 page essay

Module Summary

This Module introduces students to the theory and practice of alternative dispute resolution within the context of an understanding of traditional court-based systems of dispute resolution. The course covers aspects of litigation; the history, theory and development of ADR; negotiation, mediation and the role of legal profession. It offers a cross-cultural perspective, arguing that innovations in dispute resolution in the common law world over the past four decades or so are best understood in the context of a more general understanding of dispute processes. This knowledge is important for both academic analysis and also because it assists lawyers and others to deal with legal problems more creatively and more successfully..

The Course first examines the emergent concern in social science and jurisprudential writing with the nature and significance of disputes, and considers the manner in which traditional approaches have been 'rediscovered' and utilised in the refurbishment of civil justice through first the 'access to justice' movement and then the 'ADR' movement. The Course also considers the manner in which disputes are characterised, the diverse views located in the debates that surround disputes, the causes of disputes, and the handling of disputes. It introduces the major theoretical approaches to disputes and their resolution, and examines the decision making processes used in response to disputes. It also considers the ways in which lawyers across a range of jurisdictions now increasingly engage in ADR.

The Module explores in depth the various processes of decision-making relied on in attempts to resolve disputes, examining in particular negotiation, mediation, adjudication, various types of mixed processes, online dispute resolution, and the development of restorative justice in criminal process. By the end of the Module, students will have gained an understanding of the theoretical and practical dimensions of dispute resolution, and the groundwork laid for further inquiry into and application of non-adversarial methods and skills in dispute resolution.

The module is divided in five main parts:

1) ADR and its Development

2) The Process of Negotiation

3) The Process of Mediation and Collaborative Law

4) Umpiring and Processual Innovation

5) Criminal Process and ADR

6) Future Developments and Review

Objectives of the Course:

By the end of the course, students should gain:

- ❑ Knowledge and understanding of the cross cultural issues surrounding the differing processes of dispute resolution
- ❑ Understanding of the jurisprudential and social science issues surrounding disputes and dispute resolution
- ❑ Knowledge of the core literature relating to the areas studied on the course.

Course text recommended for purchase:

ROBERTS, Simon and Michael, PALMER (2005, 2009 reprint) *Dispute Processes: ADR and the Primary Forms of Decision Making*, Second Edition, Cambridge and New York: Cambridge University Press.

Please note: other readings will be added in due course.

LAWS3040: CONFLICT OF LAWS

Note: *Conflict of Laws is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.*

Convenor: Ugljesa Grusic (u.grusic@ucl.ac.uk)

Method of instruction: lectures and tutorials

Assessment: unseen written examination in May (3 hours)

Recommended texts: Jonathan Hill & Máire Ní Shúilleabháin, "Clarkson & Hill's Conflict of Laws" (5th edn, 2016) (see further below)

Introduction

Knowledge of the Conflict of Laws (also known as Private International Law) is essential for any lawyer who aspires to work in any area of practice that transcends national frontiers, whether as a specialist in dispute resolution or in advisory work. London is the leading centre for international commercial dispute resolution, and most of the commercial disputes heard in London involve foreign parties, so Conflict of Laws rules are particularly central to the work of the English commercial courts. It is a fascinating area of the law, and one of enormous practical importance as legal relationships and disputes increasingly cross borders, but also one of the most intellectually demanding.

The Conflict of Laws deals principally with three separate questions which may arise in cross-border civil and commercial litigation:

- (1) jurisdiction, the question of which court may hear a dispute;
- (2) applicable law, the question of which law or laws a court will apply to resolve the dispute; and
- (3) the recognition and enforcement of foreign judgments.

The focus of this course is on the rules and principles which apply to resolve these questions as they arise in civil and commercial disputes with an international element before the English courts. It also examines the anti-suit injunction, which is one of the key orders which the English courts may make to protect their jurisdiction. In examining these different issues, the course draws on a range of sources, particularly including the common law and the law of the European Union (which provides much of the Conflict of Laws rules applicable in England).

The following are some examples of Conflict of Laws problems that are drawn from a selection of the leading cases that are covered in this module:

- Can workers suffering from exposure to asbestos in a mine in South Africa bring their personal injury claims before an English court against an English company that held shares in the South African company that operated the mines?

- England and France are bound by a European Union regulation that provides that their courts may take jurisdiction over “matters relating to a contract” in certain circumstances. A sub-buyer brings a claim against a manufacturer for defective goods before a French court. In France this is classified as a contractual claim, whereas in England it is a claim based on the tort of negligence. Which classification should prevail?
- Can an English bank that is facing anti-trust proceedings in the United States obtain an injunction from an English court to restrain the party bringing the proceedings in circumstances where the bank never had a corporate presence in the United States and the transactions at the centre of the anti-trust proceedings were executed in England and governed by English law?
- A Maltese resident suffers personal injuries in a motor accident in Malta. The accident was caused by the negligence of an English resident on vacation in Malta. Under Maltese law, an accident victim cannot claim damages for pain and suffering, whereas under English law a victim can. The Maltese resident sues the English resident in an English court. Can the Maltese resident claim damages for pain and suffering?
- A Libyan bank has substantial dollar deposits with the London branch of a New York bank. The US Government issues regulations prohibiting US banks (and their foreign branches) from repaying Libyan deposits. The contract of deposit is governed by English law. The London branch of the New York bank refuses to repay the Libyan bank’s deposits. Can the Libyan bank sue for the return of the deposits before an English court?
- Following the Iraqi invasion of Kuwait, civil aircraft belonging to Kuwait Airways were seized and removed to Iraq. Iraqi legislation was then passed to transfer the aircraft to Iraqi Airways. Kuwait Airways brings proceedings against Iraqi Airways before an English court for wrongful interference. In determining the owner of the aircraft, should the English court give effect to the Iraqi legislation insofar as the aircraft was situated in Iraq when the legislation was enacted?

Syllabus

- Introduction
- Jurisdiction under the Brussels I Regulation Recast
- Jurisdiction under the Common Law
- Parallel Proceedings and Lis Pendens
- Anti-suit Injunctions
- Stays of Proceedings under the Brussels I Regulation Recast
- Recognition and Enforcement of Judgments under the Common Law
- Recognition and Enforcement of Judgments under the Brussels I Regulation Recast
- Introduction to Choice of Law
- Choice of Law in Property
- Choice of Law in Contract
- Choice of Law in Tort
- Substance and Procedure
- Public Policy and Mandatory Rules
- Pleading and Proof of Foreign Law

Reading

Essential purchase:

- J. Hill & M. Ní Shúilleabháin, "Clarkson & Hill's Conflict of Laws" (5th edn, 2016)
- M. George and A. Dickinson (eds), "Statutes on the Conflict of Laws" (2015)

Other textbooks which you may also wish to purchase or consult:

- "Cheshire, North and Fawcett's Private International Law" (15th edn, 2017)
- T. Hartley, "International Commercial Litigation: Text, Cases and Materials on Private International Law" (2nd edn, 2015)

Works aimed at practitioners which you may also wish to consult:

- "Dicey, Morris & Collins on the Conflict of Laws" (15th edn, 2012; also available on Westlaw)
- A. Briggs, "Private International Law in English Courts" (2014)
- R. Fentiman, "International Commercial Litigation" (2nd edn, 2015)

LAWS3042: CRIMINOLOGY

Note: Criminology is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.

Convenor: Elaine Genders (e.genders@ucl.ac.uk)

Method of instruction: seminars

Assessment: unseen written examination in May (3 hours)

Murder, rape, robbery, theft and assault: all of these terms are familiar to students who have studied Criminal law. But who are the people who commit these acts, why do they do so, and why does crime persist despite attempts to curb it?

Criminal behaviour has attracted a great deal of attention from those who wish to 'make sense' of it. Yet a perusal of newspaper headlines is evidence enough that we have gained neither understanding nor control of it.

Modern scientific study of crime and criminals is usually held to have begun during the period of the Enlightenment with the work of the classical thinker Cesare Beccaria (1764) who saw crime as the product of rational thought and free will. By the end of the nineteenth century this view had been overtaken by a positivist conception of crime as a predetermined product of individual pathology or social forces. Influenced by social Darwinism, many early positivist theorists looked for clues to criminality in the physical characteristics of offenders, such as the shape and size of their heads, body build and so on. Many Victorians, for instance, believed that criminals had a feeble cranial capacity, a heavy and developed jaw, projecting ears and frequently a crooked or flat nose. As scientific knowledge and techniques progressed, attention shifted to less visible biological determinants such as biochemical, hormonal and chromosomal makeup; and to factors associated with the mind: low intelligence, psychoanalytical explanations and theories of personality.

Whilst many of these conceptions continue to influence the modern search for the causes of crime, the twentieth century onwards has witnessed an increasing concern with social and cultural explanations of crime and deviancy. Influenced by the ideas of such early social thinkers as Marx and Durkheim, these more modern theories propound the view that criminals are made rather than born; in that either (i) they are socialised into their environment and learn to behave in ways which might be considered to be rational within their experiences and/or which conform to the norms of the culture or society from which they come and in which they must live (subcultural, ecological, control, strain perspectives); or (ii) that they are comprised of those in society whose behaviour just happens to be defined as criminal by the law (law and power, social reaction, critical and conflict explanations).

The module critically examines some of the major theories that have been advanced to explain crime and criminality within their historical context and considers their relevance within contemporary society. These theories emanate from a variety of disciplines - biology, psychology, sociology, anthropology and philosophy, though no prior knowledge of these subjects is required for the course. Special attention is also

paid to the reflection and development of ideas about crime historically in literary texts, such as *Frankenstein* (Mary Shelley, 1818), *Crime and Punishment* (Dostoevsky, 1866), *Nana* (Zola, 1880), *A Diamond as Big as the Ritz* (Scott Fitzgerald, 1922), *Brighton Rock* (Greene, 1938), *The Pearl* (Steinbeck, 1947), *In Cold Blood* (Truman Capote, 1965); and to how these ideas relate to theory, to the historical moment and to metaphysical questions of 'being'. It also explores some of the implications of criminological theories for the development of policies aimed at crime control.

Module outline

- Introduction to the history of ideas and ways of thinking about crime
- Introduction to significant concepts concerning crime and its explanation
- The facts? What we know about the incidence and patterns of crime
- Student workshop on interpretation of the "facts of crime" – case study on murder.
- Classical School of Criminology: free will, situational and opportunity theories
- Individual pathology: physiological and biological explanations
- Individual pathology: psychological explanations
- Individual pathology: personality
- Social explanation: Durkheim on Suicide: the beginnings of sociological method
- The Chicago School and social ecology
- Strain theory: The American dream
- Social learning: Sutherland and differential association, Emile Durkheim, and G.H Mead
- Subcultural theories: social strain and cultural transmission
- Control theory
- Symbolic interactionism: social reaction and labelling theories
- Critical explanations: American conflict theory and Marxist explanation
- Critical explanations: feminism, masculinities and post-modernism
- The application of criminological theory to particular types of crime, for example gang crime and/or expanding the traditional field of criminology: terrorism, state crime and genocide.
- Revision class: examination questions and brief evaluation of the field: Is there any point in seeking a general explanation of crime?

Preparatory Reading

Pearson, G. (1983) **Hooligan: A History of Respectable Fears** (Macmillan p/b reprinted in 1994)

Campbell, B. (1993) **Goliath: Britain's Dangerous Places** (Methuen) (optional)

Students are also expected to draft a short crime story (1000-3000 words) over the long vacation, which they must e-mail to me in the first week of term. This will provide the basis of discussion for the second class.

Module Text

Katherine Williams (2012) 'Textbook on Criminology', (7th or latest edition) OUP, Oxford.

Students will also be expected to read additional articles and extracts from academic books and literary texts as examples of the development of ideas and various approaches to the explanation of crime and criminality. All the academic journals and book extracts are digitalised or available online via the library e-journals link. A full reading list will be posted on Moodle at the beginning of the module.

LAWS3047: LAW AND SOCIAL INQUIRY

Note: *Law and Social Inquiry is only available as an optional module for students who will be entering their final year of study and have previously studied and passed a Laws module.*

Convenor: Pascoe Pleasence (p.pleasence@ucl.ac.uk)

Method of instruction: Seminars, project based workshops, tutorials

Assessment: 16 page essay incorporating at least 2 of the following: (a) a critical review of evidence in relation to a chosen socio-legal question, (b) a detailed empirical research proposal to address a chosen research question, (c) a report on an original small-scale empirical research project.)

In wondering whether the public understand the laws they live by, why people follow rules, how legal disputes are resolved in the real world, whether the judiciary will ever be representative of the population, how reliable witness testimony is, if juries are biased, etc., is to ask empirical questions. Empirical questions are the subject matter of the social sciences, and answering such questions requires the application of social science research methods. These methods have evolved within various social science disciplines – including anthropology, criminology, epidemiology, political science, psychology and sociology – and provide a rich palette for social inquiry in the field of law.

Law and Social Inquiry offers you a unique opportunity to explore research bridging the legal and social science disciplines, and go on – with expert support and supervision – to design and conduct your own empirical research project; to add new perspective to your understanding of a topic of your own choosing. In doing so, it allows you to engage with and seek to answer key empirical questions for the future of law, legal practice and justice institutions.

The course is examined through a long essay on a topic of your own choosing, but the route to producing your essay will involve inspiration from eminent researchers in the law and social science field, training in social research methods and personal supervision.

As well three seminars introducing social science research methods, Term 1 includes a series of expert led seminars designed to provide insight into diverse research areas and traditions, and inspiration to inform personal projects. In 2017-18, these seminars focused on the place of law in everyday life (Pascoe Pleasence), law and technology (Catrina Denvir), modern day slavery (Virginia Mantouvalou), the reliability of testimony from memory (Nigel Balmer) and therapeutic approaches to imprisonment (Elaine Genders).

Term 2 includes further tuition on research methods and a series of student-led workshops in which you will have an opportunity to present work in progress for discussion.

Past student projects have explored subjects including:

- the legal and social limits of freedom of expression in social media;
- graffiti and rule following;
- the association between the ethical codes revealed within the television drama ‘Suits’ and those subscribed to by viewers;
- public understanding of and trust in the banking regulatory system;
- student understanding of consent in sexual relationships;

- online data privacy;
- the representation of drug use in the media;
- the impact of equalities legislation;
- attitudes towards standing only areas for top flight football;
- cohabitation across three European countries.

In summary, *Law and Social Inquiry* provides a unique opportunity to engage with empirical evidence that will inform future law and practice.

No previous experience of the social sciences is necessary.