

## **A. GENERAL ADVICE CONCERNING THE SELECTION OF OPTIONS IN PART I AND PART II LL.B.**

1. This memorandum is intended to help students in selecting the optional subjects for their Parts I and II of the LL.B. There are no compulsory subjects in Part I (second year) of the LL.B. Students can choose four options from the lists set out on p.4. In Part II (third year) there is one compulsory subject, Jurisprudence (LL305). Students can then choose three optional subjects (see the lists on p.6)

In selecting options students should be guided by their own interests and aptitudes and should talk matters over with their academic adviser or other member of staff. However, if you intend to practise in the UK as a barrister or solicitor your options need to include certain subjects (see p.9 for details of the Law Qualifying Degree). In order to practise law in other jurisdictions, such as Malaysia and Singapore, different rules may apply and you are advised to check this with the relevant institutions in that country.

2. Course selection will be on line via LSE For You.

3. The Law Department deadline for selecting your options for 2010-11 is 2 July 2010. Please make sure you make your final decision by this time. We cannot guarantee that there will be places available for students who choose their options, or change their minds, after this date. Please do not leave your selection of options until the start of next academic year, because you may find that all of your preferred options are full.

### **3. Options in 2010-11 and the outlook.**

The options which are taught in any particular year depend on a number of variable factors, including staff changes and sabbatical leave. Occasionally options are temporarily withdrawn. The list for 2010-11 is in this Options Booklet.

We will try to let you know a year ahead which options will not be available so that you can choose sensibly, but we cannot guarantee to give a year's notice every time an option is withdrawn. In addition, if the number of students choosing an option is very small, that subject may have to be withdrawn. If this happens, the students affected should consider the alternative of writing an essay on an "approved legal topic" (see below).

The Student Services Centre will notify any students affected by option withdrawals.

#### 4. Subjects and half-subjects

As the Regulations show, some courses have the value of one subject and others only have the value of a half-subject. A student who chooses a course from the list of half subjects must make up the number with another half subject to make one full subject. A student may do this by either (i) choosing another half subject, or (ii) writing an essay (of about 6,000-8,000 words) on a legal topic to be approved by the Chairman of Examiners.

#### 5. Essay on an approved legal topic

It will be seen from the Regulations that if a half subject is selected in Part I or Part II, it is possible to make up the other half by writing an Essay (of 6,000-8,000 words) on an approved legal topic instead of taking another half-subject.

Students can also choose to do a full unit essay of 12,000-15,000 words.

Students wishing to do either type of essay should first consult their academic adviser about whether this is a suitable choice for the student, about the particular essay topic, and about who might be an appropriate supervisor. Because this option requires considerable independent study, it is generally not advisable to opt to write a full unit essay unless the student has been achieving marks of an upper second class standard in their examinations to date. *The essay subject must be of a suitable academic character which has not already or will not have been explored in depth in any taught subject taken by the student but is related to subjects taught in the School.* In the light of their discussion with their personal tutor, a student wishing to pursue this option should approach the possible supervisor for their agreement. Once they have this, students should make a formal detailed application to the Chairman of Examiners for approval.

Applications to write such essays should be discussed in the preceding Summer Term with the student's personal tutor and the potential supervisor, and will in any case **be subject to a deadline of 31 October** in the session in which the essay is to be written. The essays have to be handed in by the first day of the Summer Term of the session in which the essay is written. There is discretion for an additional oral examination on the subject-matter of an essay which "may extend to cover the wider background aspects of the essay".

## **6. Clashes of Lecture and Seminar Times**

The number of options is such that it is inevitable that the lectures and seminars in some of them have to take place at the same time. Every effort is made to minimise the inconvenience caused by this, but where it does happen it is not of course possible to take both the subjects in question.

The following list sets out the probable clashes for 2010-11. These are based on the existing clashes for 2009-10. Final timetable arrangements will not be available until a later date. If there is sufficient demand, it may be possible to remove one or more of these clashes. If this is done, however, it can only be at the expense of creating other clashes. Students are therefore asked to choose options on the basis of the list of existing clashes unless they have strong reason for doing otherwise.

## **7. Exemptions from Professional Examinations Generally**

Please refer to p. 9 in this book.

## OPTIONS AVAILABLE FOR PARTS I AND II LL.B.

### Part I

The Part I examination is normally held twice each year, in May/June and in September. A candidate who enters for the examination in May/June but is unable to sit for the whole or any part of that examination may exceptionally be permitted by the School, if there is good cause and supporting documentary evidence, to enter for the Part I examination in September of the same year.

There are no compulsory subjects. A candidate is required to satisfy the examiners in courses to the value of four subjects from the following list.

#### (i) Full unit subjects

LL201	Administrative Law
LL202	Commercial Contracts
*LL203	Law of Business Associations
LL204	Advanced Torts
LL205	Medical Law
LL207	Civil Liberties and Human Rights
LL210	Information Technology and the Law
LL212	Conflict of Laws
LL221	Family Law
LL232	Law and Institutions of the European Union
LL233	Law of Evidence
LL241	Introduction to Civil Law ( <b>not available 2010/11</b> )
LL242	International Protection of Human Rights
LL250	Law and the Environment
*LL251	Intellectual Property Law
*LL253	Law of Corporate Insolvency
LL257	Labour Law
LL259	Legal and Social Change Since 1750
LL275	Property II
LL278	Public International Law
LL293	Taxation
LL295	Media Law
LL299	Full Unit Essay (this cannot be taken in the same year as the half unit essay)
AN226	Political and Legal Anthropology

\*Law of Business Associations, Intellectual Property Law, Law of Corporate Insolvency: although 2<sup>nd</sup> year students are eligible to take these courses, they may find it easier to leave them until their 3<sup>rd</sup> year.

**(ii) Half-unit subjects**

- LL 272        Outlines of Modern Criminology
- LL284        Sentencing and Treatment of Offenders
- LL298        An Essay of 6,000-8,000 words on an agreed legal topic (this cannot be taken in the same year as LL299, the full unit essay)

At the discretion of the School, and with the permission of the other College concerned, a candidate may be permitted to offer as one of the four subjects required under this regulation, an undergraduate Law course taught at another college of the University of London and deemed to be of the value of one subject. Candidates cannot take non-law courses at other colleges. It must also be an option not taught at LSE in the current year. Students must make their own enquiries as to what is available and whether they will be accepted on any course at another college. **Students wishing to take a law subject at another college must fill out a Permission to Take a Course Outside LSE form**, available from the Student Services Centre.

## Part II

A candidate is required to satisfy the examiners in Jurisprudence, and courses to the value of three subjects selected from the following list. Optional subjects already taken in Part I may not be repeated in Part II.

### (i) Full unit subjects

LL201	Administrative Law
LL202	Commercial Contracts
LL203	Law of Business Associations
LL204	Advanced Torts
LL205	Medical Law
LL207	Civil Liberties and Human Rights
LL210	Information Technology and the Law
LL212	Conflict of Laws
LL221	Family Law
LL232	Law and Institutions of the European Union
LL233	Law of Evidence
LL241	Introduction to Civil Law ( <b>not available 2010/11</b> )
LL242	International Protection of Human Rights
LL250	Law and the Environment
LL251	Intellectual Property Law
LL253	Law of Corporate Insolvency
LL257	Labour Law
LL259	Legal and Social Change Since 1750
LL275	Property II
LL278	Public International Law
LL293	Taxation
LL295	Media Law
LL299	Full Unit Essay (this cannot be taken in the same year as the half unit essay)
LL300	Competition Law
AN226	Political and Legal Anthropology

### (ii) Half unit subjects

LL272	Outlines of Modern Criminology
LL284	Sentencing and Treatment of Offenders
LL 298	An Essay of 6,000-8,000 words on an agreed legal topic (this cannot be taken in the same year as LL299, the full unit essay)

At the discretion of the School, and with the permission of the other School concerned, a candidate may be permitted to offer as one of the four subjects required under this regulation, a Law course taught at another college of the University of London and deemed to be of the value of one subject. Candidates cannot take non-law courses at other colleges. Students must make their own enquiries as to what is available and whether they will be accepted on any course at another college. **Students wishing to take a law subject at another college must fill out a Permission to Take a Course Outside LSE form**, available from the Student Services Centre.

### NON-LAW OPTIONS

1. Students can take one non-law option only, either in the second or in the third year, but not both.
2. A list of courses available as an outside option is available at [http://www.lse.ac.uk/resources/calendar2009-2010/programmeRegulations/undergraduate/2009\\_outsideOptions.htm](http://www.lse.ac.uk/resources/calendar2009-2010/programmeRegulations/undergraduate/2009_outsideOptions.htm)
3. The student will need the consent of his/her academic adviser and also of the teacher responsible for the course selected. It is advisable to get the consent of the teacher first, since if that is not forthcoming (because for instance the student lacks some relevant academic qualification or the course is full), the question of the academic adviser's consent will not arise.
4. It is important that students are aware of the potential difficulties in taking non-law options. These include:
  - (a) Timetable constraints: Students must accept that timetable clashes may occur and that if this happens there is no way that the timetable can be altered - save insofar as a person may be able to arrange to be moved from one class to another. Lecture courses are fixed and cannot be shifted to accommodate individual student needs.
  - (b) September resits: There are no September resits in any of the BScs taught in other departments. It follows that if you fail a non-law option in your second year you may have to take the subject again the following summer. This may mean that you have to defer your law studies for a year unless you manage to obtain the consent of the School Committee on Student Progress to carry an extra subject in your third year. This consent will only be granted exceptionally, and cannot be guaranteed.

In view of these potential difficulties, you are strongly advised to consider your choice carefully and to discuss the issues with your academic adviser.

## LAW CLASHES 2010-11

It is likely, but not certain, that there will be similar clashes to the following clashes, which existed in 2009-10

### Commercial Contracts

Outlines of Modern Criminology; Sentencing and Treatment of Offenders; Administrative Law, Conflict of Laws; Legal and Social Change since 1750

### Legal and Social Change Since 1750

Commercial Contracts; Outlines of Modern Criminology Sentencing and Treatment of Offender, Administrative Law, Conflict of Laws

### Outlines of Modern Criminology

Commercial Contracts; Administrative Law; Legal and Social Change since 1750; Conflict of Laws

### Sentencing and Treatment of Offenders

Commercial Contracts; Administrative Law; Legal and Social Change since 1750; Conflict of Laws

### Conflict of Laws

Commercial Contracts, Administrative Law, Legal and Social Change since 1750, Sentencing and Treatment of Offenders; Outlines of Modern Criminology

### Advanced Torts

Public International Law

### Public International Law

Advanced Torts

### Competition Law

Law of Corporate Insolvency

### Law of Corporate Insolvency

Competition Law; Civil Liberties and Human Rights

### Civil Liberties and Human Rights

Law of Corporate Insolvency

## LAW QUALIFYING DEGREE

Students who wish to obtain a law degree which provides exemption from professional examinations in the UK need to obtain what is described as a Law Qualifying Degree. The regulations describing a Law Qualifying Degree are laid down from time to time by the Law Society and the Bar Council.

These regulations are not the same as those which govern the LLB and other degrees at the LSE, where we offer students greater flexibility. In order to obtain a Law Qualifying Degree, it is necessary to take certain 'optional subjects'.

It is necessary to ensure that you have completed by the end of your degree:

- 1. Law and Institutions of the European Union (LL232)**
- 2. Property Law II (LL275)**

The rules in other jurisdictions vary, and students are advised to check the requirements with the relevant bodies.

## LL201 ADMINISTRATIVE LAW

This is a full unit course of 20 seminars, each of two hours.

**Teacher responsible:** Dr Thomas Poole

Administrative Law is a vital subject throughout the modern world. An understanding of the role which it plays is essential to private practitioners. Commercial lawyers frequently come into contact with regulatory agencies whose special procedures derive from administrative law. Dealings with international agencies (including the European Union) are often governed by administrative law. Public law expertise opens the way to good careers in government service. There is a flourishing Administrative Law Bar, reflected in well-established sets of chambers.

The course aims to reflect the wider dimensions of administrative law, stressing links with public administration, commerce and politics. We emphasise the functions of law in the administrative process and the constitutional role of judicial review. We also aim to show how membership of the European Union and adherence to the European Convention on Human Rights have influenced our system of public law. We look at the way in which changed systems of governance, especially the rapid growth of regulatory agencies, can be reflected in and controlled by traditional rules of administrative law. We consider alternative dispute resolution, including public inquiries or the Citizens' Charter. In addition to compulsory essays there are opportunities for presentation of papers.

**Syllabus:** Theories of administrative law. Decision-making and the administrative process: rules and discretion. The 'contracting state': administrative law and new public management. Risk and the regulatory state (including responses to the financial crisis of 2008-9). The changing nature of judicial review. Judicial review and the Human Rights Act. The role of public inquiries. European influences on national administrative law. 'Global administrative law'.

**Reading:** C. Harlow & R. Rawlings, *Law and Administration* (3<sup>rd</sup> ed., 2009); P. Cane, *An Introduction to Administrative Law* (2004); M. Taggart (ed.), *The Province of Administrative Law* (1997); N. Bamforth and P. Leyland (eds.), *Public Law in a Multi-Layered Constitution* (2003).

**Examination:** 1 x 3-hour written examination (75%) in which students will be required to answer 3 questions + 1 x 4,000 word examined essay (25%)

## LL202 COMMERCIAL CONTRACTS

**Teachers responsible:** Professor Michael Bridge, Dr Jo Braithwaite, Professor Hugh Collins, Dr Jan Kleinheisterkamp, Professor Linda Mulcahy, Dr Stephen Watterson.

**Course intended for:** This optional LLB course is available to students who have completed Law of Obligations LL104.

**Objectives:** The Commercial Contracts course comprises a study of the general principles of English law governing commercial contracts, that is, transactions between businesses, but concentrates its attention on selected types of commercial contracts. It commences with an examination of basic common law principles governing commercial contracts, including their interpretation, pre-contractual duties, and remedies. It then examines particular types of commercial transaction in their commercial context. The examples are chosen to illustrate the practical and legal problems that arise in different commercial transactions. Consideration of these enables an exploration of a wide range of basic legal principles. An overriding objective of the course is that students will become familiar with these basic legal principles, so that they can apply them to a wide range of commercial transactions, with an understanding of the commercial context in which the law operates, and of the policy objectives which legal regulation pursues.

**Topics are likely to include:**

Freedom of contract.

The formation of commercial contracts and their interpretation.

Pre-contractual duties.

Remedies for breach of contract, including agreed remedies.

Sales of goods.

Credit and security.

Banking transactions.

Long-term contracts and long-term business relationships, focusing on agency, franchising and distributorship relationships.

Multi-party projects, focusing on construction project networks, and problems of privity of contract, overlapping liability in tort/contract, and liability/risk allocation.

Commercial litigation, including commercial arbitration.

**Teaching:** The teaching will be conducted through a weekly two hour lecture, and four small group classes per term.

**Assessment:** As practice for the examination, students will be required to complete four pieces of writing during the year: two per term. The final, formal assessment for the course will be a three hour written examination, containing a mixture of problem- and essay- style questions.

**Books and materials:** The principal textbooks for the course are: H Collins, *Law of Contract*, 4th edn (2003), and R Goode, *Commercial Law*, 4th edn (2010). Most of the materials relevant to the course are to be found in: H Beale, W Bishop and M Furmston, *Contract: Cases and Materials*, 5th edn (2008); and L Sealy and R Hooley, *Commercial Law*, 4th edition (2008).

**LL203 LAW OF BUSINESS ASSOCIATIONS (COMPANY LAW):** Forty lectures, Michaelmas and Lent Terms

**Teachers responsible:** Dr Eva Micheler, Dr Carsten Gener-Beuerle, Dr David Kershaw and Professor Niamh Moloney

**Course intended for:** Although this course is open to second and third year students, experience suggests that third years are more successful. It is helpful to have studied or be studying Property II, although this is not a formal prerequisite

### **Outline**

This course examines the nature of the legal vehicles available for the carrying on of entrepreneurial activities, paying particular attention to the analysis of companies. It examines the core features of the company. These are: separate legal personality, limited liability, centralised management, the allocation of control rights, and free transferability of shares. The course analyses how the law implements these features and the policy trade-offs among them.

The course discusses the relationship between various groups with an interest in the affairs of the company – shareholders, directors, managers, financiers, trade creditors, employees, consumers and regulators - and the balance of power between them. The course looks beyond purely technical legal issues and encourages a critical examination of the system and proposals for reform.

Registered companies are creatures of statute and close attention to the Companies Acts and related legislation is essential. However, no attempt is made to deal with all, or even most, of the complex technical aspects of the legislation and non-statutory regulation. The course concentrates on the problems and policies underlying the legislation, with some more detailed consideration of selected provisions. The increasing influence of European Directives and Regulations on UK company law is also reflected.

Despite the importance of statute, common law and equitable principles have played a major role in the development of company law by the courts. This has relied heavily on principles of agency and the equitable principles relating to fiduciaries. Case analysis is therefore a major element of the course. Excellent case books are available.

This subject covers a wide range of businesses - from the one-person firm (the local greengrocer or plumber) to family companies, to major multinational

groups listed on the Stock Exchange. This wide coverage plus the policy emphasis means that this course should appeal to all students with an interest in the economic, social and political aspects of business organisations and not only to those wishing to practise commercial law.

*Topics usually covered are:*

- Introductory concepts and themes including limited liability and corporate personality.
- Capacity of companies & the powers of individuals acting for companies.
- Shares and share capital.
- Directors: powers, duties and corporate governance issues.
- The role of shareholders in companies: rights, decision-making and governance.

**Teaching Method:** There is one two hour lecture each week. The lecture is accompanied by fortnightly two-hour seminars, which follow the lectures closely. Reading lists provided by the lecturer in each topic are used as the basis for seminar work.

**Examination:** The course is examined by a three-hour examination consisting of problem and essay questions. It is compulsory to answer at least one problem question. An approved version of the relevant legislation may be taken into the examination.

**Books and materials:** Detailed lists will be provided during the course.

The recommended texts are

L Sealy, *Cases and Material on Company Law* (8th edn, 2007); Gower and Davies, *Principles of Modern Company Law* (8th edn, 2008); P Davies, *Introduction to Company Law* (2002); David Kershaw, *Company Law in Context* (2009)

## LL204 ADVANCED TORTS

**Teachers responsible:** Julian Fulbrook, Helen Reece, Stuart Andrews

**Course intended for:** This optional course is available to LLB, and BA Anthropology and Law students who have completed the first year Law of Obligations course LL104.

**Core syllabus:** A study of the protection of interests by the Law of Torts which builds on the Tort section of the Law of Obligations course.

**Course content:** (A) Personal Injuries: Negligence liability for psychiatric damage; Liability for medical negligence; Trespass to the person and related torts.

(B) Economic Interests: Liability for professional negligence; the Economic torts; Passing off and related torts.

(C) Property Rights: Trespass to land ; Nuisance and environmental protection; the rule in *Rylands v. Fletcher*.

(D) Reputation and related matters: Defamation and protection of privacy.

(E) Special Topics (which may change from year to year): Occupiers' liability and liability for defective premises; Transport liability; Outdoor pursuits liability; Sports liability; Tobacco liability; Liability for breach of statutory duty; Work-related liability; Mass torts litigation; An overall perspective on tort liability.

**Teaching arrangements:** There will be one 2 hour lecture a week and a weekly class.

**Written Work:** At least two pieces of written work will be required as part of the classes.

**Books and materials:** Peter Cane, *The Anatomy of Tort Law* (1997); Hepple, Howarth and Matthews' *Tort: Cases and Materials* (6<sup>th</sup> ed., 2008); B. S. Markesinis and S. F. Deakin, *Tort Law* (7<sup>th</sup> ed. 2007); John G. Fleming, *An Introduction to the Law of Torts* (2<sup>nd</sup> ed. 1985); John G. Fleming, *The Law of Torts* (9<sup>th</sup> ed.1998); Carol Harlow, *Understanding Tort Law* (3<sup>rd</sup> ed., 2005); W.V.H.Rogers *Winfield & Jolowicz on Tort* (17<sup>th</sup> ed.2006); Mark Lunney and Ken Oliphant *Tort Law: Text and Materials* (3<sup>rd</sup> ed. 2007) Nicholas Mullany and Peter Handford, *Tort Liability for Psychiatric Damage* (1993); Jane Stapleton, *Disease and the Compensation Debate* (1986); Peter Cane, *Tort Law and Economic Interests* (2<sup>nd</sup> ed. 1996).; Peter Cane, *Atiyah's Accidents Compensation and the Law* (7<sup>th</sup> ed. 2006); Julian Fulbrook, *Outdoor Activities, Negligence and the Law* (2005).

**Method of assessment:** One three hour examination in the Summer term.

## LL205 MEDICAL LAW

**Teachers Responsible:** To be arranged

**Availability:** LLB part I and II, and B.A. Anthropology and Law.

**Scope and Content:** Medical law is a rapidly developing and increasingly important subject. The rationing of expensive new drugs, and the future of the NHS have become central political issues. New scientific developments, such as cloning, face transplants, stem cell research and genetic screening, are invariably accompanied by calls for their regulation. Law must constantly react to the expanding boundaries of medically possible interventions. In this course we examine the legal framework within which health services are provided, and we explore some of the difficult ethical dilemmas that arise when determining the limits of medical innovation.

Subjects include malpractice litigation; consent; confidentiality; research on human subjects; resource allocation; abortion; surrogacy; assisted conception; 'designer babies'; embryo and stem cell research; cloning; mental health law; organ transplantation and euthanasia.

**Teaching Arrangements:** There will be two hours of teaching each week: a one hour lecture and a one hour class.

**Written Work:** At least one essay will be required each term.

### **Examination Arrangements:**

There will be a three hour examination [100%] in the summer term.

**Textbooks:** Jackson, *Medical Law: Text, Cases and Materials* 2<sup>nd</sup> edition (Oxford UP, 2009).

Brazier and Cave, *Medicine, Patients and the Law*. (Penguin, 2007); Mason, McCall Smith and Laurie *Law and Medical Ethics* 7<sup>th</sup> ed Butterworths (2005).

## LL207 CIVIL LIBERTIES AND HUMAN RIGHTS

This is a full unit course of 20 lectures and 20 classes.

**Teacher responsible:** Dr Kai Moller, Professor Jill Peay, Dr Thomas Poole, Dr Peter Ramsay

Human Rights is a topic of vital importance for the modern liberal democratic state. The topic has become increasingly pertinent for UK-based lawyers since the introduction of the Human Rights Act. Our course seeks to map important sites of legal development in the area. It will, first, provide an introduction to the HRA, focussing on its impact on and fit with the constitutional structure of the UK. Second, a number of rights will be studied, relying on both UK and European case law. An overall aim of the course is to enable students to construct arguments about the compatibility of a policy or administrative decision with human rights. To this end, the course will focus on the necessary doctrinal and conceptual framework – such as positive obligations and proportionality –, an overview of the relevant case law, and – especially in the classes – in-depth analysis of some selected problems in human rights law.

**Syllabus:** The history of human rights protection in the UK; theoretical aspects of human rights; human rights and parliamentary sovereignty; human rights and standards of review; human rights and the common law. The rights to life and freedom from torture; the right to vote; free expression and hate speech; freedom of association, ‘militant democracy’ and the banning of Islamic parties in Turkey; freedom of religion and the ‘headscarves controversy’; the right to respect for private and family life; equality and non-discrimination. Mental health and human rights. Terrorism, security and states of emergency; ‘social learning’; UK and US cases. Anomalous zones.

**Reading:** C. Gearty’s books, *Civil Liberties* (2007) and *Principles of Human Rights Adjudication* (2004) are good starting points for interested students. Students taking the course will find H. Davis, *Human Rights Law* (2009) helpful for the preparation of the lectures and classes. The book is only introductory, however, and it will be essential to engage directly with the primary materials.

**Assessment:**

1 x 3-hour written examination

## LL210 INFORMATION TECHNOLOGY AND THE LAW

**Teacher responsible:** Mr. Andrew Murray

**Other Staff Involved:** Miss Emily Laidlaw

**Availability:** Parts I and II LL.B.; B.A. Anthropology and Law.

### **About the Course:**

This course examines the interaction between traditional laws and the digital environment. Information Technology and the Law introduces students to digital technologies and the information society and examines how the digitisation is affecting our traditional legal settlements. It examines issues such as copyright infringement (Napster, Grokster and Pirate Bay); privacy, surveillance and data protection; computer crime; social networking; virtual property and virtual environments and e-commerce. The course is taught in an interdisciplinary and trans-jurisdictional manner and is taught by Andrew Murray..

### **Aims and Objectives:**

The aim of this course is to examine the impact digital technologies are having, firstly, on substantive law, and, secondly, on the legal process and the nature of law. Information Technology Law is the modern incarnation of traditional "Computer Law" courses developed in the 1970s. It has seen IT Law develop from a patchwork of specialist applications of ordinary rules of contract, criminal law, torts etc to form a rapidly growing specialist cognate discipline. It has now expanded to embrace all aspects of digitisation and its interaction with the legal system, including the emergent fields of legal regulation of the Internet, virtualisation and convergent technologies. This course examines the legal ramifications of digitisation and the Internet and includes topics such as e-commerce, intellectual property rights in digital content, privacy rights in relation to electronic information, content liability, censorship and freedom of expression, digital property and computer crime. Themes relevant throughout the course include globalisation, trans-jurisdictionality, enforcement issues, regulatory forms (including self-regulation and soft law) and the competing lobbies for consumers, corporations, industry players, rights-holders and cyber-libertarians. Sources are drawn from the legal systems of the UK, the US, the EC and Australia. The objectives of the course are to enable students: (a) to understand and deal with the legal issues associated with digitisation, digital content and the Internet, and (b) to consider the impact of digitisation on law, society, and individual.

### **Indicative Content:**

For a more detailed outline of the syllabus visit the course website. Details of which are below.

<b>Michaelmas Term 2009</b>	<b>Subject</b>
An Introduction to IT Law	An introduction to the subject matter and content of the course.
The Technology of the Information Society	A short history of computers and computing. The Network of Networks
Cyberlaw Theory 1	Digitisation and Law.
Cyberlaw Theory 2	Regulating the Digital Environment
Cyberlaw Theory 3	Digital Property and Virtual Property
Speech and Harm 1	Cyber-Speech and Social Networking
Speech and Harm 2	Defamation in Cyberspace
Speech and Harm 3	Pornography and Obscenity in the Information Society
Speech and Harm 4	Hacking and Denial of Service
Speech and Harm 5	Crime and Law Enforcement in the Information Society
<b>Lent Term 2010</b>	<b>Subject</b>
Intellectual Property Rights 1	Intellectual Property Rights and the Information Society (including Napster, Grokster and The Pirate Bay)
Intellectual Property Rights 2	Protecting Software
Intellectual Property Rights 3	Branding and Trade Marks in the Information Society
Intellectual Property Rights 4	Databases
E-Commerce 1	Electronic Contracts
<b>Reading Week</b>	
E-Commerce 2	Electronic Payments and Taxation
Data Privacy 1	Data Protection
Data Privacy 2	Surveillance and Supervision.
The Digital Public Sphere	The Public Sphere, Web 3.0 and Law 2.0

This is the 2009/10 Programme. Due to the fast changing nature of this subject changes may occur to the syllabus at any time.

**Course Materials and On-line Support:**

This course is supported by both a Moodle support page and a course website. The course website may be accessed via: <http://www.itlawweb.co.uk>.

**Recommended Reading:**

\*\*Murray: *Information Technology Law: Law and Society*, 2010, OUP.  
\*\* Hedley & Aplin: *Blackstone's Statutes on IT and E-commerce*, 4<sup>th</sup> ed., 2008, OUP.  
Lloyd: *Information Technology Law* 5<sup>th</sup> ed., 2008, OUP.  
Reed & Angel (eds.): *Computer Law* 6<sup>th</sup> ed., 2007, OUP.  
Rowland et al: *Information Technology Law* 4<sup>th</sup> ed., 2010, Routledge.  
Klang & Murray (eds.): *Human Rights in the Digital Age*, 2005, Glasshouse.  
Murray: *The Regulation of Cyberspace: Control in the Online Environment*, 2007, Routledge.

Lessig: *Code and Other Laws of Cyberspace ver.2.0*, 2006, Basic Books.

Edwards & Waelde (eds.): *Law and the Internet* 3<sup>rd</sup> ed, 2009, Hart.

\*\* Recommended for purchase.

**Teaching:** This course will be taught by one two-hour lecture held weekly and one class per week.

**Suggested Initial Reading:**

Reed & Angel: *Computer Law* 6<sup>th</sup> ed., Introduction.

Murray: *The Regulation of Cyberspace: Control in the Online Environment*, Ch.1.

**Assessment:** Three hour written examination in the ST.

## LL212 CONFLICT OF LAWS

**Teacher responsible:** Mr. Jacco Bomhoff, *M.Jur (Oxon)*

### **Introduction to the subject**

Should foreign celebrities be allowed to sue in the English courts when they feel they have been defamed in an article posted on an American website? Should the English courts recognize judgments from other countries, even when they conflict with English ideas of right and wrong? What rules should an English court apply to a tort claim arising out of a traffic accident on Malta involving a German and an English driver? It is questions like these that make up the subject of the conflict of laws.

Conflict of laws – also known as private international law – is the area of law concerned with cases in which the facts present one or more international element. Conflict of laws differs from public international law in that it deals with transactions between private individuals, rather than with those directly implicating States or international organizations.

The field's central technical questions are (1) jurisdiction (will an English court or a foreign court hear the case?), (2) choice of law (should the court apply its own law or that of a foreign country?), and (3) the recognition and enforcement of foreign judgments. During the course, these three questions will frame reflection on a range of topics, including commercial/practical issues (how can companies structure their cross-border transactions?), but also questions of a more political nature (to what extent should States be able to regulate matters beyond their own borders?) or with a strong social/cultural dimension (how should foreign cultural understandings or social practices be accommodated in domestic law?).

Although conflict of laws has a long history within English law, many of the relevant rules have changed dramatically in recent years under the influence of EU legislation and case law. This means that conflict of laws should also be of particular interest to those wishing to study the interaction of English law and European law.

After a brief introduction, the course will look at (1) jurisdiction in international commercial litigation under the traditional English rules and under European law, (2) choice of law issues in contract and tort, (3) recognition and enforcement of foreign judgments under European rules and

at common law and (4) comparative aspects and theoretical foundations of conflict of laws.

## **Syllabus**

-Jurisdiction of English courts under the traditional rules - actions *in personam* (service of a claim form within the jurisdiction & out of jurisdiction), choice of court clauses, stay of proceedings, restraining foreign proceedings.

-Jurisdiction of English courts under European Union Council Regulation 44/2001.

-Recognition & enforcement of foreign judgements at common law and under European rules.

-Choice of law relating to contracts under the Rome I Regulation – interpreting choice of law clauses in contracts, applicable law in absence of choice, mandatory rules, public policy, formal validity, capacity, illegality.

-Choice of law relating to tort – double actionability, interest analysis, Rome II Regulation.

-Comparative conflict of laws & Theoretical foundations

## **Recommended reading**

Cheshire, North & Fawcett, *Private International Law* (14<sup>th</sup> ed., 2008)

Hill, *International Commercial Disputes in English Courts* (2005, a new edition of this book should come out in Summer 2010)

Briggs, *The Conflict of Laws* (2<sup>nd</sup> ed., 2008)

McClellan & Beevers, *Morris: The Conflict of Laws* (6<sup>th</sup> ed., 2005)

Collins et al., *Dicey and Morris on the conflict of laws* (2 vols.) (14<sup>th</sup> ed., 2006)

(Definitely not a textbook, but the standard authoritative reference in conflict of laws)

## **Resources**

[www.conflictoflaws.net](http://www.conflictoflaws.net)

(Topical references, cases and reviews)

## **Assessment**

Three hour written examination

## **LL221: FAMILY LAW**

### **Teacher responsible**

Helen Reece

### **Availability**

Available to LLB and BA Anthropology and Law students. It is also available as an outside option where regulations permit and with the permission of the course teacher.

### **Course content**

The course is concerned with the regulation of personal relationships and the public and private consequences for individuals of this regulation. The course examines the legal constitution of families, the problems people encounter in their personal 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.

#### **Term 1: Adult Relations:**

1. Introduction: (a) Intervention in the family; (b) Discrimination against families, in the context of human rights legislation.
2. Marriage and Civil Partnerships: (a) the distinction; (b) Gender Recognition Act; (c) nullity.
3. Divorce and Dissolution
4. Financial provision: (a) conceptions of equality; (b) the legal framework for discretion.
5. Domestic violence: the legal framework, and the limits of legislation.

#### **Term 2: Child Law:**

1. Introductory concepts: (a) children's welfare; (b) the welfare checklist; (c) principle of non-intervention; (d) parental responsibility: meaning and allocation.
2. Children and families: (a) legal framework; (b) regulation after relationship breakdown.
3. Children and the state: (a) care and supervision; (b) child abuse

### **Teaching**

The course is taught through lectures and classes.

### **Formative coursework**

Students are set essays, which do not count for assessment purposes, in the first and second terms.

### **Indicative reading**

Students are provided with a detailed syllabus and reading list for class topics. Basic reading for each topic will be drawn from a number of sources including text books, cases and articles.

In case students wish to purchase any books the following are suggested:

**Textbooks:** J. Herring, *Family Law* 4th ed (Longman 2009); Judith Masson et al, *Cretney's Principles of Family Law* (8th edn, 2008, Sweet and Maxwell; Nigel Lowe and Gillian Douglas, *Bromley's Family Law* (10th edn, 2007, OUP).

**Casebooks:** Brenda Hale et al, *The Family, Law and Society: Cases and Materials* (6th edn, 2009, OUP); Sonia Harris-Short and Joanna Miles, *Family Law: Text, Cases and Materials* (2007, OUP; Alison Diduck and Felicity Kaganas, *Family Law, Gender and the State* (2nd edn, 2006, Hart Publishing);

**Reader:** Michael Freeman, *Understanding Family Law* (2007, Sweet and Maxwell).

### **Assessment**

Three-hour examination in which students answer four questions. Approved statutory materials may be taken into the examination in accordance with School Regulations.

## LL232 LAW AND INSTITUTIONS OF THE EUROPEAN UNION

**Teachers Responsible:** Dr. Michael Wilkinson, 6.28; Dr. Veerle Heyvaert, 7.06; Prof. Damian Chalmers, J218; Dr. Jo Murkens, 7.31 and Dr. Jacco Bomhoff, 6.29

**Course Intended Primarily for:** second and third year LL.B. and B.A. Anthropology and Law students.

**Content and Scope:** The course is an introduction to European Union Law. This is a fascinating area of law, one that is constantly evolving. It raises serious political, social and economic questions and offers students an opportunity to study in depth one of the most interesting developments in law and politics of the last fifty years. The course covers both the institutional and constitutional structure of the European Union and the substantive freedoms established by EU law. It will therefore appeal to those who wish to have a sound knowledge of economic law, as well as those who wish to study the constitutional implications of this new polity. Topics will include:

- (1) Evolution of the European Union
- (2) Basic Institutions of the European Union
- (3) Legislative Procedures – Basic and delegated law-making
- (4) Constitutionalism and the Community Legal System - Primacy, Sovereignty, and Interdependence
- (5) Enforcement of EU law within the Member States
- (6) Judicial application of Union law within the Member States – Direct effect, indirect effect, and state liability
- (7) Relations between the Court of Justice and National Courts
- (8) Judicial review of Union acts
- (9) Single Market
- (10) Free Movement of Goods
- (11) Free Movement of Persons and European Citizenship
- (12) Free Movement of Services and Establishment
- (13) Fundamental Rights

**Teaching Arrangements:** Two lectures a week accompanied by a weekly class

**Written Work:** This depends upon each class teacher, but a minimum of two essays, or equivalent work, per term.

**Textbooks:** Chalmers et. al., *EU Law* (CUP, 2006) + 2008 Supplement, P. Craig & G. de Burca, *EU Law: Text, Cases, and Materials*, 4th ed. (Oxford, 2008)

In addition, the course uses a broad range of on-line reading material (utilising moodle). Students are expected to retrieve and print these materials themselves; there is no course pack for this course.

**Method of Assessment:** There will be a three-hour formal examination in the summer term. Students will be allowed to take copies of Foster (ed.), *Blackstone's EU Treaties and Legislation* or Busby & Smith, *Core EU Legislation*.

## **LL233 LAW OF EVIDENCE**

**Teacher responsible:** Professor Mike Redmayne

### **Core syllabus**

The course examines the law of criminal evidence, emphasising matters of principle and conceptual issues rather than the fine detail of legal rules. It allows students to develop an understanding of how issues can be proved in court, and to reflect critically on the modern law of criminal evidence.

### **Course content**

Analysing evidence: probability and reasoning under uncertainty; risk allocation: burden and standard of proof; inferences from silence; frail evidence: confessions and eyewitness identification; fair trials: illegally/improperly obtained evidence and the privilege against self-incrimination; exclusionary rules: hearsay, character and sexual history evidence; expert evidence: fingerprints and DNA.

**Pre-requisites:** None

**Teaching arrangements:** One two-hour seminar per week

**Written work:** Students are expected to write two essays during the year

**Examination arrangements:** There will be one three-hour examination.

**LL242 INTERNATIONAL PROTECTION OF HUMAN RIGHTS:** 20 seminars.

Below is the course content for 2009/10. The content may differ slightly in 2010/11

**Teacher Responsible:** To be confirmed

**Availability and Restrictions:** This is an optional course for LL.B. Parts I and II and other Bachelor's degrees as regulations permit. Students need to have already taken and done well in a course in Public International Law or in Civil Liberties.

**Course content:** This course aims to provide a comprehensive and analytical account of the application of human rights standards in international law, and the operation of the existing international machinery for the protection of human rights. The course is designed to be both theoretical and practical.

The course deals with important conceptual issues: What are human rights? What is their purpose and status in international law? Are they absolute or relative? Can they be of equal significance to societies at different stages of development? When may they be qualified? What is the relation between economic and social rights as well as civil and political rights? Are rights attributable to groups as well as to individuals? Why are there special categories of protection, e.g. minorities, indigenous peoples, children, women and refugees?

The law of human rights reflects attempts made internationally to articulate basic legal standards for the protection of individuals and groups in their relations with the state, and to use the authority of international law, institutions, and procedures, to secure compliance with such standards. Human rights law is a modern phenomenon; but it has an ancient lineage. Some account of its evolution is given, from natural rights, civil liberties, the history of minorities protection, and the progressive development of human rights in public international law since 1945.

However, the major part of the course relates to post-1945 events concerning the protection of human rights. A section of the course deals with the role and reform of the United Nations to promote and secure the observance, on a universal basis, of international standards of human rights. The development of important legal standards (such as those of non-discrimination) are traced; and the work of various UN bodies in applying human rights is analysed. The

International Covenants on Human Rights are closely studied, with equal emphasis on the Committee under the Civil and Political Covenant, and the Committee under the Economic Covenant.

Comparisons are also drawn with regional attempts to promote and protect human rights, with the European system, the Inter-American system and the African system receiving special attention as regards their treaties, their institutions, procedure, and case-law.

By the end of the course students should have a good understanding of the substantive content of contemporary human rights and of the existing and alternative means available for protecting these rights and fundamental freedoms.

Extensive use is made of relevant case law, of the Civil and Political Covenant, the European Convention, the American Convention, the African Charter, and the International Court of Justice; and particular rights (such as those of persons belonging to minorities, the right to life, the prohibition of torture, the right to a fair trial, family life, and the fundamental freedoms ) are studied in considerable detail.

### **Textbooks**

R. Smith, *International Human Rights*; S. Joseph, J. Schultz, M. Castan, *The International Covenant on Civil and Political Rights: Cases, Materials and Commentary*; Jacobs and White, *European Convention on Human Rights* or Harris, *The Law of the European Convention on Human Rights* or Janis, *European Human Rights Law*.

## LL250 LAW AND THE ENVIRONMENT

**Teacher responsible:** Dr Veerle Heyvaert, NAB 7.06

**Availability:** This course is optional for Parts I and II of LLB and BA Anthropology and Law; other students with a keen interest in the environment are welcome.

**Core syllabus:** The aim of this course is to assess from an interdisciplinary perspective the role of UK law in the environmental field.

### **Content:**

- (i) The origins and development of environmental law in the UK
- (ii) Environment, ecology and economy: theoretical and philosophical influences on the development of environmental principles and practices
- (iii) The domestic organisation of environmental protection: the institutional framework; objectives and instruments of environmental policy and regulation - sustainable development, best available techniques and integrated pollution control
- (iv) The relationship between environmental law and planning law; problems raised by the built environment
- (v) Environmental protection and the common law – issues of environmental liability
- (vi) Environmental protection and human rights – the Human Rights Act and its opportunities and challenges for environmental protection
- (vii) Critiques of environmental regulation and regulatory alternatives
- (viii) Modern regulatory frameworks for environmental protection – confronting climate change
- (ix) Discussion of environmental problems and legal solutions to the hazards and risks of modern farming, biotechnology, chemicals production, waste, etc.
- (x) Critical analysis of the supranational and international environmental framework, including the relation between international trade and environmental protection

**Teaching:** 20 seminars (LL250) MT and LT.

**Written assignments:** 1 essay (or equivalent written task) in MT and 1 in LT.

**Reading list:** There is no set book that covers the entire course, however several sessions use Bell & McGillivray, *Environmental Law* (7<sup>th</sup> edition, Blackstone Press, 2008). Holder & Lee, *Environmental Protection, Law & Policy* (CUP, 2007) is a good additional source. A detailed reading list is provided for each seminar. Readings that cannot be found in Bell & McGillivray are accessible via ejournals or on Moodle.

**Assessment:** Formal three hour examination in the ST, covering the contents of the entire course.

## LL251 INTELLECTUAL PROPERTY LAW

**Teacher responsible:** Dr Dev Gangjee, Dr Siva Thambisetty

**Course intended for:** LL.B., Parts I and II

**Prerequisites:** None

**Content and Scope:** Intellectual Property Law consists in the rules determining when, and subject to what conditions, the activity of producing information (broadly conceived) can generate rights to exclude others from access to information. Given that information is an increasingly important source of commercial value within the modern economy, particularly for the entertainment and media sectors and science-based industries, it is not surprising that IP law is such a fast-growing field here and abroad. However its apparently relentless growth is the focus of vigorous debate. **Copyright** already provides the legal foundation for the well-established film, music, TV and publishing industries, and its continuing expansion is said by some to be crucial given the trend towards media convergence in the 'digital future', and by others to be a threat to free speech and freedom of access to information. **Patents** sustain such key sectors as pharmaceuticals, and increasingly now biotechnology, and their availability in this context raise complex ethical and political issues. **Trade marks** are central to effective advertising and marketing but at the same time exemplify the tendency of more and more aspects of our cultural landscape to be 'commodified'; they have attracted support and denigration in equal measure for this reason.

This course will provide students with an introduction to the law relating to patents, trademarks and copyright, and to the factors responsible for the continuing rapid expansion of each of these regimes of rights. We will reflect upon the variety of economic, cultural, political and technological pressures for the reform of Intellectual Property Law, and upon the processes by which these become translated into legal initiatives. And we will evaluate critically the implications for economic activity and social life generally of recognising intellectual property rights.

**Teaching arrangements:** Teaching will be by way of two one-hour lectures per week, with additional classes.

**Examination arrangements:** The course will be assessed by way of a three hour examination in June, in which candidates will be required to answer a total of three questions out of nine (one from each of three sections).

**Books and Materials:** The recommended text will be Lionel Bently and Brad Sherman, *Intellectual Property Law* (3<sup>rd</sup> ed., Oxford University Press 2008), and students will also be required to purchase one of the available edited collections of statutes. The full reading list will be issued at the beginning of the year. A good introduction to the legal aspects of the subject is Holyoak and Torremans, *Intellectual Property Law* (4<sup>th</sup> ed. OUP 2005). A good (if uncritical) introduction to the 'creative industries' and how they exploit intellectual property rights is John Howkins, *The Creative Economy: How People Make Money from Ideas* (London: Penguin, 2002). For a critical account of the same phenomena, see Peter Drahos with John Braithwaite, *Information Feudalism: Who Owns the Knowledge Economy?* ((London: Earthscan, 2002).

## LL253 LAW OF CORPORATE INSOLVENCY

**Teacher Responsible:** Professor Vanessa Finch

**Course intended for:** Parts I and II LL.B. Although this course is open to second and third year students, it is recommended that the course is studied in the third year (experience suggests that third year students are more successful).

**Course pre-requisites:** None.

### **Course description**

This is a full unit course of 20 meetings, each of 2 hours duration.

The Law of Corporate Insolvency forms an increasingly important legal arena, which is now recognised as meriting study in its own right. The last twenty years has seen great strides in the development of corporate insolvency law in England. We have seen the adoption of an enhanced legislative framework and the development of conceptual aspects and jurisprudence of the subject. As the recession of the early 1990's eased off there was a period of reflection and assessment of our insolvency law and procedures. This culminated in major insolvency law reform and legislative changes – reforms which will be well-tested (and debated) in the current times of financial instability.

The course looks at the legal rules affecting distressed and insolvent companies and those concerned with them (for example, directors and employees) and it assesses the issues and principles underlying a corporate insolvency regime. (Corporate Insolvency Law bears a close relationship to the Law of Business Associations (BA) and students may find that taking BA as well as Corporate Insolvency will give them a broad understanding of major themes relating to corporate activity.)

### ***Outline Syllabus***

#### The Role and Objectives of Corporate Insolvency Procedures

- (a) Introduction: Aims and Objectives
- (b) The Legal Identity of the Enterprise, the Significance of Limited Liability and the Problem of Corporate Groups
- (c) Outline of Procedures available
- (d) Insolvency Practitioners/Turnaround Professionals

### Corporate Borrowing

- (a) Outline of corporate borrowing and development and nature of security interests: fixed and floating charges; security by the use of ownership rights.
- (b) Types of creditor.

### Averting Liquidation: Rescue

#### **(a) Rescue Procedures I**

Causes of corporate failure: the decision to rescue or wind-up.  
Informal Rescues.

#### **(b) Rescue Procedures II**

Receiverships – a continuing role?; Administration Orders; Liability of Receivers and Administrators; Comparisons with US Bankruptcy Code Ch.11; Voluntary Arrangements; Role of Creditors and Management.

### Liquidation

- (a) Winding-Up and Control of Procedures
- (b) Gathering-In the Assets: setting aside transactions; the *pari passu* principle; preferential claims; unsecured creditors
- (c) Secured creditors
- (d) Security devices for consumer creditors and commercial suppliers

### Repercussions of Corporate Insolvency on Individuals

- (a) Company Directors
- (b) Employees

### The European and International Dimension

Bankruptcy Convention of EU – the road to a universal bankruptcy system for member states? International cooperation on insolvency matters and reciprocal assistance between insolvency courts.

### ***Reading***

Detailed reading lists will be provided during the course. The recommended book is V. Finch, *Corporate Insolvency Law: Perspectives and Principles* (2<sup>nd</sup> ed., 2009) (Cambridge University Press).

### ***Teaching Method***

Weekly two-hour seminars in Michaelmas and Lent Terms.

### ***Examination***

The course is examined by a three-hour examination. An approved version of the relevant legislation may be taken into the examination.

**LL257 LABOUR LAW:** Michaelmas, Lent and Summer Terms - 22 weekly seminars

**Teachers Responsible:** Dr C Kilpatrick, Professor H.G. Collins

(This entry is from the 2009/10 options book. The syllabus may be subject to change)

This subject builds on contract and tort, and to some extent public law and EC law, but introduces the distinctive legal regulation of employment relations, such as the law of dismissal and discrimination law, and the institutional arrangements of industrial relations, including trade unions and collective bargaining. The course looks at these topics in an industrial relations context informed by sociology and economics. Labour law is an important area of legal practice, with employment law disputes representing one of the largest topics of civil litigation.

### **Syllabus**

#### *Collective Labour Law*

Freedom of association and the right to organise; the right to dissociate – the closed shop.

Trade unions: rights of applicants and members – exclusion and discipline including expulsion.

Collective bargaining and the law: recognition of trade unions for collective bargaining purposes; the legal effect of collective agreements – their relationship to the contract of employment; disclosure of information for collective bargaining.

Collective consultation rights: redundancies, business transfers.

Industrial disputes – strikes, other industrial action and lockouts: picketing; rights and liabilities of individual workers who take industrial action; civil liabilities for organising industrial action – the economic torts, the ‘golden formula’ immunities and loss of immunity – industrial action ballots.

#### *Individual Labour Law*

Regulation of the Employment Relation

Contract of Employment: the problem of distinguishing employees from other workers; the duties of employer and employee; the variety of work relations

Anti-Discrimination Laws

Work-life balance

Dismissal

Human Rights in the Workplace

For an introduction to the subject a suggestion is: *Kahn-Freund's Labour and the Law* (3rd ed. by P. Davies and M. Freedland, 1983) chapter 1.

For a concise overview of individual labour law see H. Collins, *Employment Law* (Oxford University Press, 2003).

The leading academic texts are S. Deakin & G. Morris *Labour Law* 4<sup>th</sup> ed 2005 (5<sup>th</sup> ed forthcoming 2009) and H. Collins, K.D.Ewing, A. McColgan, *Labour Law: Text and Materials* 2<sup>nd</sup> ed 2005 .

## LL259 LEGAL AND SOCIAL CHANGE SINCE 1750

**Teacher Responsible:** Professor W.T. Murphy

**Course intended primarily for:** LL.B, Parts I and II, B.Sc. (Econ) Part II

**Scope:** The course examines aspects of the historical development of English law in its social, political and economic context during the period 1750-1950

### **Course Structure:**

The course begins with an introductory, orientational seminar. Thereafter, we meet together for the remainder of the Michaelmas and Lent Terms. The seminars are for undergraduate students taking *Legal and Social Change* and for postgraduate students taking *Modern Legal History*. Following the introduction, we ask specific individuals from among those attending the seminar to introduce each meeting by way of responding to questions which we have identified in advance. Seminars take the form of a short introductory presentation by one or more students followed by class discussion in which all are expected to participate. Seminars for postgraduate students continue into the third term. These are open to undergraduate members of the group, but their attendance at them is not required or expected.

### **Seminar Topics**

(Michaelmas Term)

What does doing history involve?; Order and defence in 18C England; Courts and the law in 18C; Is the writing of history inescapably political?; The development of the 'carceral' society; The policing of the poor; 19C revolution in government: institutions; What is 'modernisation'?; 19C revolution in government: ideas

(Lent Term)

Welfare of the Poor before and after 1834; Education: before and after 1870; Family ideology and family policy: marriage; Family ideology and family policy: health and eugenicism; Abolition of the New Poor Law: towards a modern system of social security?; The equality of women; Sexuality and the self; Total war: social aspects and consequences; Consumer society and leisure

**Method of Assessment:** *Either* one three hour examination in May/June *or* one full unit essay (maximum length 12,000 words)

## LL272 OUTLINES OF MODERN CRIMINOLOGY

**Teacher responsible:** Professor Robert Reiner

**Course Intended Primarily for:** LL.B. Part I and II (half option)

### Core Syllabus

This half unit course aims to give an introduction to selected aspects of modern criminology, lasting one term. The course is highly selective and every effort is made to hold the reading requirements within reasonable limits. It is suitable for General Course students, and a limited number may be admitted on application.

The main theories about crime and its explanation are examined, including biological, psychological and psychoanalytical theories. The emphasis is on sociological theories about crime, including modern critical theories. The course also analyses the most prominent current issues about crime and criminal justice. These include a consideration of recent trends in crime and how well they are represented by criminal statistics and the mass media; the role of victims; policing and crime prevention; discrimination, crime and justice.

### Course content

1. The history of criminological theory.
2. Individual explanations of crime: biological, psychological and psychoanalytical theories.
3. Sociological explanations of crime; including recent critical theories
4. Trends in crime and crime statistics. How official statistics can be interpreted, and the role of crime surveys.
5. Criminal justice policy and 'law and order' politics.
6. The role and characteristics of crime victims.
7. Policing and crime prevention.
8. Discrimination, crime and criminal justice: race and gender.
9. Crime and the mass media

**Pre-requisites:** None, but some familiarity with sociological or psychological literature would be an advantage.

**Teaching arrangements:** A weekly two-hour seminar and no class, in the Lent term.

**Written work:** Essays or past examination questions will be set from time to time.

**Reading list**

There is no single text which covers all the topics included. Useful introductions which can be read in advance are: S.Jones, *Criminology*); R.Reiner, *Law and Order*. Most of the topics on the course are covered in: M. Maguire, R. Morgan and R. Reiner (eds.), *The Oxford Handbook of Criminology* and T.Newburn, *Criminology*.

**Other recommended texts:**

D. Downes & P. Rock, *Understanding Deviance*; G. Vold and T. Bernard, *Theoretical Criminology*; I. Taylor, P. Walton, J. Young, *The New Criminology*.

## LL275 PROPERTY II

**Teacher responsible:** Professor Neil Duxbury

### **Syllabus**

Property II examines principles of Land Law and the Law of Trusts. Land Law is taught in the first term and Trusts in the second term.

The Land Law component of Property II is designed to introduce students to the fundamental principles of the law of real property (*i.e.* land). The course examines the general principles governing the ownership and occupation of land, including concepts of estates and interests, legal and equitable ownership (trusts of land, including co-ownership and modes of transfer) and registered and unregistered title. It also considers the law governing specific third party interests – licences, proprietary estoppel, easements, covenants and mortgages.

The Trusts component of the course focuses on general principles of trusts law and examines the circumstances in which trusts arise, the obligations of trustees, and the remedies available to beneficiaries when these obligations are breached. It also considers the nature and classification of trusts, including the applications and classifications of resulting and constructive trusts, and how the law of trusts relates to and impacts on the law of contract, wrongs and unjust enrichment.

### **Sources**

Advice on reading, including textbook recommendations, will be provided and the beginning of the first and second terms. An essay which students might valuably read before the commencement of the course is Peter Birks, 'Before We Begin: Five Keys to Land Law', in *Land Law: Themes and Perspectives*, ed. S. Bright & J. Dewar (OUP, 1998), 457-86.

### **Teaching Arrangements**

Teaching arrangements for both the Land Law and Trusts components of Property II are two hours of lectures and a one-hour class each week.

### **Assessment**

Property II is assessed by a three-hour examination. Students are required to answer questions on both the Land Law and Trusts components of Property II.

**LL278 PUBLIC INTERNATIONAL LAW:** 40 lectures + weekly small groups sessions. Michaelmas and Lent and Summer terms.

**Teachers responsible:** Prof Christine Chinkin, Prof Susan Marks, Dr Andrew Lang, Ms Anthea Roberts

This course provides an introduction to the concepts, principles, institutions and debates that define public international law today. We begin with an overview of the international legal system, considering how international law is made, how it relates to national legal systems, and what scope exists for pursuing those who violate it. In this connection we examine the work of the International Court of Justice, the International Criminal Court and the various ad hoc international criminal tribunals, along with judgments of national courts invoking international law. We then take up a range of topical issues of global concern, studying the ways in which they affect and are affected by public international law. The issues to be discussed include: war and the 'responsibility to protect', trade and investment, terrorism and counter-terrorism, and global poverty and human rights. We also investigate aspects of the history of international law, its role in relation to the establishment and retreat of European empires, and its contemporary significance and prospects. Overall, our aim is to lay the basis for an informed assessment of the contribution and limits of international law as a force in world affairs.

## **SYLLABUS**

### Part I: The International Legal System

1. Introduction and Sources of International Law
2. Treaty Obligations
3. International Law in National Courts
4. Jurisdiction and Sovereign Immunity
5. International Courts and Tribunals

### Part II: Law in Global Affairs

#### THE GLOBAL ECONOMY

6. Problems of transnational regulation
7. State Responsibility
8. Developing countries in the trading system
9. World Bank interventions in the third world
10. The protection of foreign investment

#### EMPIRE, STATE, SOCIETY

11. Colonialism in International Legal Perspective
12. Decolonisation and the Right of Self-Determination

13. The International Protection of Human Rights
14. International Law and Counter-terrorism

#### WAR AND ITS AFTERMATH

15. Legal Justifications for War
16. [Reading Week]
17. War Crimes
18. Law and Occupied Territory
19. In the Aftermath of Conflict: Administration, Recognition, Statehood

#### Part III: On International Law

20. Lawless World?
21. Studying International Law: Approaches, Methods, Styles

#### **Reading List**

##### **Prescribed Reading**

M. Evans (ed), *International Law* (2nd ed., 2006), and *Blackstone's International Law Documents*.

##### **Further Reading**

(1) Textbooks and monographs: D.J. Harris, *International Law: Cases and Materials* (6th ed., 2004); H. Charlesworth and C. Chinkin, *The Boundaries of International Law* (2000); M. Shaw, *International Law* (6th ed., 2008); A. Cassese, *International Law* (2nd ed., 2005); M. Koskenniemi, *From Apology to Utopia* (rev. ed., 2006); R. Higgins, *Problems and Process: International Law and How We Use It* (1995); P. Malanczuk, *Akehurst's Modern Introduction to International Law* (7<sup>th</sup> ed., 1997); I. Brownlie, *Principles of International Law* (7th ed., 2008); Jennings and Watts, *Oppenheim's International Law* vol.1 (9th ed., 1992); T. Franck, *Fairness in International Law and Institutions* (1995).

(2) Source Material: *International Legal Materials* (six issues each year with a wide variety of contemporary documents); *International Law Reports*; notes on British practice in *United Kingdom Materials in International Law* (published annually in the *British Year Book of International Law*) and the Current Developments section of the *International and Comparative Law Quarterly*; notes on United States practice published quarterly in the *American Journal of International Law*.

(3) Periodicals: The principal periodicals to which reference is made are:

- The American Journal of International Law (AJIL)
- The British Year Book of International Law (BYIL)
- The European Journal of International Law (EJIL)
- The International and Comparative Law Quarterly (ICLQ)
- Leiden Journal of International Law (LJIL)

**LL284 SENTENCING AND TREATMENT OF OFFENDERS:** 10 2-hour meetings, Michaelmas term.

**Teacher Responsible:** Professor Jill Peay

**Course intended primarily for:** LL.B. Parts I and II (half unit option)

### **Scope**

This course, which is a half unit course for the purpose of the LL.B., lasts one term. In recent years sentencing issues have been matters of considerable debate and conflict amongst the public and politicians alike. The syllabus is liable, therefore, to alter year by year, with a focus on recent issues and cases. The course examines both the climate in which sentencing occurs and the justifications for punishment, and looks at how courts practically carry out their sentencing function in the context of persistent statutory reform. The various custodial and non-custodial measures available are examined and their effectiveness assessed. Finally, responses to specific groups of offenders, such as 'dangerous' offenders, are explored together with an examination of the reality of treatment within confinement.

### **Syllabus**

The context of sentencing and the justifications for punishment

Sentencing - theory, practice and possibilities for reform

Custody - containment, treatment, rights and release

Community based penalties - their scope and future

Mentally disordered, dangerous and persistent offenders - the penal response to problematic groups.

**Teaching arrangements:** A weekly two-hour seminar in the Michaelmas term. Limited lecturing is combined with brief formal student presentations, group discussion and a number of in class exercises.

### **Reading**

A list will be supplied at the beginning of term together with key questions to be addressed in class. The recommended text for the course is Ashworth, A, (2010), *Sentencing and Criminal Justice*, Cambridge University Press. With the new sentencing arrangements under the Criminal Justice Act 2003, and the amendments to it, much of the course will be article based.

**LL293 TAXATION:** 22 two hour seminars. Sessional.

**Teachers responsible:** Ian Roxan, and Eduardo Baistrocchi

Below is the course content for 2009/10. The content may differ slightly in 2010/11

Taxation is a topic that pervades political debate and is encountered in every area of life. This is recognised in the LSE Taxation course, where the approach to the subject includes a strong policy perspective. Legal issues are still important, but are placed in their economic and social context. This makes it easier to understand the purpose of the legislation, the reason for the problems encountered and why difficulties remain. So this taxation course suitable for a wide range of students – not just those interested in commercial law. The substantive law element of the course is UK based, but the issues that arise are ones that all jurisdictions have to face.

Students taking this course should be prepared to use a variety of sources ranging from statute and case law to literature on public policy. The precise balance of materials used varies from topic to topic. All the readings set will be accessible and non-mathematical. NO COMPUTATION is required and no knowledge of any discipline other than law is required. The course is open to second and third year law students and experience suggests that it is equally suitable for both years.

The syllabus is set out below, although there is some variation of topics selected from year to year, depending on the focus of current debate, and in the order of topics. The course starts with an examination of the objectives of a tax system. What is meant by a 'good' or 'fair' tax? What is progressivity in taxation and how might it be achieved? What are the advantages and disadvantages of using the tax system to redistribute wealth or to provide incentives for certain types of behaviour? The course examines how employees and the self-employed are taxed and the differences between them, the taxation of business profits, how this is influenced by accounting developments and the ways in which we can tax companies and capital. We also study tax avoidance – how is this distinguished from evasion and is there a distinction between unacceptable tax avoidance and legitimate tax planning? Other issues that may be covered are taxation of the family and integration of tax and social security, international taxation, and constitutional issues relating to the use of 'discretion' by the Inland Revenue.

## Syllabus Topics

1. General principles of taxation, objectives of a tax system, types of taxation, capital and revenue. Structure and administration; powers of HM Revenue and Customs. Outline of the British tax system. Taxation of the individual: rates, allowances and treatment of the family, national insurance contributions.
2. Business income (trading income) – taxation of business profits, income taxation of unincorporated businesses.
3. Employment income –taxation of salaries, wages and other remuneration of employees and officers.
4. Expenditure – examination and comparison of the deductions available from business and employment income for different types of expenditure; the distinction between capital and revenue expenditure.
5. Statutory interpretation – application and interpretation of tax legislation by the courts; tax evasion and tax avoidance and methods of controlling these activities.
6. Tax treatment of capital – capital gains tax; other taxes on capital and on income from capital – objectives and effectiveness.
7. Alternatives to income tax – comprehensive income and other definitions of income; expenditure taxes and other taxes on consumption; indirect taxes (such as VAT).
8. Corporations – legal forms for carrying on a business, reasons for taxing corporations, corporation tax, integration with taxation of individuals, distributions to shareholders, taxation of groups of related companies.

## Teaching Method

A variety of methods will be used within the weekly two-hour seminars, including short lectures and discussion. Student participation will be central. Assistance will be given with methods for statute-based work. Some additional classes are usually added over the year by arrangement with students, as and when necessary – usually between five and ten classes over the year depending on the size of the group. Preparation and written work by students will form an integral part of the course.

## Examination

The final mark will be based entirely on the results of one three-hour paper containing a mixture of essay and problem questions. Legislation without verbal marking can be taken into the exam.

## Introductory reading

Williams and Morse, *Davies: Principles of Tax Law*, Sweet & Maxwell, 6th ed, 2008

James & Nobles, *The Economics of Taxation*, Financial Times/Prentice Hall Hills, *Changing Tax*, CPAG, 1988

(copies of these books are available in the Library)

The principal book for the course is expected to be Lee, *Revenue Law Principles and Practice* (Tottel Publishing). Tiley, *Revenue Law* (Hart Publishing) will also be referred to. These texts are supplemented by the other readings that will be set. The cases and readings are readily available electronically or in the LSE library, or they will be provided or placed in the offprints collection. Students on the course will receive vouchers for the purchase of published copies of the tax legislation at a substantial discount. N.B.: most tax law textbooks are revised extensively on an annual basis, so do not buy an old one! Watch the debates on this year's Budget (in March), particularly in the more serious newspapers and weekly papers, as an introduction to some of the policy issues.

## **LL295: MEDIA LAW**

**Teacher Responsible:** Dr Andrew Scott

**Availability:** LLB part I and II, and B.A. Anthropology and Law.

**Scope and Content:** The course examines the legal and administrative regulation of the press, broadcasting, and other media. It focuses on four areas: the protection of private interests (such as those in privacy and reputation), regulating content in the public interest, the control of journalistic newsgathering practices, and the regulation of media industry structure. The course centres on law and regulation in the UK, as influenced by European and international law.

The course is introduced with a review of three overarching areas: first, the media 'landscape' and the main social, economic and technological influences shaping its development; secondly, the sources and forms of media law and regulation (ethical, cultural and technological constraints, self-regulation, common law, statute, EC law and international law), and thirdly the values served by law and regulation in this area (impartiality; the availability of a diversity of viewpoints in a democracy; protection of rights to a fair trial, to property, to freedom of expression (freedom of the press), to privacy; economic welfare).

Classes will consider issues such as conflict between rights to reputation, privacy, copyright and confidentiality on one hand, and media freedom on the other; reporting restrictions and 'open justice'; the regulation of political debate (the restriction of party and non-party political advertising); constraints on advertising (tobacco / alcohol advertising; advertising aimed at children; product placement); the protection of journalists' sources and materials, and constraints on 'cheque-book' journalism; access to state-held information (FoI, official secrets and court-access); regulation of journalistic 'dark arts' (entrapment, subterfuge, hacking and tapping), and the structural and economic regulation of the media (the role and regulation of public service broadcasting; media ownership rules, and the application of competition laws in the media sector).

**Teaching:** The teaching will be conducted primarily through weekly two hour lectures and one hour small-group classes.

**Assessment:** During the year students are required to complete two pieces of formative coursework. For the formal assessment there is a three hour examination in the summer term.

**Books and materials:** The principal textbooks for the course are: Fenwick and Phillipson, *Media Freedom Under the Human Rights Act*, 2006 and Robertson and Nicol, *Media Law*, 5<sup>th</sup> edn, 2007. Most of the materials relevant to the course, however, are made available via the BLPES electronic resources.

## **LL300: COMPETITION LAW**

**Teachers Responsible:** Dr Giorgio Monti

**Availability:** Available to final year LLB students. A knowledge of EU Law is desirable but not essential.

**Core syllabus:** An introduction to competition law, theory and policy.

**Content:** The course covers the major fields of substantive competition law of the EU and the UK: anticompetitive agreements (e.g. price fixing, information sharing), abuses of a dominant position (e.g. excessive prices, predatory behaviour); mergers; state aids. In considering these legal issues students will consider the similarities and differences between UK and EU competition law and the economic theories underlying the application of competition law. Where appropriate, comparisons will be drawn with other jurisdictions, for example the United States.

In addition the course provides an overview of the economic and political theories of competition and legal issues related to enforcement of competition law, both public enforcement by competition authorities and private enforcement.

**Teaching:** One lecture and one class each week.

Written work: Students will be required to submit one piece of written work in MT and LT.

**Reading list:** G. Monti EC Competition Law (2007); R. Whish Competition Law (6<sup>th</sup> ed 2008); G. Amato Antitrust and the Bounds of Power (1997); D. Gerber Law and Competition in Twentieth Century Europe (1998); R.A. Posner Antitrust Law (2<sup>nd</sup> ed 2000); M. Cini and L. McGowan Competition Policy in the European Union (2<sup>nd</sup> ed 2008)

**Assessment:** One three hour exam in the ST worth 75% and one assessed essay worth 25% due at the end of the LT.

**AN226 POLITICAL AND LEGAL ANTHROPOLOGY:** 20 lectures and classes; sessional

**Teachers Responsible:** Lecturers from law department and the Anthropology Department

The course represents a compulsory part of the second year of the B.Sc. and B.A. Anthropology and the B.A. Anthropology and Law. It is also available to second and third year Law and Sociology students.

Although the reading is wide and demanding, the course complements Jurisprudence and has suited students with broad socio-legal interests.

**Core Syllabus:** The anthropological analysis of political and legal institutions; relevant theoretical debates; selected ethnography.

**Course Content:** The development of political and legal anthropology; centralised and non-centralised polities; the legitimation of power; indigenous responses to colonialism; nationalism and ethnicity; early legal anthropology; colonial transformations of law; legal pluralism and its critiques; legal pluralism in the form of religious laws in Europe; forum shopping legal pluralism.

**Prerequisites:** An introductory course in Social Anthropology except in respect of LL.B. Parts I and II.

**Teaching Arrangements:** Lectures: 20, Michaelmas and Lent. Classes: 20, Michaelmas and Lent Terms.

**Written Work:** Students are expected to prepare two short presentations to be given in the small group classes, and to submit written versions of these. Both oral presentations and the written versions are assessed.

**Sample Reading List:** J. Gledhill, *Power and its Disguises* (1994); J. Vincent, *Anthropology and Politics* (1990); E.R. Leach, *Political Systems of Highland Burma* (1954); G. Balandier, *Political Anthropology* (1970); M.H. Fried, *The Evolution of Political Society* (1967); ; P. Bohannan, *Justice and Judgement among the Tiv* (1957); B. Malinowski, *Crime and Custom in Savage Society* (1926); J. Comaroff and S. Roberts, *Rules and Processes* (1981); S.F. Moore, *Law as Process* (1978); L. Nader (ed.), *Law in Culture and Society* (1969); K. Llewellyn & E.A. Hoebel, *The Cheyenne Way* (1941);

**Examination Arrangements**

There is a three-hour examination in the summer term, of at least 10 questions. Three questions must be answered. Classwork assessment forms 20% of the mark.