

LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE

**MEMORANDUM CONCERNING OPTIONS AVAILABLE FOR
PARTS I AND II OF THE LL.B. DEGREE**

2011-12

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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 from 9 March 2011

3. The Law Department deadline for selecting your options for 2010-11 is 1 July 2011. 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. Please note that LL207 Civil Liberties will be capped at 50, with places allocated on a first come, first served basis.

3. Options in 2011-12 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 Occasionally options are temporarily withdrawn.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 2011-12 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be available so that you can choose sensibly, but we cannot guarantee to give a year's notice every time an option is withdrawn. In addition, if the number of students choosing an option is very small, that subject may have to be withdrawn.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 Exams Chair.

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 academic adviser, 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 Exams Chair for approval.

Applications to write such essays should be discussed in the preceding Summer Term with the student's academic adviser 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 2011-12. 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
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

*Conflict of Laws, Law of Business Associations, Intellectual Property Law, Law of Corporate Insolvency: although 2nd year students are eligible to take these courses, they may find it easier to leave them until their 3rd 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
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 college 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/calendar/programmeRegulations/undergraduate/2010_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 courses 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 2011-12

It is likely, but not certain, that there will be the following clashes.

Commercial Contracts

Administrative Law, Conflict of Laws; Legal and Social Change since 1750, Law and the Environment

Legal and Social Change Since 1750

Commercial Contracts; Administrative Law, Conflict of Laws, Law and the Environment

Conflict of Laws

Commercial Contracts, Administrative Law, Legal and Social Change since 1750, Law and the Environment

Law and the Environment

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

Public International Law

Media Law, Political and Legal Anthropology, Taxation

Media Law

Public International Law, Legal and Political Anthropology, Taxation

Taxation

Legal and Political Anthropology, Media Law

Political and Legal Anthropology

Public International Law, Media Law

Competition Law

Law of Corporate Insolvency

Law of Corporate Insolvency

Competition Law

QUALIFYING LAW 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 Qualifying Law Degree. The regulations describing a Qualifying Law 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 Qualifying Law 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.

One point to bear in mind is that there are no September resits in law subjects in Part II (the final year). Under the LLB Classification Rules a student who fails one subject in Part II might still be awarded a degree. But if that fail was in EU or Property II, the degree might not be a Qualifying Law Degree.

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* (3rd 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, Dr Stephen Watterson.

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

Objectives: LL202 Commercial Contracts comprises a study of the general principles of English law governing commercial contracts. Its examination of this subject-matter divides into two parts. Part 1, '*Fundamentals of Commercial Contracting*' (Michaelmas Term) examines several important aspects of, or themes in, the law's regulation of commercial contracting. The topics are chosen because of their intrinsic interest, and because of the opportunity offered for an advanced contextualised examination of contract law fundamentals. Part I therefore explores the process of commercial contracting; long-term relationships; multi-party transactions; agreed remedies; and alternative dispute resolution. Part 2, '*Fundamentals of Commercial Law*' (Lent Term) examines core topics in commercial law. It begins by examining the sale of goods contract, before proceeding to examine several important allied topics: money, payment and payment methods; credit, security and reservation of title; agency; and assignment.

Topics are likely to include:

Part 1 – Fundamentals of Commercial Contracting

- Freedom of contract.
- The formation of commercial contracts and their interpretation.
- Pre-contractual duties.
- Long-term contracts and business relationships.
- Multi-party projects.
- Agreed remedies and ADR.
- International contracting.

Part 2 – Fundamentals of Commercial Law

- Contracts for the sale of goods.
- Money, payment and payment methods.
- Credit and security.
- Agency.
- Assignment.

Teaching: 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 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 pre-requisite

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

Sealy and Worthington, *Cases and Material on Company Law* (9th edn, 2010); Gower and Davies, *Principles of Modern Company Law* (8th edn, 2008); P Davies, *Introduction to Company Law* (2nd ed, 2010); David Kershaw, *Company Law in Context* (2009)

LL204 ADVANCED TORTS

Below is the course content for 2010/11. The content may differ slightly in 2011/12

Teachers responsible: tbc

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* (6th ed., 2008); B. S. Markesinis and S. F. Deakin, *Tort Law* (7th ed. 2007); John G. Fleming, *An Introduction to the Law of Torts* (2nd ed. 1985); John G. Fleming, *The Law of Torts* (9th ed.1998); Carol Harlow, *Understanding Tort Law* (3rd ed., 2005); W.V.H.Rogers *Winfield & Jolowicz on Tort* (17th ed.2006); Mark Lunney and Ken Oliphant *Tort Law: Text and Materials* (3rd 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* (2nd ed. 1996).; Peter Cane, *Atiyah's Accidents Compensation and the Law* (7th 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: Emily Jackson and Julie McCandless

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.

Textbook: Jackson, *Medical Law: Text, Cases and Materials* 2nd edition (Oxford UP, 2010).

LL207 CIVIL LIBERTIES AND HUMAN RIGHTS

This is a full unit course of 20 seminars.

Teacher responsible: Dr Kai Moller, Professor Conor Gearty, Professor Jill Peay, Dr Peter Ramsay

The course provides a challenging introduction to human rights law. The first term focuses on the European Convention on Human Rights with an in-depth analysis of the case law on several important rights, including but not limited to freedom of expression, freedom of association, freedom of religion and the right to private life. The second term deals with the UK Human Rights Act and builds not only on the first term's work but also on the knowledge that students have acquired in Public Law in year one. Thus, students must engage with the law of two legal systems here: the European Convention on Human Rights and U.K. law.

The course takes a highly analytical approach; it will not be sufficient to approach the issues in a descriptive, "black letter" way. Rather, an overall aim is to enable students to critically assess the European Court's and the U.K. Supreme Court's arguments about the compatibility of a policy or administrative decision with human rights and the particularities of human rights adjudication within the U.K. legal system. To this end, the course will focus on the necessary doctrinal and conceptual framework – such as positive obligations, the margin of appreciation and proportionality –, an overview of the relevant case law, and in-depth analysis of selected problems in human rights law.

This course does not touch upon strategic or policy issues (such as the most effective ways to promote human rights, NGO practices, etc.); rather it focuses on the controversial and often difficult moral and political issues that arise in human rights adjudication and on unravelling the implications of the unusual (some would say idiosyncratic) way in which U.K. law has incorporated the ECHR. Regard will however be had to the current argument over whether or not the Act should be repealed.

The teaching of this course is mainly case-based. To complete it successfully, students must prepare for each seminar by reading and thinking through the relevant cases; the seminars will be conducted on the basis of the expectation that the students are familiar with the materials. There is no comprehensive textbook available for this course.

Syllabus: The history of human rights protection in the UK; theoretical aspects of human rights; the Human Rights Act 1998; human rights and parliamentary sovereignty; human rights and standards of review; human rights and the common law; precedent and human rights law. The rights to life and freedom from torture; free expression; freedom of association and 'militant democracy'; freedom of religion; 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'. Anomalous zones.

Reading: For European Convention law there exists no textbook which deals with the issues in adequate depth, but interested students may want to take a look at Harris, O'Boyle and Warbrick, *Law of the European Convention on Human Rights* 2nd edn (OUP, 2009) for an overview. For the second term, C. Gearty's book *Principles of Human Rights Adjudication* (2004) is a good starting point for further analysis but now rather dated. See the same author's *Civil Liberties* (OUP, 2007) and A Kavanagh, *Constitutional Review under the UK Human Rights Act* (CUP, 2009). In both terms, in-depth engagement with the primary materials and active participation in the seminars is essential for successful completion of the course.

Assessment:

1 x 3-hour written examination

LL210 INFORMATION TECHNOLOGY AND THE LAW

Teacher responsible: Mr. Andrew Murray

Other Staff Involved: TBC

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. It 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; privacy; free expression; 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.

Michaelmas Term 2010	Subject
An Introduction to IT Law	An introduction to the subject matter and content of the course.
Digitisation and the Information Society	The process of digitisation. The move from the world of atoms to the world of bits.
Regulating the Digital Environment	Cyberpaternalists and Cyberlibertarians. Lessig's "pathetic dot" and Network Communitarianism.
Intellectual Property Rights 1	Intellectual Property Rights and the Information Society.
Intellectual Property Rights 2	Protecting Software and Silicon Biology
Intellectual Property Rights 3	Peer-to-Peer Filesharing and Copyright (including Napster, Grokster and The Pirate Bay)
Intellectual Property Rights 4	Copyright, File Linking and Aggregation
E-Commerce 1	Domain Names and Dispute Resolution Procedures
E-Commerce 2	Brand Identities, Search Engines and Secondary Markets
E-Commerce 3	Electronic Contracts
Lent Term 2011	Subject
E-Commerce 4	Electronic Payments and Taxation
Data Privacy 1	The Data Protection Act 1998
Data Privacy 2	Social Networking (including Facebook) and Online Data Surveillance
Data Privacy 3	Surveillance and Supervision (including Street View and Latitude)
Cyberlaw and Rights 1	Cyber-speech, Freedom of Expression and Wikileaks
Reading Week	
Cyberlaw and Rights 2	Defamation in Cyberspace
Cyberlaw and Rights 3	Computer Misuse (Hacking)
Cyberlaw and Rights 4	Pornography and Obscenity in the Information Society
Cyberlaw and Rights 5	Crime and Law Enforcement in the Information Society
The Future of Cyberlaw	Web 3.0 and Law 2.0

The above is the 2010/11 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*, 4th ed., 2008, OUP.

Lloyd: *Information Technology Law* 5th ed., 2008, OUP.

Reed & Angel (eds.): *Computer Law* 6th ed., 2007, OUP.

Rowland et al: *Information Technology Law* 4th 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* 3rd ed, 2009, Hart.

** Recommended for purchase.

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

Suggested Initial Reading:

Reed & Angel: *Computer Law* 6th 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

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.

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 contract between companies from different countries, or to a tort claim arising out of an environmental disaster abroad? It is questions like these that make up the subject of the conflict of laws.

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 (anti-suit injunctions).
- 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, Rome II Regulation, ‘interest analysis’
- Comparative conflict of laws & Theoretical foundations

Recommended reading

Cheshire, North & Fawcett, *Private International Law* (14th ed., 2008)
Hill & Chong, *International Commercial Disputes* (Hart Publishing, 2010)
Briggs, *The Conflict of Laws* (2nd ed., 2008)
McClellan & Beevers, *Morris: The Conflict of Laws* (6th ed., 2005)
Collins et al., *Dicey and Morris on the conflict of laws* (2 vols.) (14th ed., 2006)
(Definitely not a textbook, but the standard authoritative reference in conflict of laws)

Resources

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
Dr. Jan Komarek J104

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) Single Market
- (9) Free Movement of Goods
- (10) Free Movement of Persons and European Citizenship
- (11) Free Movement of Services and Establishment
- (12) 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, 2010), 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 equivalent.

LL233 LAW OF EVIDENCE

Teacher responsible: Professor Mike Redmayne

About the Course

If a person is suspected of committing a crime, how does the prosecution go about proving that they are guilty? Are there any restrictions on the type of evidence that the prosecution can use to prove its case? What protections does the law offer to defendants, to safeguard them against false conviction? These are the central questions in the law of criminal evidence, which looks at the rules governing the use of evidence in criminal trials.

This course concentrates on criminal, rather than civil evidence. The course is taught by seminar, and emphasis is placed on matters of principle and conceptual issues rather than the fine detail of legal rules. The aims of the course are to teach students how to reason about evidence, and to encourage them to reflect critically on the modern law of criminal evidence.

At a more detailed level, we look at issues such as the standard of proof, asking why the standard of proof in criminal trials is beyond reasonable doubt and what reasonable doubt means. We consider how inferences are drawn from evidence, and how basic ideas of probability can give insights on this process. We examine how the police gain confessions from suspects, and how the law regulates the admissibility of confessions. An important theme on the course relates to questions about what makes a trial fair, and here the European Convention on Human Rights is relevant. In this context, we look at whether courts should admit illegally or improperly obtained evidence and ask what the privilege against self-incrimination is and whether it can be justified. Much of the law of evidence involves rules of admissibility, and here we cover hearsay evidence (a topic now with an important human rights angle) and character evidence (can a defendant's previous convictions be introduced against him at trial?). We also look at expert evidence, concentrating on particular examples such as DNA evidence and fingerprint evidence.

Syllabus

While coverage may vary from year to year, we usually look at the following themes and topics:

Analysing evidence:

Probability and reasoning under uncertainty

Inferences from silence

Risk allocation:

Burden and standard of proof

Frail evidence: its creation and admissibility

- Confessions
- Eyewitness identification
- Fair trials:
 - Illegally/improperly obtained evidence
 - The privilege against self-incrimination
 - Entrapment
- Exclusionary rules:
 - Hearsay
 - Bad Character
 - Sexual history evidence
- Expert evidence:
 - Fingerprints, DNA and others

The course has a moodle page which you could look at to get a better idea of the topics and the sort of material we look at.

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.

Text books: there is no set text for the course, but standard texts, eg Ian Dennis, *The Law of Evidence* (4th edn) are useful on many topics.

LL241 AN INTRODUCTION TO THE CIVIL LAW

Below is the course content for 2009/10. The content may differ slightly in 2011/12

Teacher Responsible: Dr Igor Stramignoni

Availability and Restrictions: This course is open to all LLB and BA Law and Anthropology students.

Core Syllabus The course is in English and its principal goal is to offer students reading for a Common Law degree a historical introduction to the legal institutions of modern Europe.

Course Content: PART ONE: THE CIVIL LAW IN THE ANCIENT WORLD: The rise and fall of the legal institutions of Republican Rome. Diocletian's reforms. The Justinian codification. Roman law in the early Middle Ages. PART TWO: THE PARTING OF THE WAYS? The revival of Roman law in the late Middle Ages. Glossators and Post-Glossators. The reforms of Henry II Plantagenet. Europe between the 15th and the 16th centuries. The Second Scholastic. Legal Humanism. PART THREE: THE MODERN CIVIL LAW: Louis XIV and the *Ancien Régime*. The financial crisis of 17th century France. The 1789 Revolution and the *droit intermédiaire*. The Napoleonic codification. The Civil law in 19th century Europe and beyond.

Teaching Arrangements: One 2 hour seminar per week. The seminars are held by Dr Stramignoni in English and attendance is compulsory.

Written Work: Class presentations and two or more pieces of written work.

Reading List: Dr Stramignoni will indicate the textbook of the course at the beginning of each academic year.

Method of Assessment: One 3 hour written examination in the Summer Term.

LL242 INTERNATIONAL PROTECTION OF HUMAN RIGHTS: 20 seminars.

Teacher Responsible: Dr Chaloka Beyani

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. General features of environmental law in the UK:

The introductory sessions review theoretical and philosophical influences on the development of environmental principles and practices, and discuss the origins and development of environmental law in the UK. Further sessions focus on the concept of risk and precaution in environmental law, and analyse the domestic institutional framework.

II. Controlling space

This section reviews legal strategies for environmental protection through management of the built environment, parks and nature. It covers planning law, environmental impact assessment, and nature conservation law.

III. Controlling climate change

Studies international law and politics of climate change, the UK approach to climate change mitigation and adaptation, and discusses incentive-based regulation as a response to the climate change challenge

IV. Controlling enterprise

Section IV offers seminars on both process- and product-oriented regulation of enterprise. It also covers waste regulation, and investigates dynamics between international trade and regional environmental protection.

V. Remedying environmental harm

The final section examines the role of both case law and regulation in the remediation of environmental harm, paying attention to clean-up of contaminated land, common law and human rights based approaches to compensation, and legal responses to international environmental disasters.

Teaching: 21 seminars: teaching in MT and LT; revision in ST.

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* (7th 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: tbc

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* (3rd 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* (4th 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* (2nd 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 lectures plus classes

Teacher Responsible: Professor Hugh Collins

This subject builds on contract and tort, and to some extent public law and EU 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

Contract of Employment: the duties of employer and employee; the variety of work relations; vulnerable workers and the personal scope of employment law
Regulation of the Employment Relation: minimum wage, working time
Anti-Discrimination Law
Dismissal –wrongful and unfair dismissal
Human Rights in the Workplace
Membership of Trade Unions and Collective Bargaining
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.
Business restructuring and insolvency - redundancy

Suggested Preliminary readings

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 see H. Collins, *Employment Law* 2nd edn (Oxford University Press, 2010).

The leading textbooks are S. Deakin & G. Morris *Labour Law* 5th edn forthcoming 2009; H. Collins, K.D.Ewing, A. McColgan, *Labour Law: Text and Materials* 2nd ed 2005 ; A.C. L. Davies, *Perspectives on Labour Law* 2nd edn (Cambridge University Press, 2009); I. Smith and A. Baker, *Smith & Wood’s Employment Law* 10th edn (OUP, 2010).

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 title registration. 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 group sessions. Michaelmas and Lent and Summer terms.

Teachers responsible: Prof Christine Chinkin, Prof Susan Marks, Dr Andrew Lang, Dr Stephen Humphreys

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, trade and investment, terrorism and counter-terrorism, 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

Michaelmas Term

1. Sources of International Law
2. Treaty Obligations
3. State Responsibility
4. International Law in National Courts
5. Jurisdiction and Sovereign Immunity
6. International Law and Colonialism
7. Decolonisation and the Right to Self-Determination
8. The International Protection of Human Rights
9. Legal Justifications for War I
10. Legal Justifications for War II

Lent Term

11. International Humanitarian Law
12. Prosecuting International Crime
13. International Courts and Tribunals
14. International Economic Law I
15. International Economic Law II

16. The Protection of Foreign Investment
17. Statehood, Recognition and Law
18. The Fragmentation of International Law?
19. Law in Global Politics
20. Approaches to International Law

Reading List

Prescribed Reading

M. Evans (ed), *International Law* (3rd ed., 2010), and *Blackstone's International Law Documents*.

Further Reading

D.J. Harris, *International Law: Cases and Materials* (7th ed., 2010); 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., 2005); V. Lowe, *International Law* (2007); I. Brownlie, *Principles of Public International Law* (7th ed., 2008).

LL284 SENTENCING AND TREATMENT OF OFFENDERS: 10 2-hour meetings, Lent 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 Lent 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*, 5th edn, 2007. Most of the materials relevant to the course, however, are made available via the BLPES electronic resources.

LL300: COMPETITION LAW

Teacher Responsible: Dr Pablo Ibanez Colomo

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

Core syllabus: An introduction to competition law and policy.

Content: Competition law plays a major (and growing) role in the life of companies. In liberalised sectors, where entry and exit is free (which is to say in virtually all sectors of the economy), the behaviour of market players is constrained by rules conceived to ensure that consumers benefit from the competitive process in the form of lower prices, better product quality and increased innovation.

Following an introduction in which competition law is put in its economic and political context, the course covers the main substantive and procedural aspects of the discipline, and more precisely the rules applying to: (i) anticompetitive agreements (such as price-fixing cartels and distribution agreements); (ii) abusive practices by dominant firms and (iii) mergers and acquisitions. In each of these areas, the course examines the systems in place in the EU and the UK. References to other regimes, and in particular to US law, will be made when relevant.

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: R. Whish *Competition Law* (6th ed 2008; 7th ed forthcoming); A. Jones and B. Sufrin, *EU Competition Law* (4th ed 2010); H. Hovenkamp, *The Antitrust Enterprise* (2005), G. Monti, *EC Competition Law* (2007); Mark Furse, *Competition Law of the EC and the UK* (6th ed 2008; 7th ed forthcoming by Sandra Marco Colino)

Assessment: One three hour exam in the ST

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.