



DEPARTMENT OF LAW

**Undergraduate Law Options Book**

**2016/2017**

**Deadline to choose courses on LSE for You:**

**Thursday 30<sup>th</sup> June 2016**

**Course choices cannot be guaranteed after this date.**

[lse.ac.uk/law](http://lse.ac.uk/law)

# Contents

General advice .....	1
UK Qualifying Law Degree (QLD) .....	1
The process .....	1
Course availability .....	2
Full unit/half unit courses .....	2
Dissertation (LL298/LL299) .....	2
Possible clashes:.....	3
Clashes .....	3
Non-law options.....	4
Hong Kong Students.....	4
Intercollegiate courses.....	5
Information for non-law students .....	5
Contact us .....	5
Options available for Part I .....	6
Options available for Part II .....	7
LL209 – not available for LLB students .....	7
LL201 Administrative Law .....	8
LL202 Commercial Contracts .....	9
LL203 Law of Business Associations (Company Law).....	10
LL204 Advanced Torts.....	11
LL205 Medical Law .....	12
LL207 Civil Liberties and Human Rights .....	13
LL209 Commercial and Enterprise Law (*Non-LLB students only*) .....	14
LL210 Information Technology and the Law.....	15
LL212 Conflict of Laws.....	17
LL221 Family Law .....	19
LL232 Law and Institutions of the European Union.....	20
LL233 Law of Evidence .....	21
LL241 European Legal History.....	23

LL242 International Protection of Human Rights .....	24
LL250 Law and the Environment.....	25
LL251 Intellectual Property Law.....	26
LL253 Law of Corporate Insolvency .....	27
LL257 Labour Law.....	29
LL259 Legal and Social Change since 1750 (suspended in 2016/17).....	30
LL272 Outlines of Modern Criminology (Half unit).....	31
LL275 Property II .....	32
LL278 Public International Law .....	33
LL284 Sentencing and Treatment of Offenders (Half unit).....	34
LL293 Taxation .....	35
LL295 Media Law.....	37
LL298 Half-Unit Dissertation on an approved legal topic .....	38
LL299 Full- unit Dissertation on an approved legal topic .....	39
LL300 Competition Law.....	40
LL301 Global Commodities Law .....	41
LL305 Jurisprudence .....	42
AN226 Political and Legal Anthropology .....	43
Appendix: Understanding Section 5.6 of the LLB Classification Scheme.....	44

## General advice

This document is intended to help students to select their optional courses for Parts I and II of the LLB programme. When selecting courses students should be guided by their own interests and aptitudes and should talk matters over with their Academic Adviser or other members of staff.

There are no compulsory courses in Part I (second year) of the LLB and students can choose up to four full unit courses in total from the Law course options ([page 5](#)).

If you want to obtain a UK Qualifying Law Degree, your Part I options need to include LL232 (Law and Institutions of the EU) and LL275 (Property II) (see 'Qualifying Law Degree' on [page 4](#)). If you want to practice law in other jurisdictions, you are advised to check which courses you should take with the relevant institutions.

In Part II (third year) there is one compulsory course, LL305 (Jurisprudence). Students can then choose three additional full unit courses from the Law course options ([page 6](#)).

## The process

The Department of Law deadline for selecting your options for 2016/17 is **Thursday 30 June 2016**.

**Please ensure that you have selected your options online via LSE for You (LFY) by this date. You must do this to guarantee your law course choices. If you change your mind after this date, we cannot guarantee you a place on your changed course. This is why it is so important to meet with your Academic Adviser and discuss all your options.**

We are unable to guarantee places on courses hosted by other departments. All departments use LFY for undergraduate course choice but you should also check the process for registering for their courses separately. If you select an outside option, please read 'Non-law options' on [page 2](#).

The Department of Law plans its course sizes around the number of students who have registered for each course by 30 June 2016. This means: if you select your options by the deadline you will be guaranteed a place on any law course you choose (except in the

## UK Qualifying Law Degree (QLD)

Students who wish to obtain a law degree that provides exemption from some of the professional examinations (BPTC or LPC) in the UK, need to obtain what is described as a Qualifying Law Degree. The regulations pertaining to the Qualifying Law Degree are detailed by the Law Society

(<http://www.lawsociety.org.uk/>)

and the Bar Council

(<http://www.barcouncil.org.uk/>)

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 the following subjects:

**Law and Institutions of the European Union (LL232)**

**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 re-sits in law subjects in Part II (the final year). Under the Classification Scheme for the LLB 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 constitute a Qualifying Law Degree. <http://www.lse.ac.uk/resources/calendar/academicRegulations/bachelorOfLaws.htm>

**Therefore, should you wish to take LL232 and LL275, you are advised to do so in Part I (second year).**

case of LL202 – capped at 75, LL207 – capped at 50, LL209 – capped at 30, LL233 – capped at 45, LL242 – capped at 25, and LL300 – capped at 30. These courses will be

filled on a first-come-first-served basis). After the deadline, the Department will place caps on all courses according to the number of students on each course on 30 June 2016.

If you make your choices on LFY after 30 June 2016 **we cannot make any exceptions** to give you a place on full courses and you will need to find other courses to take that are not full.

After 30 June 2016, you will still be able to make changes to your options via LFY until Michaelmas Term 2016 (usually end of Week 4) if there are places available (although most courses will be full by this point). If you do make any changes after 30 June 2016, the Department cannot assist if there are any problems as a result. For example, if you leave one option and move to another, then decide you want to change back to your original option but there are no places, the Department will not be able to reinstate your place. Please therefore think carefully before making any changes to your course choices after the deadline.

**LSE for You:** In previous years students have claimed that they selected their course choices well before the deadline however LFY had no record of them having done so. Therefore, please ensure that after you have selected your courses, you **confirm** them. For instructions on how to choose your courses, please watch the LFY tutorials: <https://lfy.lse.ac.uk/lfy/ap/lfy2/html/selectStudentTutorial.html>

**Deadline to choose courses  
on LSE for You:**

**Thursday 30 June 2016**

**Choices cannot be guaranteed  
after this date.**

## Course availability

The courses that are taught in any particular year depend on a number of variable factors, including staff changes and sabbatical leave. Occasionally options are added, temporarily suspended or withdrawn. See pages 5 and 6 for [Part I](#) and [Part II](#) courses respectively.

If courses are added, suspended or

withdrawn, we will try to notify students in advance where possible. If the number of students choosing a course is too few; a subject may be withdrawn at short notice. If this happens, the students affected should consider the alternative of writing a full or half unit dissertation on that topic.

All course outlines in this book are subject to minor updates/amendments in accordance with updates in the field and are to be used merely as a guide in the selection of courses.

## Full unit/half unit courses

As the Classification Scheme for the LLB (<http://www.lse.ac.uk/resources/calendar/academicRegulations/bachelorOfLaws.htm>) shows, some courses have the value of one full unit and others have the value of a half unit. A student who chooses a course from the list of half units must make up the number with another half unit to make one full unit. A student may do this by either (i) choosing another half unit, or (ii) writing a half unit dissertation (LL298) on an approved legal topic, to be approved by the Chair of Examinations.

## Dissertation (LL298/LL299)

Students have the option to do a full (15,000 words – LL299) or half unit (8,000 words – LL298) dissertation.

**It is strongly recommended that the full unit dissertation is taken in Part II (third year) when students are better prepared for it.**

Students wishing to do either a full or half unit dissertation **should first consult their Academic Adviser** in the preceding Summer Term about:

- i. whether a dissertation is a suitable option for the student;
- ii. the particular dissertation topic;
- iii. who might be an appropriate dissertation supervisor.

Because this option requires considerable independent study, it is generally not advisable to opt to write a full unit dissertation unless the student has been achieving marks of an upper second class standard. *The dissertation subject must be of a suitable*

*academic character that has not already or will not have been explored in depth in any taught course taken by the student but is related to subjects taught in the School.*

In light of discussions with their Academic Adviser, a student wishing to pursue this option should approach a potential supervisor for approval. Once they have their supervisor's approval, students should select the relevant dissertation course on LFY. They will then need to complete the 'Dissertation topic approval form' (available on [LLB Dissertation Moodle page](#)) which needs to be signed off by the student's proposed Dissertation Supervisor, Academic Adviser and the Chair of Examinations. This should be submitted to the Law Reception by the end of Week 4 of Michaelmas Term, 16.00.

Including the initial meeting, students will have four support meetings with their supervisor to guide them through the research process as follows:

- i. One initial meeting to establish the broad topic.
- ii. A second meeting to agree a title, review an outline and see an initial bibliography.
- iii. A third meeting to discuss progress and difficulties (optional for half unit essays).
- iv. A fourth meeting to give feedback on progress to date, to take place before the end of the Lent Term. In order for this feedback meeting to be of use, students will need to have made substantial progress with the preparation of a draft dissertation by the middle of the Lent Term. It is the student's responsibility to arrange these meetings with the supervisor.

Dissertations are normally submitted on the first day of the Summer Term of the academic session in which the dissertation is being 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".

## Clashes

It is inevitable that some lectures, seminars and classes take place at the same time as others. Every effort is made to minimise the inconvenience caused by this, but when it

does happen, it is not possible to take two clashing courses.

The list below sets out the probable clashes for 2016/17. These are based on the existing clashes for 2015/16 and can only provide a guide for likely clashes. Final timetable arrangements will not be available until September 2016. Students are therefore asked to choose courses on the basis of the list of existing clashes unless they have strong reason for doing otherwise.

See possible clashes below.

### Possible clashes:

LL201 – LL204, LL251

LL202 – LL212, LL251, LL233

LL203 – LL242

LL204 – LL201, LL251

LL207 – LL210, LL278

LL209 – LL272, LL284, LL253

LL210 – LL207, LL278

LL212 – LL202, LL251, LL233

LL221 – LL300

LL233 – LL242 OR LL202, LL233, LL251

LL241 – LL207, LL295, LL250, LL293

LL242 – LL233, LL203

LL250 – LL207, LL241, LL293

LL251 – LL204, LL201

LL253 – LL300, LL272, LL284, LL209

LL259 – LL293, LL209

LL272 – LL253, LL300, LL209

LL278 – LL207, LL210

LL284 – LL253, LL300, LL209

LL293 – LL259, LL250

LL295 – LL241, LL207, LL250

LL300 – LL221, LL253, LL272, LL284

## Non-law options

Students can take one full unit or two half unit non-law option(s) in either Part I (second year) or Part II (third year).

A list of courses available as outside options are available at:

[http://www.lse.ac.uk/resources/calendar/programmeRegulations/undergraduate/2014\\_outsideOptions.htm](http://www.lse.ac.uk/resources/calendar/programmeRegulations/undergraduate/2014_outsideOptions.htm)

Please note that students who have done A levels in Economics are not permitted to enroll in EC100. They may only enroll in EC200.

Students will need the consent of their Academic Adviser and 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 consent of the Academic Adviser will not be necessary. Further to this, **those courses that require permission from conveners may not display on your LSE for You course choice screen**. If this is the case, you will need to take evidence of the convener's permission to your Academic Adviser, who can request that you are manually entered onto the course.

It is important that students are aware of the potential difficulties in taking non-law options. These include:

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. A student may be able to arrange to be moved from one class to another however lecture courses are fixed and cannot be shifted to accommodate individual student needs.

August/September re-sits: There are no August/September re-sit examinations in any of the courses taught in other departments. It follows that if you fail a non-law course 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 Student Progress Panel to carry an extra subject into the third year. This consent will only be granted exceptionally, and cannot be guaranteed.

Section 5.6 of the Classification Scheme: 'A candidate whose marks include a mark gained in a non-law course and who would normally be classified in a particular class, division or pass grade under rule 5.1.2., 5.2.2, 5.3.2, 5.4.2, or 5.52 [the "normal aggregate" rules] will not be so classified where the examiners consider that it would be inequitable to do so.'

This does not mean that the Department of Law does not encourage students to take courses from other departments should they wish to. It merely means that, in the rare circumstance that a student happen to be on the boundary between classes and the mark from the outside option is significantly higher or lower than the average marks in the law courses (such that those marks significantly distort the aggregate for better or worse), the exam board may award in line with the classification indicated by the law courses rather than by the aggregate which has been distorted by the non-law option, being that your degree classification indicates your competence in law (see Appendix on page 43 for examples of this rule).

In view of these considerations, you are strongly advised to consider your choice carefully and to discuss the issues with your Academic Adviser.

## Hong Kong Students

Hong Kong students are strongly encouraged to take LL232 Law and Institutions of the EU.

While this is not necessary to practice law in Hong Kong, many Hong Kong companies do business with the EU so it is a useful course.

Also, taking LL232 will allow you to practice law in the UK in the future if you change your mind at a later date. Previous students have decided to work in the UK but have been caught out by not having a Qualifying Law Degree.



## Intercollegiate courses

In both Parts I and II, at the discretion of the School, and with the permission of the college concerned, a candidate may be permitted to take (as one of the four units required under this regulation) an undergraduate law course taught at another University of London college, which is deemed to be of equivalent value to one full unit LSE law course.

Candidates cannot in principle take non-law courses at other colleges. Students cannot take a course at another college that is being taught at LSE that academic session. Students must make their own enquiries as to what is available and whether they will be accepted on a course at another college. Students wishing to take a law course at another college must fill out an Intercollegiate Application form, which is available from the Student Services Centre.

If you are interested in taking an intercollegiate course please contact [law.llb@lse.ac.uk](mailto:law.llb@lse.ac.uk) in case we have information on college specific processes.

## Information for non-law students

If you are a non-law student but you would like to take a law course as an option in 2016/17, please note that you need to follow the process outlined on page 1 of this document. You may also need to request permission to take those courses which stipulate that 'Second and third year non-law students can take this option, regulations permitting, but must gain the permission of the course convener' or variant thereof. In such instances these course will not display on the LSE for You screen and the student should discuss taking the desired course with their academic adviser, who can confirm the convener's permission and request that you are manually entered on the course, BEFORE the deadline of 30 June 2016.

## Contact us

If anything is unclear in the Undergraduate Law Options Book, please contact [law.llb@lse.ac.uk](mailto:law.llb@lse.ac.uk). For advice on course options, always contact your academic adviser in the first instance.



## Options available for Part I

The Part I examinations are held in May/June. There is also a resit examination period in August/September. If a candidate is unable to sit the May/June examination for a good cause and upon supplying documentary evidence, they may exceptionally be permitted by the School to sit their examinations in the resit period of the same year.

**There are no compulsory courses but, if you wish to obtain a Qualifying Law Degree, you are advised to take LL232 and LL275 in your second year.**

A candidate is required to satisfy the examiners in courses to the value of **four full units** from the following list:

Full unit courses	
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	European Legal History
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 (suspended in 2016/17)
LL275	Property II
LL278	Public International Law
LL293	Taxation
LL295	Media Law
LL299*	Full unit dissertation. This cannot be taken in the same year as LL298.
LL301	Global Commodities Law (suspended in 2016/17)
AN226	Political and Legal Anthropology
Half unit courses	
LL272	Outlines of Modern Criminology
LL284	Sentencing and Treatment of Offenders
LL298	Half unit dissertation on an agreed legal topic. This cannot be taken in the same year as LL299 - the full unit essay.

\* Although Part I (second year) students are permitted to take these courses, it is recommended that they take them in Part II (third year).

## Options available for Part II

You must take **LL305 Jurisprudence in Part II**, along with courses to the value of **three full units** from the following list:

Full unit courses	
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	European Legal History
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 (suspended in 2016/17)
LL275	Property II
LL278	Public International Law
LL293	Taxation
LL295	Media Law
LL299	Full unit dissertation. This cannot be taken in the same year as LL298 - the half unit essay.
LL300	Competition Law
LL301	Global Commodities Law
AN226	Political and Legal Anthropology
Half unit courses	
LL272	Outlines of Modern Criminology
LL284	Sentencing and Treatment of Offenders
LL298	Half unit dissertation on an agreed legal topic. This cannot be taken in the same year as LL299 - the full unit essay.

## LL209 – not available for LLB students

For non-law students, there is also an additional course, LL209 Commercial Law. See page 14 for further information.

# LL201 Administrative Law

**Teacher responsible:** Professor Thomas Poole, Emeritus Professor Carol Harlow

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

**Availability:** Available to LLB and BA Anthropology and Law students. It is also available as an outside option where regulations permit.

**Outline:** 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 has 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 and ombudsmen. 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 role of agencies. The 'contracting state': administrative law and new public management. Risk and the regulatory state (including responses to the financial crisis of 2008-9). Freedom of information. The changing nature of judicial review. Judicial review and the Human Rights Act. Tribunals. The role of public inquiries. Strategic Litigation and third-party interventions in public law. The Ombudsman and complaints.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour examination (67%) in the summer term and one 4,000 word examined essay (33%).

**Indicative reading:** C. Harlow & R. Rawlings, *Law and Administration* (3<sup>rd</sup> ed., 2009); N. Bamforth and P. Leyland (eds.), *Public Law in a Multi-Layered Constitution* (2003); M. Adler (ed.), *Administrative Justice in Context* (2010).

# LL202 Commercial Contracts

**Teachers responsible:** Dr Solene Rowan, Professor Michael Bridge, Professor Michael Lobban, Dr Jo Braithwaite, Mr Andrew Dyson, Dr Jan Kleinheisterkamp, Dr Paul MacMahon, Dr Nick Sage, Dr Joseph Spooner.

**Teaching:** Teaching will be conducted through a weekly two-hour lecture, and small group classes.

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

**Outline:** 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*' 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 1 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*' 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.

**Formative coursework:** At least two formative (unassessed) essays per term.

**Assessment:** One three-hour examination in the summer term.

**Indicative reading:** The principal textbooks for the course are: Chen-Wishart, *Contract Law*, 5th edn, (OUP 2015) and McKendrick, *Goode on Commercial Law*, 4th edn (Penguin 2010). Students may also wish to consult Andrew Burrows (ed.), *English Private Law* (3<sup>rd</sup> Edition, OUP, 2013). Most of the materials relevant to the course are to be found in: Beale, Bishop and Furmston, *Contract: Cases and Materials*, 5th edn (OUP 2007) and Sealy and Hooley, *Commercial Law*, 4th edn (OUP 2008).

# LL203 Law of Business Associations (Company Law)

**Teachers responsible:** Dr Eva Micheler, Ms Mary Stokes, Mr Leslie Kosmin, QC.

**Teaching:** 40 lectures, MT and LT. 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.

**Availability:** Although this course is open to second and third year law students, experience suggests that third years are more successful. It is helpful to have studied or be studying Property II, but this is not a formal pre-requisite. It is also available as an outside option to second and third year students where regulations permit and with the permission of the course teacher.

**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.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour examination in the summer term. An approved version of the relevant legislation may be taken into the examination.

**Indicative reading:** Detailed lists will be provided during the course. The recommended texts are Gower and Davies, *Principles of Modern Company Law* (9th edn, 2012); David Kershaw, *Company Law in Context* (2<sup>nd</sup> edn, 2012); Sealy and Worthington, *Cases and Material on Company Law* (10th edn, 2012)

# LL204 Advanced Torts

**Teachers responsible:** Ms Helen Reece, Dr Emmanuel Voyiakis, Dr Charlie Webb

**Teaching:** The course is taught in weekly lectures and classes.

**Availability:** The course is available to students who have completed the first-year Law of Obligations course (LL104). Non-Law students may take this option, regulations permitting, and with the advance permission of the course convener.

**Outline:** Our course aims to broaden and deepen your knowledge of tort law in two ways. First, it looks at a range of important torts that are not covered in the Law of Obligations course. Second, it tackles the 'big' theoretical questions of tort law. On finishing the course, you will not only have gained a better understanding of the rules and principles that govern specific torts, but you will also be able to engage critically with different views about the overall purpose and the moral and social function of tort law.

**Core syllabus:** Here are some topics we usually cover:

- Theories of tort law: what is the aim of tort law and do judges need a theory of it?
- Tort law and the 'compensation culture'
- Tort law, moral responsibility and luck
- Negligence focus: the position of public authorities; negligent endangerment
- Wrongful life and wrongful birth
- Interference with the person: assault; battery; harassment; the *Wilkinson v Downton* tort
- Problems of causation: loss of chance
- Illegality
- Strict liability regimes: vicarious liability; liability for ultra-hazardous activities; liability for defective products; the justification of strict liability.

**Formative coursework:** At least one formative essay per term.

**Assessment:** One three hour examination in the Summer term.

**Indicative reading:** If all goes according to plan, the degree of depth we will attain in the course and the focused nature of our reading lists for each topic will make textbooks redundant, or at least useful only as a basic introduction to the issues we will be covering. This means that the tort textbook you may have purchased for the LL104 Law of Obligations course will probably be good enough for the latter purpose. Here are some other introductory or general texts that you might like to consult from time to time, just to get a different perspective on things, and some more advanced or specialized books from which we will be setting reading for certain topics:

Introductory Texts: John G. Fleming, *An Introduction to the Law of Torts* (2nd ed., 1985); Carol Harlow, *Understanding Tort Law* (3rd ed., 2005).

General Texts: W V H Rogers, *Winfield & Jolowicz on Tort* (18<sup>th</sup> ed., 2010); N J McBride & R Bagshaw, *Tort Law* (4<sup>th</sup> ed., 2012); B A Hepple, D Howarth & M H Matthews, *Tort: Cases and Materials* (6<sup>th</sup> ed., 2008); S Deakin, A Johnston & B Markesinis, *Markesinis and Deakin's Tort Law* (7<sup>th</sup> ed, 2012); P Cane, *Atiyah's Accidents, Compensation and the Law* (7<sup>th</sup> ed., 2006).

Advanced/Specialised Texts: Robert Stevens, *Torts and Rights* (2007); Jules Coleman, *Risks and Wrongs* (2002); Guido Calabresi, *The Cost of Accidents: A Legal and Economic Analysis* (1970); David Owen (ed.), *Philosophical Foundations of Tort Law* (1997); Harvey Teff, *Causing Psychiatric and Emotional Harm: Reshaping the Boundaries of Legal Liability* (2008); Nicolette Priaux, *the Harm Paradox: Tort Law and the Unwanted Child in an Era of Choice* (2007).

## LL205 Medical Law

**Teachers Responsible:** Professor Emily Jackson, Dr Julie McCandless, Antony Blackburn-Starza

**Teaching:** This is a full unit course. There are weekly lectures (1 hour) and weekly classes (1 hour).

**Availability:** LLB part I and II, and B.A. Anthropology and Law. It is also available as an outside option to second and third year students where regulations permit and with the permission of the course teacher.

**Outline:** 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 direct-to-consumer genetic testing, are invariably accompanied by demands for their regulation. 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; capacity; 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 assisted dying.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three hour examination in the summer term.

**Indicative reading:** Jackson, *Medical Law: Text, Cases and Materials* 3<sup>rd</sup> edition (Oxford UP, 2013).



# LL207 Civil Liberties and Human Rights

**Teachers responsible:** Dr Kai Möller, Dr Tom Poole, Dr Peter Ramsay

**Teaching:** This is a full unit course of 20 seminars.

**Availability:** Available to LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit and with the permission of the course teacher. **This course is capped at 50.**

**Outline:** 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, the right to respect for private life, and freedom from torture and inhuman or degrading treatment or punishment. 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 particular 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 and their judicial enforcement; 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 right to freedom from torture and inhuman or degrading treatment; freedom of expression; freedom of association and 'militant democracy'; freedom of religion; the right to respect for private and family life. Terrorism, security and states of emergency; 'social learning'. Anomalous zones.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour examination in the summer term.

**Indicative 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* 3<sup>rd</sup> edn (OUP, 2014) for an overview.

For the more theoretical aspects of the course, see K. Möller's *The Global Model of Constitutional Rights* (OUP 2012; paperback edition 2015).

For the second term, representative works include Conor Gearty, *Civil Liberties* (OUP, 2007), Tom Hickman, *Public Law after the Human Rights Act* (Hart, 2010) and Aileen Kavanagh, *Constitutional Review under the UK Human Rights Act* (CUP, 2009).

## LL209 Commercial and Enterprise Law (\*Non-LLB students only\*)

**Teacher responsible:** Dr Ewan McGaughey

**Availability:** This course is available on the BSc in Accounting and Finance, BSc in Business Mathematics and Statistics, BSc in Economics, BSc in Management, BSc in Management Sciences and BSc in Statistics with Finance. This course is available as an outside option to students on other programmes where regulations permit and to General Course students.

**Course content:** Commercial and Enterprise Law introduces the basic institutions of the market economy, and the governance of enterprise, in a post-financial crisis world: the law of contract, companies, labour and insolvency. It is the LSE's oldest course (since 1895, originally named 'Commercial and Industrial Law') and probably the first in the world to teach labour law. Over the years it has attracted enquiring students from non-law departments, a number of whom became Nobel laureates.

Michelman term is the law of contract. We examine how agreements become legally binding, the regulation of unfair terms and basic consumer protection laws. We see how a contract may be cancelled when fully informed and true consent is not present, including through misrepresentation or coercion, and examine remedies for breach of contract.

Lent term examines enterprise governance: introducing companies, labour relations and insolvency law. How are company directors accountable to shareholders, employees and other stakeholders? Which fiduciary duties and duties of care do directors owe a company? What voice does labour have in corporate governance? Should banks acquire privileges through securitised lending over other creditors? How will a corporate insolvency be administered, and the losses distributed? Finally, how can directors and shareholders be held to account after insolvency? The aim is to understand the operation of the basic institutions in the market segment of the economy.

**Teaching:** 20 hours of lectures and 10 hours of classes in the MT. 20 hours of lectures and 10 hours of classes in the LT. 2 hours of classes in the ST.

**Formative coursework:** Students will be expected to produce 2 essays in the MT and LT.

### **Indicative reading:**

Core texts:

E McKendrick, Contract Law (11th edn 2015)

A Dignam and J Lowry, Company Law (8th edn 2014)

A Burrows, A Casebook on Contract (4th edn 2013)

L Sealy and S Worthington, Cases and Material in Company Law (10th edn 2013)

**Assessment:** Exam (100%, duration: 3 hours, reading time: 15 minutes) in the main exam period.

# LL210 Information Technology and the Law

**Teachers responsible:** Dr Orla Lynskey, Professor Andrew Murray.

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

**Availability:** Parts I and II LLB; B.A. Anthropology and Law. It is also available as an outside option to second and third year students where regulations permit and with the permission of the course teacher.

**Outline:** This survey course enables students to critically assess a selection of fundamental legal issues in the field of Information Technology (IT) Law. It begins by introducing students to key debates in IT and internet governance: do we need distinct legal rules to regulate IT? Who does, and should, control the internet? Should the internet be a 'neutral' network? Once students are equipped with this knowledge of internet governance and the challenges this poses for the law, we shall consider how the law has responded to the challenges of IT and the extent to which legal issues have shaped the development of information society policy. This will be done through a detailed examination of topics such as online data protection, computer misuse and hacking, freedom of expression and the protection of intellectual property.

The focus will be initially on English law, although the increasingly global nature of IT law means that there are already strong EU and US legal influences upon the English system. Therefore, comparative aspects will be introduced in places, and readings will include materials drawn from, amongst others, US law journals.

This course does not require an in-depth understanding of contemporary computer technology – we are primarily interested in the legal implications of the use of IT, and the intended and unintended consequences of regulating that use.

**Aims and Objectives:** At the end of the course, students should be able to:

- Critically evaluate ongoing developments in law relating to IT;
- Display an understanding of how these developments relate to one another;
- Examine areas of doctrinal and political debate surrounding rules and theories;
- Evaluate those rules and theories in terms of internal coherence and practical outcomes;
- Draw on the analysis and evaluation contained in primary and secondary sources.

**Indicative Content:** For a more detailed outline of the syllabus visit the course's Moodle page.

## **Part I: Internet Governance**

- An Introduction to IT Law
- Digitisation and the Information Society
- Regulating the Digital Environment
- Net Neutrality

## **Part II: Data Protection and the “Right to be Forgotten”**

- Introduction to Data Protection
- Data Protection Rights and Obligations
- The Application of Data Protection Rules Online

## **Part III - Online Freedoms**

- Cyber Speech
- Harmful Speech

- State Surveillance and Communications Interception

#### **Part IV – Copyright and Digital Culture**

- Intellectual Property Rights and the Online Environment
- Peer to peer file sharing & copyright infringement
- Protecting Software

#### **Part V – Computer Crime**

- Computer Misuse
- Computer Mediated Crime
- Obscenity and Pornography the Information Society

#### **Part VI – Ecommerce**

- Trade Marks and Domain Names
- Brands, Protection and Secondary Markets
- Contracts, Payment and Consumer Protection

The above is the provisional 2016/17 programme. Due to the fast changing nature of this subject changes may occur to the syllabus at any time.

**Course Materials and Online Support:** This course is supported by both a Moodle support page and a class Facebook discussion group. LL210 students contribute to the LSE Student Cyberlaw blog at <http://lsecyberlaw2015.blogspot.co.uk/>

**Formative coursework:** At least one formative (unassessed) piece of work (either essay or mock exam) per term.

**Assessment:** One three-hour examination in the summer term.

#### **Indicative reading:**

Murray: *Information Technology Law: Law and Society 3rd ed*, 2016, OUP (Recommended for purchase).

Reed (ed): *Computer Law 7th ed.*, 2012, OUP.

Lloyd: *Information Technology Law 7th ed*, 2014, OUP.

Klang & Murray (eds) *Human Rights in the Digital Age*, 2006, Cavendish.

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

#### **Suggested Initial Reading:**

Reed: *Computer Law 7th ed.*, Introduction.

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

# LL212 Conflict of Laws

**Teacher responsible:** Dr Jacco Bomhoff

**Teaching:** 20 weekly seminars

**Availability:** This course is open to second and third year law students. However, interested students may wish to consider taking this course as an option in their third year. That said, over the past years many second year students have taken this course without any problems. The only required background understanding relates to (English) law of obligations. Basic issues of EU law relevant to the course will be covered in class. It is also available as an outside option to third year students where regulations permit and with the permission of the course teacher.

**Outline:** Conflict of laws – also known as private international law – is the area of law concerned with private law cases that cross borders. 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.

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? 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? 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 values be accommodated in English 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.

During the course, we 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 English rules for actions *in personam*: Service of a claim form within the jurisdiction & out of the jurisdiction, choice of court clauses, stay of proceedings, restraining foreign proceedings (anti-suit injunctions).
- Jurisdiction of English courts and courts in other EU Member States under European Union Council Regulation 1215/2012.
- Recognition & enforcement of foreign judgments at common law and under European Union 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, overriding mandatory rules, public policy, illegality.
- Choice of law relating to tort under the Rome II Regulation, older English approach,

‘interest analysis’ and other approaches of the ‘US conflict of laws revolution’

- Comparative conflict of laws & Theoretical foundations

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour written examination in the summer term.

**Indicative reading:** Briggs, *The Conflict of Laws* (3<sup>rd</sup> ed., Oxford University Press, 2013)

**Resources:** [www.conflictoflaws.net](http://www.conflictoflaws.net) (Topical references, cases and reviews)

# LL221 Family Law

**Teacher Responsible:** Ms Helen Reece

**Teaching:** The course is taught through lectures and classes.

**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.

**Outline:** This is an exciting time to study Family Law! Maybe more than ever before, the family is in flux. With marriage rates tumbling, divorce rates escalating and reproductive technologies becoming normalised, record numbers of children are living outside the traditional nuclear family of their biological married mum and dad (the heteronormative family). What's more, after centuries of exclusion, lesbians and gay men have just entered into the most sanctioned relationship of all – marriage. Is the traditional family dead, has it changed beyond all recognition, or is the family functioning much as it always has done? How does the law respond to the modern family, and how should the modern family be regulated? If you want to chew over these and a host of other fascinating questions, Family Law is the course for you.

Term 1 Adult Relations:

1. Introductory concepts: (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) legal parenthood; (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.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour examination in the summer term in which students answer four questions. Approved statutory materials may be taken into the examination in accordance with School Regulations.

**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: Jonathan Herring, *Family Law* (7th edn, 2015, Pearson); Kate Standley and Paula Davies, *Family Law* (8th edn, 2013, Palgrave Macmillan); Stephen Gilmore and Lisa Glennon, *Hayes and Williams' Family Law* (4th edn, 2014, Oxford University Press); Rebecca Probert, *Cretney and Probert's Family Law* (9th edn, 2015, Sweet and Maxwell)

Casebooks: Alison Diduck and Felicity Kaganas, *Family Law, Gender and the State* (3rd edn., 2012, Hart Publishing); Sonia Harris-Short, Joanna Miles and Rob George, *Family Law: Text, Cases and Materials* (3rd edn, 2015, Oxford University Press); Brenda Hale, David Pearl, Elizabeth Cooke and Daniel Monk, *The Family, Law and Society: Cases and Materials* (6th edn, 2009, Oxford University Press)

Reader: Jonathan Herring, Rebecca Probert and Stephen Gilmore, *Great Debates in Family Law* (2012, Palgrave Macmillan); Rob George, *Ideas and Debates in Family Law* (2012, Hart Publishing).



# LL232 Law and Institutions of the European Union

**Teachers Responsible:** Dr Floris de Witte, Dr Orla Lynskey, Dr Veerle Heyvaert, Dr Jan Komarek.

**Teaching:** Two-hour lecture accompanied by a weekly class

**Availability:** It is recommended that this course is taken in the second year of the LLB. It is available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit.

**Outline:** The course is an introduction to European Union Law. The course considers a legal and political system which has become the most formidable system of transnational government in modern times. It is also a system that has become, in recent years, a source of continual political conflict: both over the content of its measures and the presence of its involvement in many spheres of activity. Discussions on the democratic nature of the EU, its stance of the protection of fundamental rights, and the relationship between the welfare state and EU law, for example, will all be covered in this course. Special attention will be given to the relationship between the UK and the EU

This course covers three aspects of EU law. First, it covers the institutional and constitutional structure of the European Union. Second, it looks at the central policies of the European Union, notably the rights to free movement for goods, services, workers, and Union citizens. Third, it looks at some of the most topical policy areas in which EU law plays an increasingly important role, such as the migration crisis and the euro-zone crisis. Topics will be taken from:

- Evolution of the European Union
- Institutions and Law-Making of the European Union
- Sovereignty and EU Law
- The Authority of EU Law Outside the EU
- Subsidiarity and the role of National Parliaments
- Policing of National Observance of EU Law
- Judicial application of Union law within the Member States (e.g. Direct effect, indirect effect, state liability) and relations between the Court of Justice and National Courts
- Judicial Review of EU law
- Fundamental Rights
- The euro area crisis
- Free Movement of Goods
- Free Movement of Persons and European Citizenship
- Free Movement of Services and Establishment
- The Area of Freedom, Security and Justice and the migration crisis

**Formative coursework:** A minimum of two pieces will have to be submitted: an essay in MT and a mock exam in LT. One additional optional essay will be set in LT.

**Assessment:** One three-hour examination in the summer term.

**Indicative reading:** Chalmers et. al., *EU Law*, 3rd ed. (Cambridge: CUP, 2014). In addition, the course uses a broad range of on-line reading material (to be linked on Moodle). Students are expected to retrieve and print these materials themselves; there is no course pack for this course.

# LL233 Law of Evidence

**Teacher responsible:** Dr Federico Picinali

**Teaching:** One two-hour lecture and one one-hour class per week

**Availability:** Available to LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit.

**Outline:** If a person is suspected of committing a crime, how does the prosecution go about proving that she is 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 in order to safeguard them against false conviction? These are among the central questions in the law of criminal evidence, that is, the set of rules governing the production and the use of evidence in criminal trials.

This course concentrates on criminal, rather than civil evidence, 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 consider how inferences are drawn from evidence, and how basic ideas of probability can give insights on this process. We study the standard of proof, asking whether a high standard such as 'proof beyond reasonable doubt' is justified. We examine how the police gain confessions from suspects, and how the law regulates the admissibility of confessions. A central theme on the course is the question as to what makes a trial fair. The European Convention on Human Rights is relevant to this question. In this context, we look at whether courts should admit improperly obtained evidence and we ask what the privilege against self-incrimination is and whether it can be justified. As you will learn, much of the law of evidence involves rules of admissibility. Among these we cover the rules regulating the admissibility of hearsay evidence (a topic that now has an important human rights angle) and of bad character evidence (can a defendant's previous convictions be introduced against her at trial?). We also look at particular problems relating to testimony, ranging from the protections afforded to vulnerable witnesses to the admissibility and presentation of expert evidence.

**Syllabus:** While coverage may vary from year to year, we usually focus on the following themes and topics:

- Reasoning with Evidence:
  - Analysing Evidence: Relevance, Probative Value and Generalisations;
  - The Standard of Proof;
  - The Burden of Proof and the Presumption of Innocence;
- Trial Fairness and Pre-Trial Proceedings:
  - The Privilege Against Self-Incrimination;
  - Entrapment;
  - Improperly Obtained Evidence;
  - Eyewitness Identification;
  - Confessions;
  - Drawing Inferences from Silence;
- Traditional Rules of Use;
  - Hearsay;
  - Confrontation;
  - Bad Character Evidence;
- Testimony:
  - Sexual History Evidence;
  - Vulnerable Witnesses;
  - Expert Testimony.

The course has a Moodle page. You are encouraged to consult it should you want more information on the themes, the topics, and the sort of material that we study.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour examination in the summer term.

**Indicative reading:** There is no set text for the course, but standard texts are useful on many topics. Consider, for instance, I. H. Dennis, *The Law of Evidence* (London: Sweet & Maxwell, 5<sup>th</sup> ed, 2013); A. Choo, *Evidence* (Oxford: OUP, 4<sup>th</sup> ed, 2015); R. Munday, *Evidence* (Oxford: OUP, 8<sup>th</sup> ed, 2015).

# LL241 European Legal History

**Teacher responsible:** Dr Igor Stramignoni

**Teaching:** Ten 2 hour weekly seminars.

**Availability:** LLB students and BA Law and Anthropology students. Also available to General Course students and as an outside option to second and third year students, where programme regulations permit and subject to Dr Stramignoni's prior approval.

**Outline:** This course aims to equip students with an in-depth understanding of the social and cultural history of the Western legal tradition (from its foundations in Ancient Rome to the onset of modernity), in order to engender a solid grasp of the basic assumptions and practices that underpin the legal systems of today's Europe.

The seminars are built around certain significant moments in the history of the law of Rome, widely considered to be the heartland of the Western legal tradition, from its mythical beginning in the 8th century BCE all the way through to the French Revolution and the ensuing, astonishing story of the birth of the French Civil Code.

In the first part of the course we will explore: the ancient laws of Rome and their relationship to religion and to space; the rise of the popular assemblies; the place of women and other minorities in the Roman world at the end of Republic; Augustus and his Chancery; the great jurists of the Empire; the challenges posed by the new religion of Christianity to the Roman constitution; and the emergence of Byzantium as the "new Rome".

In the second part of the course we will be considering how Roman law, now increasingly referred to (by the English) as Civil Law, transformed itself and continued to play a very central role in the imagination, thought and language of Europe and the world over. We will look at how Roman law became immensely influential once again in and beyond Europe, upon its reappearance, in new and different guises, at the end of the Middle Ages; the rediscovery of the Justinian Digest and the challenge it presented to the law of the Christian Church and to the medieval world more generally; the cultural revolution of the Italian Renaissance; the emergence of Humanism and of the scientific method; the early Enlightenment; the modern movement in favor of legal codification; the French Revolution, Napoleon and, as he put famously it, *his* Civil Code.

**Formative coursework:** One formative (unassessed) essay per term.

**Assessment:** Either one three-hour examination in the summer term *or* one full unit essay (maximum length 12,000 words) on a topic to be agreed with Dr Stramignoni.

**Indicative reading:** The general textbook for the course is the short but iconic book by Peter Stein *Roman Law in European History* (1999). In addition, students will be required to familiarize themselves with the content of a mixture of visual aids (designed specifically for this course) and of numerous readings complementing the textbook, including academic journal articles and chapters from other monographs. Those thinking to take this course are encouraged to explore the course Moodle page for more information.

# LL242 International Protection of Human Rights

**Teacher Responsible:** Dr Louise Arimatsu

**Teaching:** 20 weekly seminars

**Availability:** This is an optional course for LL.B. Parts I and II and second and third year students from other Bachelor's degrees as regulations permit and with permission from the convener. All students need to have already taken and done well in a course in Public International Law or in Civil Liberties. **This course is capped at 25 students.**

**Outline:** 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 engages with both the theory and practice of human rights law and, in that process, some of the most vexing issues facing us today will be considered. What is the scope of the right to privacy in a digital age? What's the geographical scope of a state's human rights obligations? How does human rights law apply in war? What are the human rights obligations of corporations in a globalized landscape? What rights do asylum seekers have when they are fleeing conflict? Does existing law adequately protect women's rights?

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) is traced; and the work of various UN bodies in applying and promoting human rights is analysed.

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.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour examination in the summer term.

**Indicative Reading:** R. Smith, *International Human Rights*; 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 Joana Setzer

**Teaching:** 22 seminars in MT and LT. Week 6 of MT and LT are reading weeks. The final session of LT is a revision session.

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

**Outline:** The aim of this course is to study and understand how law can be used as a tool to pursue environmental goals and to think critically about law's contribution to local and global environmental protection.

## **Content:**

- **General features of environmental law in the UK:**

The introductory sessions examine how we understand 'the value of the environment' as an object of legal protection, and how environmental law evolved through time. We study the notions of 'risk' and 'precaution' as key concepts of environmental regulation, and examine how the relationship between Parliament, the Government and the Environment Agency affects the effectiveness of environmental laws and rules in the UK.

- **Controlling space**

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

- **Controlling climate change**

Studies international law and politics of climate change and discusses the pros and cons of market-based regulation as a response to the climate change challenge. This section also explores the scope for climate change litigation in the UK as an alternative to climate change regulation.

- **Controlling enterprise**

Section IV examines how environmental harm can be prevented or limited by regulating particular industries (such as heavily polluting industries and the waste treatment sector), by targeting particular products (such as dangerous chemicals), or by focusing on particular activities (such as international trade). We analyse how environmental regulation aims to balance between restricting hazardous activities on the one hand, and fostering free enterprise on the other, and review the court's role in adjusting this balance.

- **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.

**Formative coursework:** Students are required to submit at least one formative piece of writing per term and have the option of submitting at least two per term. One of the required writing assignments is a mock exam, set in LT.

**Assessment:** One three-hour examination in the Summer term.

**Indicative reading:** There is no set book that covers the entire course, however several sessions use Bell, McGillivray & Pedersen, *Environmental Law* (8<sup>th</sup> edition, Blackstone Press, 2013). Fisher, Lange & Scotford, *environmental Law* (2013 OUP) is a good additional source. A detailed reading list is provided for each seminar. Readings that cannot be found in Bell, McGillivray & Pedersen are accessible via e-journals or on Moodle.



# LL251 Intellectual Property Law

**Teachers responsible:** Dr Siva Thambisetty, Professor Alain Pottage

**Teaching:** Teaching will be by way of one two-hour seminar per week in MT and LT and additional revision seminars in the ST.

**Availability:** This course is optional for LL.B., Parts I and II, BA Anthropology and Law. It is also available for General Course students as an outside option.

**Outline:** 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. Unlike the physical objects associated with real property rights intangibles are non-rival and non-excludable. While the chair you may be sitting on accommodates only one person, many can whistle the same tune without depriving others of it. Yet while it often takes creativity, effort and investment to produce them, intangibles may be easily copied. To restrict this copying and thereby encourage the production of information, the law intervenes by establishing intellectual property rights around certain valuable intangibles – creative works like books, paintings and songs; inventions ranging from vaccines to the bag-less vacuum cleaner; and valuable brands like Coke ® or Google ®.

Given that information is an increasingly important source of commercial value within the modern economy, it is not surprising that Intellectual Property Law is such a fast-growing field here and abroad. Its apparently relentless growth is however, 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 and diverse technologies as pharmaceuticals, biotechnology and computer implemented inventions; and the availability of these rights in rapidly developing sectors like synthetic biology or smart phone technologies can often raise complex ethical, political and innovation policy issues. **Trademarks** 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.

While introducing the law relating to patents, trademarks and copyright, this course will provide an opportunity to reflect on the factors responsible for the continuing rapid expansion of each of these regimes of rights. We will examine 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 of recognising intellectual property rights.

**Online support:** This course is fully supported by Moodle.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour examination in the summer term

**Indicative reading:** The recommended text will be Lionel Bently and Brad Sherman, *Intellectual Property Law* (4<sup>th</sup> ed., Oxford University Press 2014), and students will also be required to purchase one of the available edited collections of statutes. For a critical introduction to the field, see Peter Drahos with John Braithwaite, *Information Feudalism: Who Owns the Knowledge Economy?* (London: Earthscan, 2002); and James Boyle, *The Public Domain: Enclosing the Commons of the Mind* (Yale University Press, 2008), ebook available free online.



# LL253 Law of Corporate Insolvency

**Teacher responsible:** Sarah Paterson

**Teaching:** Weekly two-hour seminars in Michaelmas and Lent Terms.

**Availability:** Available to Part I and Part II LLB students only.

**Outline:** The Law of Corporate Insolvency forms an increasingly important legal arena, which is now recognised as meriting study in its own right. The last thirty years have 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 which resulted in reform of law on the books, although perhaps not of law in action. English lawyers have had to revisit the toolbox during the financial crisis in order to adapt existing legal procedures to meet the needs of new, modern financing structures. There is now another period of wide spread reflection and debate in Europe and the US, as jurisdictions consider whether the insolvency law and procedures which they have are fit for the twenty-first century.

During the course we analyse the legal rules affecting distressed and insolvent companies and those concerned with them (for example, creditors, directors and employees) and assess 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.)

## **Syllabus:**

### Corporate Borrowing

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

### The Role and Objectives of Corporate Insolvency Procedures

- Introduction: Aims and Objectives
- The Legal Identity of the Enterprise, the Significance of Limited Liability and the Problem of Corporate Groups
- Causes of corporate failure and the meaning of "insolvent".

### Averting Liquidation: Rescue

- Informal Rescues.
- Receivership
- Administration and pre-packaged administration
- Company Voluntary Arrangements
- The administration of rescue
- Comparison with Chapter 11 of the US Bankruptcy Code

### Liquidation

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

### Repercussions of Corporate Insolvency on Individuals

- Company Directors
- Employees

### The European and International Dimension

- EC Insolvency Regulation – the road to a universal bankruptcy system for member states? International cooperation on insolvency matters and reciprocal assistance between insolvency courts.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour examination in the summer term. Unmarked, unannotated versions of the relevant legislation may be taken into the examination.

**Indicative 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).

# LL257 Labour Law

**Teacher responsible:** Dr Astrid Sanders

**Teaching:** Michaelmas, Lent and Summer Terms: Weekly two-hour seminar.

**Availability:** Available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit and with permission from the course convener.

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.

## Outline:

- 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: implications of the Equality Act 2010
- Dismissal: wrongful and unfair dismissal, economic dismissals
- Human Rights in the Workplace: civil liberties of employees at work
- Membership of Trade Unions, Worker Representation, and Collective Bargaining: freedom of workers to associate with each other and to act in association with each other
- Industrial disputes: strikes, other industrial action and lockouts; 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.

**Formative coursework:** At least two formative (unassessed) essays per term. Although students may be expected to perform a moot instead of one of those essays.

**Assessment:** One three-hour examination in the summer term.

**Indicative reading:** For a concise overview of the subject a suggestion is: H. Collins, *Employment Law* 2<sup>nd</sup> edn (Oxford University Press, 2010). See also *Kahn-Freund's Labour and the Law* (3rd ed. by P. Davies and M. Freedland, 1983) chapter 1.

The leading textbooks are H. Collins, K.D.Ewing, A. McColgan, *Labour Law: Law in Context* (2012); S. Deakin & G. Morris *Labour Law* 6<sup>th</sup> edn 2012; A.C. L. Davies, *Perspectives on Labour Law* 2<sup>nd</sup> edn (Cambridge University Press, 2009).

## LL259 Legal and Social Change since 1750 (suspended in 2016/17)

**Teacher responsible:** Professor Michael Lobban

**Teaching:** Two one hour lectures per week and a fortnightly class.

**Availability:** Available to LLB and BA Anthropology and Law students. It is also available as an outside option where regulations permit.

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

**Outline:** This course examines developments in British legal history in the era from 1750 to 1914. Drawing on printed and electronic primary sources, as well as secondary literature, it will explore the changing nature of law in a number of areas. The course begins with an exploration of the nature of eighteenth century criminal justice, and how this was transformed in the nineteenth century. It will then examine the nature of the system of civil justice, and how this was reformed in the era before the Judicature Acts. It will also look at political crime and the rule of law. In the second term, the course will explore topics relating to status, examining the attitude taken by the law to women, workers and slaves. A final set of topics will turn to explore the impact of law on economic change, looking at how the law facilitated the growth of a modern economy.

The course will be taught by a combination of lectures and seminars in the Michaelmas and Lent Terms.

### **Lecture and Seminar Topics:**

#### *Michaelmas Term*

The first term is devoted to an examination of the criminal and civil justice systems in the eighteenth and nineteenth centuries. Topics covered in the first term include the prosecution of crime in the era of the 'Bloody Code', the nature of the criminal trial before and after the arrival of criminal barristers in the courtroom, the reform of criminal punishments and the rise of the prison and modern policing. In the second half of the term, the course looks at political crime and the rule of law, and the impact of war on the law. It also considers the system of the civil courts, the nature of civil litigation and the reform of the major courts.

#### *Lent Term*

The second term is devoted to exploring the impact of law on society and the economy. Topics explored include the law relating to married women and the custody of children, the law of slavery, and the law relating to workers and trade unions. The economic topics addressed include the law relating to the environment, the transformation of tort and contract law, and the law relating to business organisation.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** *Either* one three-hour examination in the Summer Term *or* one full unit essay (maximum length 12,000 words). Please note: if you elect to be assessed by essay you are still expected to attend all lectures and classes.

# LL272 Outlines of Modern Criminology (Half unit)

**Teacher responsible:** Dr Meredith Rossner

**Teaching:** A weekly two-hour seminar in the Lent term.

**Availability:** LLB. Part I and II (half option)

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

**Outline:** This half unit course is a general introduction to the study of modern criminology. 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 focus is on the classical and contemporary theories developed over the past two hundred years to explain and predict criminal behavior in society. The propositions, assumptions, empirical validity, and policy implications of these criminological theories, as well as the social context in which they were developed, will be examined. Other significant issues in criminology – such as the measurement and extent of crime, the role of demographics (age, race, gender, social class) in the causation of and reaction to crime, and the changing boundaries of criminological research – will also be discussed.

Course content:

- The history of criminological theory.
- Trends in crime and crime statistics. How official statistics can be interpreted and the role of crime surveys
- 'Classical' criminology, rational choice, and crime prevention theories.
- Individual explanations of crime: biological, psychological and psychoanalytical theories.
- Sociological explanations of crime, including macro and micro approaches and recent critical theories
- Criminal justice policy and 'law and order' politics.
- Discrimination, Inequalities, crime and criminal justice
- Crime and the mass media

**Formative coursework:** One formative (unassessed) essay per term and a class presentation.

**Assessment:** One two-hour examination in the summer term.

**Indicative reading:**

The texts for this course are:

- *Criminology* 2nd ed. by T. Newburn (2012)
- *The Oxford Handbook of Criminology*. by M. Maguire, R. Morgan, R. Reiner (eds) 5th edition (2012)

*Recommended Readings*

- *Law and Order: An Honest Citizen's Guide to Crime and Control*. by R. Reiner (2007)
- *Violence: A Micro-Sociological theory*. By. R. Collins (2009)
- *Crime, Shame, and Reintegration*. by J. Braithwaite (1989)
- *Understanding Deviance* 6th Ed. by D. Downes and P. Rock (2011)
- *Vold's Theoretical Criminology* by G. Vold, T. Bernard and J. Snipes and A. Gerould. 6<sup>th</sup> edition (2009)

## LL275 Property II

**Teacher responsible:** Professor Neil Duxbury

**Teaching:** 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.

**Availability:** This course is available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to other second and third year LSE undergraduates where regulations permit and with permission from the course convener.

**Outline:** 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, title registration, and trusts of land (including constructive trusts). 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 resulting and constructive trusts, and how the law of trusts relates to and impacts on the law of contract, wrongs and unjust enrichment.

**Formative coursework:** Two formative (unassessed) essays per term.

**Assessment:** One three-hour examination in the summer term. Students are required to answer questions on both the Land Law and Trusts components of Property II.

**Indicative reading:** Advice on reading, including textbook recommendations, will be provided at the beginning of the first and second terms. An essay which students might profitably 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 (Oxford: Oxford University Press, 1998), 457-86.

## LL278 Public International Law

**Teachers responsible:** Dr Devika Hovell, Prof Andrew Lang, Prof Gerry Simpson

**Teaching:** This is a full-unit course. There will be two one-hour lectures and one one-hour small-group class per week.

**Availability:** Available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit.

**Outline:** 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 the sources of international law, the scope of responsibility for its breach, and its role in the creation and empowerment of states. 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 their international legal dimensions. The issues to be discussed are likely to include war, trade and investment, human rights and international crime. We also investigate aspects of the history of international law, its 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.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour examination in the summer term.

**Indicative reading:** Reading lists will be provided for each topic on Moodle. You are asked to buy M. Evans (ed.), *International Law* (4th ed., 2014) and *Blackstone's International Law Documents*. Some other works to which you may wish to refer include: D. Harris, *International Law: Cases and Materials*; H. Charlesworth and C. Chinkin, *The Boundaries of International Law*; M. Shaw, *International Law*; M. Koskeniemi, *From Apology to Utopia*; V. Lowe, *International Law*; and J. Crawford, *Brownlie's Principles of Public International Law*.



## LL284 Sentencing and Treatment of Offenders (Half unit)

**Teacher Responsible:** Professor Jill Peay

**Teaching:** 11 two hour seminars in Michaelmas term, including one 'reading and project' week. Limited lecturing is combined with brief formal student presentations, group discussion and a number of in-class exercises.

**Availability:** Available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit and with permission from the course convener.

**Outline:** 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 'mentally disordered' offenders, are explored together with an examination of the reality of treatment within confinement.

Content:

The context of sentencing and the justifications for punishment

Sentencing - theory, practice and possibilities for reform

Custody - containment, treatment, mandatory life sentences

Community based penalties - their scope and future

Sentencing Rioters

Mentally disordered offenders and offenders who kill - the penal response to problematic groups.

**Formative Coursework:** One 2,000 word essay; one group presentation

**Assessment:** Two hour examination

**Indicative 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, (2015), *Sentencing and Criminal Justice*, Cambridge University Press, but much of the course is article based.

# LL293 Taxation

**Teacher responsible:** Dr. Michael Blackwell

**Teaching:** 21 one hour seminars and 21 two hour seminars

**Availability:** Available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit.

**Outline:** Taxation is a topic that has throughout history pervaded political debate and is encountered in every area of life. Taxation was one of the very first subjects to be taught at LSE. The teaching of tax *law* as an academic subject started at LSE, where it was introduced by Professor GSA Wheatcroft in 1957.

On the LSE Taxation course, the approach to the subject includes a strong policy perspective. However, legal issues are still important. The UK tax code is long and complex. There are also many relevant cases that are required reading too. Accordingly, by taking this course you should develop the following skills and attributes (i) working with and analysing legislation; (ii) working with and analysing case law; (iii) research skills; (iv) communication skills; (v) professionalism.

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.

- General principles of taxation – objectives of a tax system, types of taxation, and the philosophical foundations of taxation: what gives the state the right to tax? Structure and administration; powers of HM Revenue and Customs. Outline of the British tax system.
- Employment income – taxation of salaries, wages and other remuneration of employees and officers.
- Business income (trading income) – taxation of business profits, income taxation of unincorporated businesses.
- Tax treatment of capital – capital gains tax; other taxes on capital and on income from capital – objectives and effectiveness.
- Corporations – legal forms for carrying on a business, reasons for taxing corporations, corporation tax, integration with taxation of individuals, distributions to shareholders, taxation of shareholders on reorganisations and takeovers, taxation of groups of related companies.
- International aspects – the tax base, tax residence and domicile, double-tax relief, tax treaties and the consequences of British membership of the EU for UK tax.
- Statutory interpretation and tax avoidance – application and interpretation of tax legislation by the courts; tax evasion and tax avoidance and methods of controlling these activities.

**Teaching Method:** A variety of methods will be used within the weekly seminars, including lectures and discussion. Student participation will be central. Assistance will be given with methods for statute-based work. Preparation and written work by students will form an integral part of the course.

**Formative coursework:** At least two formative (unassessed) essays per term.

**Assessment:** One three-hour examination in the summer term. Legislation without verbal marking can be taken into the exam.

**Indicative reading:** The principal book for the course is expected to be Lee, *Revenue Law*  
LSE Undergraduate Law Options Book 2016/17

*Principles and Practice* (Bloombury Professional, 2016). Tiley and Loutzenhiser, *Revenue Law* (Hart Publishing, 2016) 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 BLPES. Vouchers are available for students on the course to 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!

For some interesting background reading the first five chapters of Tiley et al (2016) are useful. Also see M.C. Blackwell 'Variation in the Outcomes of Tax Appeals Between Special Commissioners: An Empirical Study' [2013] *British Tax Review* 154.

## LL295 Media Law

**Teacher Responsible:** Dr Andrew Scott

**Teaching:** The teaching will be conducted primarily through weekly two hour group-based seminars and one hour plenary lectures. This contact time will be supported by a series of pre-recorded lectures covering each course theme. Students will also receive supervision in respect of a short research paper.

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

**Outline:** The course examines the legal and administrative regulation of the press, broadcasting, and other media. It focuses on three areas: the protection of private interests (such as those in privacy and reputation), regulating content in the public interest, and the control of journalistic newsgathering practices. 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).

Problems to be considered in seminars will address 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), and regulation of journalistic 'dark arts' (entrapment, subterfuge, hacking and tapping).

**Assessment:** During the year, students must complete three problem exercises in groups, following extensive preparatory group-based problem exercises in seminars. The best two grades achieved in these three exercises will comprise 50% of the overall grade for each student for the course. Each student must also complete one 4-5,000 word research paper on a theme to be agreed with class teachers. The grade achieved for this paper will comprise the remaining 50% of the overall grade for the course.

**Indicative Reading:** Supporting textbooks for the course include Barendt et al, *Media Law: Texts, Cases and Materials*, 2013; 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 (for example, Parkes and Mullis (eds), *Gatley on Libel and Slander*, 12<sup>th</sup> edn, 2013 or online (for example, Leveson, *An Inquiry Into the Culture, Practices and Ethics of the Press: Report*, HC 780, 2012. Millar and Scott, *Newsgathering: Law, Regulation and the Public Interest* (Oxford University Press, 2016).

## LL298 Half-Unit Dissertation on an approved legal topic

**Availability:** This course is available on the LLB in Laws. This course is not available as an outside option, nor to General Course students.

**Course content:** Where either a second or third year LLB student is taking the equivalent of three-and-a-half subjects she/he may make up the final half-subject by writing a 8,000 word half-unit dissertation on a legal topic approved by the Law Department.

Students wishing to do a half-unit dissertation should first consult their academic adviser in the preceding summer term to discuss:

- whether a dissertation is a suitable option for the student
- the particular dissertation topic
- who might be an appropriate dissertation supervisor

In light of their discussion with their academic adviser, a student wishing to pursue this option should approach a possible supervisor for their approval. The supervisor of the dissertation must be a permanent member of staff.

**It is not possible to submit a full-unit dissertation, LL299 and half-unit dissertation, LL298 in the same year.**

Because this option requires considerable independent study, it is generally not advisable to opt to write a dissertation unless the student has been achieving marks of an upper second class standard in their examinations to date. The dissertation 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. It is necessary for a student to have the approval of both a member of staff who is willing to supervise the dissertation and the Chair of the LLB Part I and II Exam Board for the proposed dissertation by 31 October of the year in question. Once they have their supervisor's approval, students will need to make a formal detailed application to the Chair of Exams for approval; a form for this will be circulated to those writing a dissertation early in the MT.

The essay should be word processed and be accompanied by a bibliography. Footnotes can be placed at the end of the text or at the bottom of the page to which they relate (the latter is preferable). The dissertation should be 6,000-8,000 words in length (including footnotes and excluding bibliography). The supervisor will be available to provide some guidance but it is intended that the student should do his/her own research. The dissertation should be submitted not later than the first day of the ST.

**Teaching:** 1 hour of lectures in the MT. Beyond the one-to-one sessions held with the dissertation supervisor there is no formal teaching. However, there is a one hour session held in the Michaelmas term for all half-unit and full-unit dissertation students to orient them to the requirements of writing a dissertation.

**Indicative reading:** There is no essential reading as such, but there is a dedicated Moodle site for the LLB dissertation options.

**Assessment:** Dissertation (100%, 8000 words) in the ST.

## LL299 Full- unit Dissertation on an approved legal topic

**Availability:** This course is available on the LLB in Laws. This course is not available as an outside option, nor to General Course students.

**Course content:** Students may write a full-unit dissertation on a legal topic approved by the Law Department. **It is strongly recommended that the full unit dissertation is taken in Part II (third year) when students are better prepared for it.**

Students wishing to do a full-unit dissertation should first consult their academic adviser in the preceding summer term to discuss:

- whether a dissertation is a suitable option for the student
- the particular dissertation topic
- who might be an appropriate dissertation supervisor

In light of their discussion with their academic adviser, a student wishing to pursue this option should approach a possible supervisor for their approval. The supervisor of the essay must be a permanent or ex-permanent member of staff.

**It is not be possible to submit a full unit dissertation, LL299 and half unit dissertation, LL298 in the same year**

Because this option requires considerable independent study, it is generally not advisable to opt to write a dissertation unless the student has been achieving marks of an upper second class standard in their examinations to date. The dissertation 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. It is necessary for a student to have the approval of both a member of staff who is willing to supervise the dissertation and the Chair of the LLB Part I and II Exam Board for the proposed dissertation, by 31 October of the year in question. Once they have their supervisor's approval, students will need to make a formal detailed application to the Chair of Exams for approval; a form for this will be circulated to those writing a dissertation early in the MT.

The dissertation should be word-processed and be accompanied by a bibliography. Footnotes can be placed at the end of the text or at the bottom of the page to which they relate (the latter is preferable). The essay should be 12,000-15,000 words in length (including footnotes and excluding bibliography). The dissertation should be submitted not later than the first day of the ST.

It may be possible to use the dissertation option to do some work in a subject which is not being offered as a taught course in the year in question. Alternatively, students may be able to use it to do some more detailed work on a topic of particular interest to them, providing that this does not overlap with any course that they are taking to an unacceptable extent. It should be stressed that no member of staff is under an obligation to agree to supervise any proposed dissertation. However where a member of staff agrees to act as supervisor, students can expect to see their supervisor to discuss their work on a regular basis in each of the first two terms, with at least three meetings in each term.

**Teaching:** 1 hour of lectures in the MT. Beyond the one-to-one supervision sessions held with the student's dissertation supervisor there is no formal teaching as such. However, a one hour session will be held in the Michaelmas term for all full-unit and half-unit dissertation students to orient them to the dissertation requirements.

**Indicative reading:** There is no essential reading as such. There is a Moodle site dedicated to the LLB half and full-unit dissertations.

**Assessment:** Dissertation (100%, 15000 words) in the ST.

# LL300 Competition Law

**Teacher responsible:** Dr Pablo Ibanez Colomo and Dr Niamh Dunne

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

**Availability:** Available to final year Part II LLB students. Knowledge of EU Law is desirable but not essential. It is also available as an outside option to second and third year students where regulations permit.

**Core syllabus:** An introduction to competition law.

**Outline:** Competition is the best means to deliver better products at lower prices. The point of competition law is to protect the process of rivalry between firms. A broad range of corporate strategies are subject to these rules. For instance, competition authorities enforce the law against powerful firms (such as Microsoft, Google, or Intel) that have the ability to influence market conditions and to exclude smaller rivals. Competition authorities also have the power to block mergers and acquisitions that have the potential to harm consumers (think of a merger creating a monopoly). Attempts by firms to avoid competing by means of secret price-fixing arrangements (the so-called 'cartels') are another area of enforcement.

Competition law regimes have progressively become a major feature of legal systems around the world. They have long applied in the US and Europe (under the lead of the European Commission) but have now been adopted (and/or actively enforced), *inter alia*, in jurisdictions like Brazil China, Hong Kong, India, Malaysia or Singapore. Unlike other legal disciplines, the relevant provisions in all of these regimes are very similar in their form and substance and are enforced in very much the same way. This is, in other words, a truly cosmopolitan field. You will be equipped to practice competition law virtually anywhere in the world following the study of a particular regime.

After an introduction in which competition law is put in its economic and institutional context, this module will address the main substantive and procedural aspects of the discipline. Topics covered include the following:

- Anticompetitive agreements between firms (including 'cartels' and distribution agreements).
- Abusive practice by dominant firms.
- Mergers and acquisitions, including both mergers between competitors and vertical and conglomerate arrangements.

**Formative coursework:** At least one formative (unassessed) essay per term.

**Assessment:** One three-hour examination in the summer term.

**Indicative reading:** A. Jones and B. Sufrin, *EU Competition Law* (5<sup>th</sup> ed 2014); R. Whish, *Competition Law* (8<sup>th</sup> ed 2015); H. Hovenkamp, *The Antitrust Enterprise* (2005).



# LL301 Global Commodities Law

**Teacher responsible:** Dr Stephen Humphreys

**Teaching:** Weekly two-hour seminars supported by back-up classes where required.

**Availability:** LLB students and BA Law and Anthropology students. Numbers permitting, the course is available with permission as an outside option to students on other programmes where regulations permit and to General Course students.

**Content:** This course provides a critical introduction to the legal regulation of global commodities, with a focus on the colonial histories of Asia, Africa and the Americas. Taking some of the world's most heavily exchanged primary commodities as examples, we will track the development of their production and consumption from their domestic origins to their marketization and circulation in global trade today. The histories of some principal commodities – such as sugar, coffee, rubber, oil – tell the story, and provide the shape, of today's global economy in microcosm. Most significantly, their evolving regulation has provided the base for central elements of the contemporary international and transnational legal architecture. In exploring this history, we will also touch on cross-cutting issues relating to some or all of the following: the law of the sea, human rights, WTO/trade law, environmental law, the laws of war, investment arbitration, labour law, climate change and animal welfare law. We will also be looking at theories of consumption and production more generally, adopting a broad definition of 'commodity' to enrich our understanding and discussion of these topics.

**Syllabus:** Michaelmas term begins with a look through some basic theoretical and historical texts and an overview of key legislative texts and vying historical theories of the economy. This is followed by a series of seminars, running through Lent term, situating the regulation of the global economy through the histories of specific commodities (spices, silver, tea, coffee, sugar, cotton, rubber, cocoa, whales, oil, through to emerging commodities such as carbon or data). In covering these, we will remain cognizant of the state-formation processes, international law developments, and trans-global networking entailed in the consolidation of key commodity markets. Students will be expected to develop an intimate knowledge of at least one commodity.

**Formative coursework:** One 2,000 word formative (unassessed) essay.

**Assessment:** 15% participation/presentation in/of a research project; 85% by essay (6,000-8,000 words) or exam.

**Indicative reading:** Fernand Braudel, *The Perspective of the World (Civilization and Capitalism)*, 3 vols. trans. Siân Reynolds (Collins, 1984); Sarah Rose, *For All the Tea in China* (Arrow Books, 2010); Jean Baudrillard, *The Consumer Society* (Sage, 1998 [1970]); Duncan Kennedy (1985) 'The Role of Law in Economic Thought: Essays on the Fetishism of Commodities' 34 *The American University Law Review* 939-1001; Hugo Grotius, *The Freedom of the Seas, or the Right Which Belongs to the Dutch to take part in the East Indian Trade [Mare Liberum]*, trans. Ralph Van Deman Magoffin (Oxford UP, 1916); Alfred Rubin, *The Law of Piracy* (Naval War College Press, 1988); David Graeber, *Debt: the First 5000 Years* (Melville House, 2011); Martti Koskenniemi (2011) 'Empire and International Law: The Real Spanish Contribution' 61 *University of Toronto Law Journal* 1-36; Lauren Benton and Benjamin Straumann (2010) 'Acquiring Empire by Law: From Roman Doctrine to Early Modern European Practice' 28 *Law and History Review* 1-37; Richard Tuck, *Natural Rights Theories*, Cambridge UP (1979); Michel Foucault, *Territory, Security, Population* (Palgrave, 2009); Anne Orford (2005) 'Beyond Harmonization: Trade, Human Rights and the Economy of Sacrifice' 18 *Leiden Journal of International Law* 179-213; Lorraine Talbot (2013) 'Why Shareholders Shouldn't Vote: A Marxist-progressive Critique of Shareholder Empowerment' 76 *Modern Law Review* 791-816; Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: The Hidden History of the Revolutionary Atlantic* (Verso 2002); Steven Topik, Carlos Marichal and Zephyr Frank (eds), *From Silver to Cocaine: Latin American Commodity Chains and the Building of the World Economy, 1500-2000* (Duke University Press, 2006)

## LL305 Jurisprudence

**Teacher responsible:** Dr Emmanuel Melissaris

**Teaching:** 20 hours of lectures and 9 hours of classes in the MT. 20 hours of lectures and 10 hours of classes in the LT. 1 hour of classes in the ST.

**Availability:** This course is compulsory on the LLB in Laws. This course is available on the BA in Anthropology and Law, BSc in Philosophy and Economics, BSc in Philosophy, Logic and Scientific Method and BSc in Philosophy, Politics and Economics. This course is available with permission as an outside option to students on other programmes where regulations permit. This course is available to General Course students.

**Course content:** The aims of the course are: To introduce students to thinking philosophically about the law. To familiarise students with the main methodological, ontological, and normative questions concerning the law and its legitimacy. To provide students with knowledge of some of the most influential legal and political philosophies and their theses on law. To encourage and enable students to think about doctrinal legal questions from a philosophical perspective. To help students to develop legal reasoning skills by training them in constructing abstract, philosophical arguments. Some of the themes that the course covers are: natural law; conventionalist and epistemic legal positivism; the rule of law; the use and significance of principles in legal reasoning; some influential accounts of the legitimacy of the modern state and its law (Hobbes; Kant; Rawls); democracy and law's legitimacy; Marxist approaches to law; Arendt's political philosophy and its implications for law.

**Formative coursework:** Students will be expected to write at least one essay per term.

**Assessment:** Exam (100%, duration: 3 hours, reading time: 15 minutes) in the main exam period.

**Indicative reading:** Students are provided with outlines and readings for topics discussed in the Michaelmas and Lent Terms. For some introductory and background reading see: J.E. Penner and E. Melissaris, McCoubrey & White's Textbook on Jurisprudence, OUP 2012; Brian Bix, Jurisprudence: Theory and Context (3rd ed.), Thomson Sweet & Maxwell 2003.

## AN226 Political and Legal Anthropology

**Teachers Responsible:** Lecturers from Law Department and the Anthropology Department.

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

**Availability:** 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 LLB students.

Although the course builds on anthropological theories and ethnographies, no prior knowledge of anthropology is necessary. Students who have an interest in jurisprudence, criminology, socio-legal studies and politics will particularly enjoy this course.

**Prerequisites:** no prerequisites for LL.B. Parts I and II.

**Core Syllabus:** The anthropological analysis of political and legal institutions

**Outline:** The development of political and legal anthropology; centralised and non-centralised polities; the legitimisation of power; colonialism and indigenous responses; nationalism and ethnicity; debates on neoliberalism and governmentality; early legal anthropology; colonial transformations of law; legal pluralism and its critiques; I violence, punitivism and law; debates on property; gender and law; religion and law

**Formative coursework:** Students will prepare essays for discussion with academic advisers.

**Assessment:** There is a three-hour examination in the summer term, of 10 questions (3 must be answered) which accounts for 70% of the mark. Students will sign up to lead a class and submit a written analysis (15% - MT); and write an assessed essay (15% - LT).

**Indicative reading:** J. Gledhill, *Power and its Disguises* (1994); J. Vincent, *Anthropology and Politics* (1990); E.R. Leach, *Political Systems of Highland Burma* (1954); Barth, Fredrik.. *Political Leadership among Swat Pathans* (1959); Banerjee, *The Pathan Unarmed* (2001); Gluckman, M. " 'The bridge': Analysis of a social situation in Zululand" (1958) ; A. Blok, *The Mafia of a Sicilian Village* (1988).; C.J. Fuller and V. Benei (eds). *The Everyday state and society in modern India*.(2000), B. Malinowski, *Crime and Custom in Savage Society* (1926); J. Comaroff and S. Roberts, *Rules and Processes* (1981); S. Roberts, *Order and Dispute: An Introduction to Legal Anthropology* (1979); S.F. Moore, *Law as Process* (1978); L. Nader (ed.), *Law in Culture and Society* (1969); S E Merry, *Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans*. (1990).

## Appendix: Understanding Section 5.6 of the LLB Classification Scheme

As is already clear from section 5.1 of the classification scheme, if you were attempting to achieve a first (for example): You would need to achieve either 4 firsts OR 3 firsts **and** an aggregate of 540 or more to automatically achieve a first class degree (the same is the case for each classification band).

Given the importance of aggregates in the role of classifying it is therefore important to note that Section 5.6 of the classification scheme is intended to address and balance the fact that the Department of Law very rarely awards marks of 70+ whilst other Departments may award marks of 70-100 more frequently. Students taking an outside option where marks of 70-100 are awarded therefore potentially have an advantage over students not taking outside options, as their aggregates may be boosted by working to a different marking scale. Section 5.6 therefore works to make sure that students are being classified fairly, in accordance with their competence in law, regardless of what courses they take during the LLB programme. **The Department would not allow students to take outside options if it was minded to discount them.**

In practice, section 5.6 really only applies to **the most extreme of cases**. But allow me to provide greater clarity by exploring when it might and might not be drawn upon:

### Example A

If in the case that you have 3 firsts and an aggregate of 540, this is made up of a grade profile as follows:

LL275: 70  
LL232: 70  
AC100: 100  
LL305: 60  
LL202: 62  
LL221: 63  
LL241: 60  
LL205: 61

Aggregate: 546

The board may decide that without the extraordinarily high mark of 100 in AC100, and considering the lower 2.1 marks in your profile, your aggregate might have been unfairly distorted by taking AC 100 (as, if you had done equally well in an equivalent law course, you may only have received a 70 and therefore your aggregate would have been 516; 24 points short of the aggregate required for a first), and actually, a 2.1 classification more appropriately conveys your competence in law.

### Example B

However, if you achieved:

LL275: 70  
LL232: 70  
AC100: 100  
LL305: 68  
LL202: 65  
LL221: 68  
LL241: 67  
LL205: 65

Aggregate: 573

It is plain to see that even without the extraordinary mark in AC100 (+30 marks more than any of your law scores) you would have achieved an aggregate of 543 just from your law subjects and

therefore the AC100 has not unfairly distorted your aggregate. Accordingly, in this instance, it is possible that they would decide that a first classification appropriately conveys your competence in law.

It is worth reiterating that **the Department would not allow students to take outside options if it was minded to discount them** and to note that, in our experience, students tend to do better overall when they take subjects that interest them. This rule really only applies if you achieve a very specific grade profile (such as example A). We therefore ask that you note section 5.6 but, as the profile in example A occurs so rarely, also note that section 5.6 should not significantly impact your course choices.