REGISTRATION OF COURSES AND GENERAL INFORMATION

Faculty of Laws
University College London

Undergraduate Affiliate Students

2016/2017
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PLEASE READ THIS BOOKLET CAREFULLY AND BRING IT WITH YOU

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SECTION A

CHOOSING YOUR COURSES

It is essential that you read the guidelines provided below before making your course selections from the modules listed in the second half of this booklet (a course description is provided for each LLB module). The information is based on our experience over the years and is intended to help affiliate students enjoy a successful year at UCL.

Please remember that ultimately, you must adhere to the study abroad conditions and requirements imposed by your home institution. The course selection you make must therefore be approved by your home university at the beginning of the academic session.

EUROPEAN CREDIT TRANSFER SCHEME (ECTS)

The rules governing Erasmus programme funding require students spending a year abroad in Europe to achieve 60 credits under the European Credit Transfer Scheme (ECTS). UCL therefore expects every incoming affiliate student (including those from Australia, Hong Kong and Singapore) to study courses totaling 60 ECTS during their year of study here, ie. four modules, each a year long. Ultimately, however, the final decision regarding which courses you study lies with your home institution. It is therefore crucial that your course selection is approved by your home institution at the beginning of the academic session.

Each affiliate student is required to select four year-long modules from the Faculty of Laws, each module carrying a 15 ECTS weighting, ie. 60 ECTS in total across the entire academic year. Details regarding Core English Law Courses and Optional Courses are outlined below. Erasmus Affiliate students are free to select whichever combination of modules they wish adhering to and subject to the guidelines outlined in this booklet – a minimum of two modules from the Core subjects and a maximum of two modules from the Optional subjects. These rules do not apply to Exchange affiliates, however all modules must be taken within the Faculty of Laws.

Each course is a year long (three terms, with teaching in Terms 1 and 2, and exams in Term 3). All Affiliate students are required to select four options, all of which must be within the Faculty of Laws.

COURSE SELECTION

You must select four courses in total

Core English Law Courses

First Year Subjects:

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<tr>
<td>Criminal Law</td>
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</table>
Second Year Subjects:
Tort Law 15 ECTS
Jurisprudence & Legal Theory 15 ECTS
European Union Law 15 ECTS
Property II 15 ECTS (Not available to Erasmus Affiliates)

Provision exists for affiliate students to re-sit any of the Core English Law Courses during the same academic year in the August/September re-sit period. Affiliate students will be given the choice of whether or not they wish to re-sit any failed Core English Law Courses and students should be directed by their home institution’s requirements when making this decision (UCL does not require affiliate students to re-sit any failed subjects).

Please note that re-sit exams are may not be scheduled for the same academic year for optional law courses detailed below. Therefore, provision may not exist for affiliate students to re-sit any failed optional subjects in August/September however students may wish to make a special application to return to UCL the following May to re-sit any necessary examinations, if a resit is not offered in September.

Optional Law Courses
The following courses are also available to affiliate students:

Company Law
Conflict of Laws
Criminology
Employment Law
Environmental Law
Family Law
Health Care Law (formally Medicine, Ethics & Law)
Human Rights in the UK
Intellectual Property Law
Law and Ethics
Law and Social Inquiry
Lawyers: Practice and Ethics
Public International Law
Roman Law

Courses also available to exchange students with a background in English Common Law (i.e. students from partner institutions outside Europe)
The following courses require a substantial pre-existing knowledge of English Common Law. Students must therefore be confident that they meet the required standard before applying:

Commercial Law (Not Erasmus)
Corporate Insolvency (Not Erasmus)
Law of Evidence (Not Erasmus)
Law of Taxation (Not Erasmus)
Courses not available to Affiliate Students

Access to Justice and Community Engagement
Crime & Criminal Justice
Research Essay
Philosophical Foundations of the Common Law
Unjust Enrichment

Courses not being offered in 2016/17

Alternative Dispute Resolution
Competition Law
History of English Law

HOW TO REGISTER YOUR COURSES

- After reading the guidelines outlined above, please make your course selections from the LLB modules listed in the second part of this booklet (a course description is provided for each module).

- Complete the Course Registration Form, and return to Kerry Newlyn, k.newlyn@ucl.ac.uk as soon as possible and by Monday 20 June at the latest.

Deadline for return of Course Registration Form = Monday 20 June 2016.

IMPORTANT

Please consider your course selections carefully at this stage. It will not be possible for you to change your selections after the start of term.

To assist you in making your course selections, the table overleaf shows the draft timetable for lectures (this does not include seminars and tutorials which are arranged at a later date). The timetable may be subject to change before the start of term, but when making your choices, please try and avoid the lecture clashes shown in the timetable, for instance, you cannot choose Tort Law and Conflict of Laws because the lectures for both modules take place at the same time (Tues 11am-1pm) and students must be available to attend the teaching for each module they have selected.

Also note, for non Erasmus affiliates, that Commercial Law is at different time in terms 1 and 2 and therefore you cannot choose both Commercial and LPE.
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<td>CONFLICT OF</td>
<td>TAXATION</td>
<td>INTELLECTUAL PROPERTY</td>
<td>FAMILY LAW</td>
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<td>LAW</td>
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<td>TAXATION</td>
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<td>JURISPRUDENCE</td>
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<td>ROMAN LAW &amp; ETHICS</td>
<td>HEALTH CARE LAW</td>
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<td>HUMAN RIGHTS LAW</td>
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<td>LAW &amp; SOCIAL INQUIRY</td>
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**FIRST YEAR SUBJECTS**
**SECOND YEAR SUBJECTS**
**FINAL YEAR SUBJECTS**

This is a draft timetable and is subject to change prior to the start of term. You cannot choose two modules where the lecture times clash and if this occurs due to a change in the timetable then every effort will be made to allocate you to your highest choice options, however it is important to make reserve choices too.

Please note these are only lecture times, your tutorial times will be allocated once the timetable is confirmed and will be made to avoid clashes with any of your other classes. There are no lectures or tutorials on Wednesday afternoons.
# SUMMARY OF COURSES AND ASSESSMENT

<table>
<thead>
<tr>
<th>Courses</th>
<th>Convenor</th>
<th>Assessment</th>
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</thead>
<tbody>
<tr>
<td>Contract</td>
<td>Dr Prince Saprai/Dr Lucinda Miller</td>
<td>3 hour written examination (100%)</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>Dr Jonathan Rogers/Mark de Souza</td>
<td>3 hour written examination (100%)</td>
</tr>
<tr>
<td>European Union Law</td>
<td>Dr Nicola Countouris</td>
<td>3 hour written examination (100%)</td>
</tr>
<tr>
<td>Jurisprudence</td>
<td>Prof George Letsas</td>
<td>2 hour written examination (50%) + 5,000 word essay (50%)</td>
</tr>
<tr>
<td>Property I</td>
<td>Prof Ben McFarlane</td>
<td>3 hour written examination (100%)</td>
</tr>
<tr>
<td>Public Law</td>
<td>Dr Jeff King</td>
<td>3 hour written examination (100%)</td>
</tr>
<tr>
<td>Tort</td>
<td>Prof Maria Lee</td>
<td>3 hour written examination (100%)</td>
</tr>
<tr>
<td>*Property II</td>
<td>Dr Ying Khai Lee</td>
<td>3 hour written examination (100%)</td>
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</table>

<table>
<thead>
<tr>
<th>Courses</th>
<th>Convenor</th>
<th>Assessment for 15 ECTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Commercial Law</td>
<td>Dr Magda Racznyska/Prof Ben McFarlane</td>
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<tr>
<td>Company Law</td>
<td>Ms Anna Donovan</td>
<td>3 hour written examination (100%)</td>
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<tr>
<td>Conflict of Laws</td>
<td>Dr Ugljesa Grusic</td>
<td>3 hour written examination (100%)</td>
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<tr>
<td>*Corporate Insolvency</td>
<td>Prof Riz Mokal</td>
<td>3 hour written examination (100%)</td>
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<tr>
<td>Criminology</td>
<td>Ms Elaine Genders</td>
<td>3 hour written examination (100%)</td>
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<tr>
<td>Employment Law</td>
<td>Prof Nicola Countouris</td>
<td>3 hour written examination (100%)</td>
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<tr>
<td>Environmental Law</td>
<td>Prof Jane Holder</td>
<td>2 hour written examination (50%) + 5,000 word essay (50%)</td>
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<tr>
<td>Family Law</td>
<td>Dr Rob George</td>
<td>3 hour written examination (100%)</td>
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<tr>
<td>Health Care Law</td>
<td>Prof Jonathan Montgomery</td>
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<td>Human Rights in the UK</td>
<td>Mr Colm O’Cinneide</td>
<td>3 hour written examination (100%)</td>
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<tr>
<td>Intellectual Property</td>
<td>Dr Daniela Simone</td>
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<tr>
<td>Law and Ethics</td>
<td>Dr Sylvie Delacroix</td>
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<td>Law and Social Inquiry</td>
<td>Prof Pascoe Pleasence</td>
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<td>*Law of Evidence</td>
<td>Prof Ian Dennis</td>
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<tr>
<td>*Law of Taxation</td>
<td>Ms Monica Bhandari</td>
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<td>Lawyers: Practice &amp; Ethics</td>
<td>Prof Richard Moorhead</td>
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<td>Public International Law</td>
<td>Prof Roger O’Keefe</td>
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</tr>
<tr>
<td>Roman Law</td>
<td>Prof Andrew Lewis/Prof Paul Mitchell</td>
<td>3 hour written examination (100%)</td>
</tr>
</tbody>
</table>

* = Course not available to Erasmus Affiliates
EXAMINATIONS
Affiliate students studying law at UCL are expected to sit formal UCL examinations which will take place during end of April/May 2016 in the 2016-17 academic session. The final examination timetable will be published by the end of March 2017 and will include the dates, times and venues of individual examinations. The pass mark for all LLB subjects is 40%. If a module is assessed by a combination of exam and essay, the combined overall result must be 40% or above in order to pass the module (the weightings attributed to the exam and essay component of each module are summarised on the previous page).

Compulsory attendance during term time and at exams
Please be aware that specific requirements regarding compulsory attendance throughout term time and at exams apply to all students, including affiliate exchange students. These are outlined in the Undergraduate Student Handbook which will be issued to all incoming affiliates in their Welcome Packs at the start of term (along with other essential information). You are expected to remain in London for the duration of each term, including the third and final term Permission for a leave of absence during term time can be considered by the Director of Undergraduate Programmes or Faculty Tutor if extenuating circumstances exist and applications should be made via Kerry Newlyn, International Programmes Coordinator in the Undergraduate Team.

Informal Mid-Sessional exams are held in the Faculty of Laws in some of the first year subjects at the start of the second term in January. You will be told when and where they are to be held. All students taking these subjects must sit the mid-sessional examination. Any UCL student who does not sit a mid-sessional examination in a required subject will not have satisfied course requirements and therefore may not be allowed to take the final exams in May.

Important
During your study abroad year you will be a full-time student at UCL and will be expected to adhere to the guidance and regulations outlined in the Undergraduate Student Handbook, relating to attendance, assessment and general conduct. A copy of this handbook will be issued to you at the start of term, or alternatively it can be accessed via the UCL Laws website (Student Intranet)

PREPARATION FOR STUDY AT UCL
A reading list will be posted on the Laws website over the course of the summer. Incoming affiliates will be notified via email once this list is available.

STUDENT ENROLMENT
You will be able to enrol early as part of the International Student Orientation Programme (ISOP) run by the UCL International Office who will contact every incoming affiliate student directly to provide details regarding this programme. Because of this you may need to make arrangements to move into student accommodation earlier than the official moving in weekend. The Accommodation Department are aware of the ISOP so if you will be attending please liaise directly with Accommodation.
Details of the International Student Orientation Programme can be found on the International webpages at:
http://www.ucl.ac.uk/iss/orientation

IMPORTANT DATES

Compulsory Affiliate Induction Meeting
This meeting will be held in the Faculty of Laws (see address overleaf) as part of the ISOP and you will be notified of the date formally by the International Office. **It is compulsory that you attend this meeting**, which will include:
- instructions regarding how to access your personal timetable online
- details of library tours
- information on courses
- information on course registration
- information on induction lectures and tutorials

It is also an invaluable opportunity to meet other affiliate students, ask questions and deal with any problems.

UCL Term Dates
All students are required to be present from the first day of each term (please note the ISOP will start a few days prior to the start of the First Term) until the last day of each term unless special permission to be absent is authorised in advance by the Faculty Tutor.

- First Term: 26 September 2016 – 16 December 2016 (reading week 9-13 November)
- Second Term: 9 January 2017 – 24 March 2017 (reading week 15-19 February)
- Third Term: 24 April 2017 – 9 June 2017
  (please note there is no formal teaching in the third term although all students, including affiliate exchange students, are required to remain until the end of term for any exam irregularity investigations and/or exam transcription requests)

- Mid-sessional exams in some subjects will take place at the beginning of second term in week commencing 9 January 2017 (tbc).
- Undergraduate exams will be held during April/May 2016 (essays would need to be handed in on a date prior to the start of exams and the final examination timetable to be confirmed by 24 March 2017).

Working while in London

Current regulations allow students to work only 20 hours per week in term time. Any student found to be working full-time will have their registration cancelled for failure to meet course requirements.
STAFF CONTACTS FOR AFFILIATE STUDENTS

UCL FACULTY OF LAWS
Faculty of Laws
Bidborough House
Bidborough Street
London WC1H 9BT

Administration Support:
Kerry Newlyn
Telephone: +44 20 3108 8306
E-mail: k.newlyn@ucl.ac.uk

We look forward to welcoming you at UCL in September!
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<td>LAW AND SOCIAL INQUIRY</td>
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Convenor: Dr. Prince Saprai (p.saprai@ucl.ac.uk) and Dr. Lucinda Miller (l.miller@ucl.ac.uk)

Teachers: Dr. Lucinda Miller, Dr. Prince Saprai

Method of instruction: Lectures and Tutorials

Assessment: unseen written examination (3 hours)

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

Some of the key themes covered are: the distinctive nature of contractual obligations; how contracts are formed; how unfair terms are regulated by the courts; vitiation of contracts for mistake, misrepresentation, undue influence and duress; breach of contract and remedies for breach.
Property I provides an introduction to the whole of the law of property, and a detailed examination of the law of property related to land. It leads to Property II, which focuses on trusts in greater depth.

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

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

The course is taught through a combination of 20 two-hour seminars and 10 one-hour tutorials. The seminars are held weekly and tutorials biweekly in terms 1 and 2. You are expected to prepare material in advance and to participate in both seminars and tutorials.

You will have the opportunity to submit two written assignments and write a practice assessment. The assignments are normally due in November and February, while the practice examination is in January. You will receive feedback on this work from your tutor, but it does not form part of your final grade for the module, which is based solely on the unseen written examination in May.
LAWS1011: PUBLIC LAW

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

Teachers: Dr. Jeff King; Mr. Rodney Austin; Dr. Ronan McCrea

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

Assessment: unseen written examination (3 hours)

This compulsory first year course is an introduction to Public Law. The first part of the course covers general principles of UK Constitutional Law, including the principle of legality, the sovereignty of Parliament, the separation of powers, and the rule of law. The second part covers the devolution of power to Northern Ireland, Scotland and Wales, an introduction to judicial review (administrative law), the constitutional dimensions of British membership of the European Union, and the judicial protection of European Convention rights under the UK Human Rights Act 1998.
LAWS1012: CRIMINAL LAW

Convenor: Dr Jonathan Rogers (j.rogers@ucl.ac.uk) (Term 1) and Mark de Souza (Term 2)

Teachers: As above, with various tutors offering small group tutorials

Method of instruction: Lectures and tutorials

Assessment: unseen written examination (3 hours)

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

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

Subject to confirmation, the ten tutorials will (very broadly described) cover the following subjects:

1. Introduction: reading a case and arguing a moot point
2. Basic concepts: actus reus, mens rea, omissions.
3. Non-fatal offences against the person – the elements of the different offences
4. Defences to offences against the person
5. Involuntary manslaughter
6. Elements of murder
7. The partial defences to murder, and the case for reforming the law on murder
8. Sexual Offences
9. Theft
10. Complicity and the common law doctrine of "joint enterprise".
LAWS2002: PROPERTY LAW II

Note: Property Law II is only available as an optional module for exchange (not Erasmus) students who have previously studied and passed Property Law I or equivalent

Convenor: Dr Ying Khai Liew (y.liew@ucl.ac.uk)

Teachers: Dr Ying Khai Liew and others.

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

Assessment: unseen written examination in May (3 hours)

The purpose of the course is to enable students to acquire a good knowledge and understanding of the core concepts and concerns of trusts law. At the end of the course, students should be familiar with the rules governing the creation of express trusts, the imposition of constructive and resulting trusts, the duties of trustees and other fiduciaries, and the remedies available when these duties are breached.
LAWS2004: JURISPRUDENCE & LEGAL THEORY

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

Teachers: to be confirmed

Method of instruction: lectures and tutorials

Assessment: 5,000-word essay (50%) and 2-hour unseen examination in May (50%)

Introduction

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

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

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

Teaching

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

**Part B (the Big Book)** consists of four consecutive weekly two-hour seminars, which take place in the second term (2 before reading and 2 after reading week. You will be given a choice to study one complete major historically significant work in legal theory, political or moral philosophy, from an array of options. A selection of books will be publicized towards the end of first term. Options in the past have included Plato’s Republic, Aristotle’s Nicomachean Ethics, Hume’s Treatise of Human Nature, Smith’s Theory of Moral Sentiments, Kant’s Groundwork of the Metaphysics of Morals, Mill’s On Liberty, among other works. You will write a **5,000 word essay** on the Big Book to which you are allocated. Your tutor will suggest a list of essay titles to choose from and you will be asked to submit an essay plan and bibliography, on which you will receive feedback.
LAWS2007: TORT LAW

Convenor: Professor Maria Lee (maria.lee@ucl.ac.uk)

Teachers: tbc.

Method of instruction: Lecture plus tutorials

Assessment: unseen written examination (3 hours)

This course is designed to enable students to become familiar with the core concepts, scope of application, and concerns of tort law. By the end of the course, students should be aware of the core elements of some major torts; understand the rationale and development of these torts; and be capable of identifying and analysing the factual situations in which these torts typically arise. We examine a number of different torts (negligence, nuisance, defamation, privacy, products liability) as well as a number of cross cutting issues (such as causation, vicarious liability and remedies). Students will have the opportunity to apply the law to different factual situations, as well as to explore some of the theoretical and conceptual issues around the topic.
This course examines some key institutional and substantive aspects of EU law. It begins by providing an analytical overview of some institutional and administrative law aspects of the EU. This eventually leads to an in depth study of the functioning and regulation of the EU internal market, with a principal focus on the rules shaping free movement of goods, services, and persons. The course also covers the Human Rights framework of the EU, and includes a series of more specialised and discrete lectures on topics such as EU Environmental Law, and the functioning of the European Monetary Union, with a specific focus on the ongoing Euro-currency crisis.
LAWS3002: EMPLOYMENT LAW

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

Teachers: Prof Nicola Countouris, Dr Virginia Mantouvalou, Prof Colm O’Cinneide

Method of instruction: seminars and tutorials

Assessment: unseen written examination in May (3 hours)

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

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

There are considerable overlaps and complementarities between this subject and others that you will already have studied and will study in your final year. It has important links to public law and especially the human rights component of that subject, European Union law, contract law and jurisprudence. The module also combines, on the one hand, a highly practical side, in that employment law is a lively area of legal practice, and, on the other hand, being outward-looking and intensely topical, in that a day barely goes by without a major news story touching upon employment or equality issues and how these are treated in law.
LAWS3005: INTELLECTUAL PROPERTY LAW

Convenor: Dr Daniela Simone (d.simone@ucl.ac.uk)

Teachers: Dr Daniela Simone, Dr Ilanah Simon Fhima & Prof Robin Jacob

Method of instruction: lectures and tutorials

Assessment: unseen written examination in May (3 hours)

Assigned texts:

- Cornish, Llewelyn & Aplin, Intellectual Property (Sweet & Maxwell, 2013) AND
- Blackstone’s Intellectual Property Statutes (latest edition) OR
  Palgrave Macmillan Core Statutes on Intellectual Property (latest edition)

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

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

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

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

The module also has a considerable international and European law dimension. The harmonisation of intellectual property rights has been one of the key tools in the quest for the creation of an internal market. We will consider the extent to which this harmonisation has been achieved, and will examine the on-going attempts at further harmonisation. We will also analyse the degree to which broader attempts at ‘internationalising’ IP have influenced the development of the law in the UK.
The study of the law of evidence concerns how we regulate the process of proving facts in legal proceedings. We focus on what evidence may properly be used to persuade a court of the truth of a party’s claims, the extent of a judge’s powers to exclude some forms of evidence, and the rationale for exclusion. The module will appeal particularly to those with a keen analytical mind, and preferably with a strong interest in criminal justice since the module is largely concerned with the principles of evidence in criminal cases. That said, the module should also interest anyone who anticipates presenting cases in any type of court or tribunal in the future. Concerns about the relevance of certain pieces of evidence are much the same in both criminal and in civil evidence, as are the proper limits of cross-examination and the rules of legal professional privilege. But we focus on criminal evidence in the main because there are far more issues involved, and the impact of the fair trial guarantee in Article 6 of the ECHR is far greater.

The format of the module is 20 weekly lectures/seminars of 2 hours each for the whole class, plus nine tutorials for smaller groups. We will have ten lectures/seminars in the first term and ten in the second. There are four tutorials in the first term and five in the second. The module is examined 100% by examination in May. Students are permitted to take a collection of Evidence statutes into the exam. Two pieces of written work will be set during the module in accordance with Faculty policy.

The tutorial agenda is flexible, but is likely to cover the following subjects (though not necessarily in this order):

1. **Fundamental concepts.** We will discuss concepts of relevance, admissibility, exclusionary rules and exclusionary discretion in the context of a simple hypothetical case. The emphasis in this class is not on the law, but on evidential reasoning, and the formulation of arguments about the relevance of given items of evidence.

2. **The privilege against self-incrimination and the right to silence.** This is the first of three classes concerned with the investigation of crimes by the police, and the issues arising about
obtaining evidence from suspects. These closely related topics have a substantial human rights dimension and raise issues about the extent to which persons can be directly or indirectly compelled to incriminate themselves.

3. **Confessions.** Empirical research shows that police questioning of suspects is frequently successful in eliciting incriminating statements. Issues can arise about the authenticity of confession evidence (the so-called ‘verballing’ problem), the legitimacy of the methods used to obtain the confession, and the reliability of a confession.

4. **Improperly obtained evidence.** What should be the response of the law if the police use illegal or unfair methods to obtain incriminating evidence against a suspect? How far is entrapment or deception permissible? If improperly obtained evidence is to be excluded should this be by rule or discretion, and what is the rationale for exclusion?

5. **Burden of proof.** We look at the significance of the presumption of innocence at common law and under the ECHR, and the issues arising where Parliament ‘reverses’ the burden of proof and requires the defendant to prove some matter going to his innocence of the crime charged.

6. **Questioning of witnesses.** This class deals with the rules relating to the examination of witnesses in court, particularly cross-examination, and the problems arising when parties challenge the credibility of a witness. In what circumstances, for example, should a cross-examiner, be able to question witnesses about their bad character?

7. **Hearsay evidence.** Parliament made major changes to the rule against hearsay evidence in the Criminal Justice Act 2003. The intention was to allow more hearsay evidence to be admitted at trial, but the new law is complex, and a major issue has emerged of the compatibility of English hearsay law with Article 6 of the ECHR.

8. **Bad character evidence.** Parliament has also liberalised the law on the admission of evidence of the bad character of the accused. Have the reforms gone too far? What, we may ask, does the bad character of the defendant tend to prove? This, we shall see, is a question which requires us to distinguish between “reasoning prejudice” and “moral prejudice”.

9. **Expert evidence.** Forensic science evidence has traditionally been given much weight, but how reliable is most of it? To what extent should judges have a ‘gatekeeping’ role in keeping bad science out of the courtroom? And what qualifies a witness to be an expert? Such questions are currently some of the most controversial in the law of evidence.
LAWS3007: COMPANY LAW

Convenor: Anna Donovan

Teachers: Anna Donovan and Prof John Lowry

Method of instruction: lectures and tutorials

Assessment: unseen written examination in May (3 hours)


Introduction

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

Module content

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

There are two pieces of formative coursework issued during the academic year although these do not count towards your final mark for the module.
LAWS3008: LAW OF TAXATION

Note: Law of Taxation is only available as an optional module for exchange (not Erasmus) students who meet the pre-requisites including having previously studied and passed Contract Law.

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

Teachers: Ms Monica Bhandari

Method of instruction: seminars

Assessment: unseen written examination in May (3 hours)

Recommended texts: Revenue Law Principles and Practice Bloomsbury Lee

Comment

The module is intended to provide an understanding of the foundations of direct taxation. This will ensure an appreciation of the existence of a tax problem and, in the areas studied in detail, knowledge of the relevant law. Tax awareness is essential for those giving legal advice who have to consider the tax implications of that advice. An understanding of the tax system is also helpful for dealing with personal tax liability, especially with self-assessment.

The tax legislation is copious (see the size of the statute books) and the statutory language is complex. Detailed analysis of the statutory material is required so anyone who dislikes statutory interpretation is discouraged from choosing this option. Case law is important as many crucial terms, such as income, employment - are not defined by statute. It is necessary to cope with very simple algebraic formulae but there is no need to be a mathematician to use these or to do tax. The approach is to analyse the legislation as lawyers not accountants.

The subject is a fast moving one with the annual Budget making changes (and recently changes announced in the pre-Budget Report as well). The fundamentals remain however with income tax introduced in 1799.

Tuition is by a mixture of lectures and seminars. Tutorials are held on a fortnightly basis. Emphasis is placed on critical examination of the current laws but in seminars and tutorials fiscal policy and possible reforms are also discussed. Assessment of the module is by a written examination in the summer.

Introductory

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

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

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

Tax Avoidance

Reading
1. Background
Kay and King, The British Tax System
Financial section of newspapers, especially Saturday quality press

2. Textbooks
Tiley and Loutzenhiser, Revenue Law
Lee, Revenue Law
Davies, Principles of Tax Law

3. Casebook
Tottel, Revenue Law – Text and Materials

4. Statutes
Butterworths Yellow and Orange Tax Handbooks, or
CCH Tax Statutes

5. Periodicals
The specialist legal periodical to which most reference will be made is the British Tax Review. Other frequent reference to articles in Fiscal Studies.
LAWS3009: COMMERCIAL LAW

*Note: Commercial Law is only available as an optional module for exchange (not Erasmus) students who meet the pre-requisites including having previously studied and passed Contract Law.*

**Convenor:** Professor Ben McFarlane and Dr Magda Raczynska ([ben.mcfarlane@ucl.ac.uk](mailto:ben.mcfarlane@ucl.ac.uk); [magda.raczynska@ucl.ac.uk](mailto:magda.raczynska@ucl.ac.uk))

**Teachers:** Professor Ben McFarlane and Dr Magda Raczynska

**Method of instruction:** lectures and tutorials

**Assessment:** unseen written examination in May (3 hours)

**Recommended texts:** English Private Law (ed A. Burrows, 3rd edn, 2013): parts of chapters 4, 5, 8, 9, 10, 16 and 17. This text is available free online to UCL students via Oxford Scholarship Online.

**About this module**

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

We will look at:

1. Contractual Interpretation: how do, and how should, courts interpret commercial contracts?
2. Agency: why is agency so important in practice; how can the acts of an agent bind a principal; how is a principal protected from misconduct of an agent?
3. Property Rights: why are property rights so important in commercial transactions? What limits are there on the parties’ ability to create such rights?
4. Security Rights: how can a commercial party acquire a security right? Does the law provide the right balance between commercial convenience and the need to protect third parties?
5. Assignment of Contractual Rights: is a chose in action, such as a debt, a piece of property that can be transferred? Should non-assignment clauses in contracts be enforced?
6. Commercial Remedies: What remedies are available to a commercial party if, for example, a contractual partner fails to perform? Can the law protect a commercial party even if a breach of contract causes that party no loss? Are commercial parties free to choose what the consequences of a breach of contract should be?

7. Pre-contractual liability: In what circumstances might a commercial party, who has acted in reliance on the belief that a contract would be concluded with another commercial party, have a claim against that other party? Is contract law undermined if such claims are allowed?

8. Bailment and Torts: When might a commercial party be able to look outside contract law and instead seek protection under principles of bailment, or of the economic torts? Should third parties be under a strict duty not to interfere with another party’s contract?
LAWS3010: FAMILY LAW

Convenor: Dr Rob George (rob.george@ucl.ac.uk)

Teachers: Dr Rob George

Method of instruction: lectures and tutorials

Assessment: unseen written examination in May (3 hours)

Recommended texts:

- S Harris-Short, J Miles and R George, Family Law: Text, Cases and Materials (OUP, 2015)
- A Diduck and F Kaganas, Family Law, Gender and the State (Hart, 2012) – but NB this book is getting a little dated now and while useful for some of the sources quoted is probably best used as a supplementary book rather than a main text.

In this module, we study the legal constitution and regulation of personal relationships and how that regulation affects individuals’ relationships with the state. We look at the problems people encounter in those relationships and the legal responses to those problems. We are as concerned with what actually happens in practice and the policy behind it as with the law as stated in the books.

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

Syllabus (not all subjects are covered every year)

1. Personal relationships, ‘families’ and the law: historical and social perspectives.


3. The Legal Relations of Husband and Wife/Civil Partners. Violence in relationships and the legal responses (criminal and civil). Maintenance obligations and state benefits and the relationship between these. Actions for neglect to maintain (enforcement questions).
4. The Legal Dissolution of Relationships: Divorce and dissolution of civil partnerships -
Objectives, trends, causes. Reconciliation and conciliation. Economic Consequences:
Property adjustment and financial provision. The clean break philosophy. Periodical
payments, lump sums. Marital agreements – pre- and postnuptial agreements. Financial
provision for children. Types of property order. Tax considerations. Social security
implications. The wealthy and the poor.

5. Legal Relations of Parent and Child. Reproductive control and the state’s power to affect
private decision-making in the context of the ‘reproduction revolution’. The meaning of
Disputes between partners. The orders courts can make about the upbringing of children
Problems over name, education, religion, punishment, relocation. Step-parents.

(physical, sexual, emotional) and legal responses to it (criminal, civil, administrative). Case
conferences and registers. The duties of local authorities. Prevention and assistance to
families. Provision of accommodation. Duties of local authorities towards accommodated
children. Emergency protection orders; child assessment orders; police protection. Care
proceedings. Contact orders. Education supervision orders. Dealing with abuse and neglect
(identification, proof, remedies).

7. Administration of Family Law. Jurisdiction and powers of courts; the role of the legal
profession and other professions (medical and psychiatric evidence, reports). The ‘Family
Court’. Separate representation of children, mediation and adr.

Comment

Family law is valuable to all. It should engage you with current controversy and give you an insight
into state policy, the position of women and children and the state of the contemporary family.
LAWS3012: ENVIRONMENTAL LAW

Convenor and Seminar leader: Prof Jane Holder (jane.holder@ucl.ac.uk)

Method of instruction: participatory seminars

Assessment: 5,000-word essay (50%) and 2-hour unseen examination in May (50%)


About the Course

Environmental protection poses unique challenges to the law. In this course on environmental law we critically assess the role that law has to play in regulating and protecting the environment by examining a range of contemporary environmental issues including loss of biodiversity, climate change and renewable energy.

This gives us the opportunity to discuss the relationship between science and law, risk regulation, and the incorporation of ecological theories in law, as well as issues such as public participation, access to information, and direct action.

We begin by tracing the roots of the environmental justice movement and the concept of ‘sustainable development’ and we consider the extent to which environmental law reflects these. We then consider a range of regulatory philosophies and mechanisms, ranging from traditional approaches such as ‘command and control’ regulation of pollution, the establishment of trading regimes in carbon, and the designation of land for biodiversity.

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

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

The course is enhanced by a fieldtrip to Camley Street Natural Park.
Course Outline

1. The Challenge for Law of Sustainable Development and Environmental Justice
2. Risk regulation and the precautionary principle
3. Ecological theories – ‘From Wilderness to Wild Law’
4. Licensing Pollution
5. Carbon Trading Regimes
6. Environmental Responsibility: Labelling and Auditing
7. Environmental Assessment, Windfarm Development and Land Use Conflicts
8. Designation of Land for Biodiversity
9. Climate Change and Human Rights Discourse
10. Public Participation in Environmental Decision Making: The Aarhus Convention
11. Returning to Sustainable Development: Envisaging a Sustainable University
12. Human Rights approaches to environmental protection and enlarging rights categories.

Please contact me if you would like further information about this course (jane.holder@ucl.ac.uk).
LAWS3013: LAW AND ETHICS

Convenor: Dr Sylvie Delacroix (s.delacroix@ucl.ac.uk)

Teachers: Dr Sylvie Delacroix

Method of instruction: participatory seminars

Assessment: 5,000-word essay (50%) and 2-hour unseen examination in May (50%)

Recommended texts: Ethics in Practice (Blackwell, 2014)

About the course

In this course on law and ethics, we will critically assess the role that law has to play in dealing with increasingly complex ethical issues. These issues will be organized around three broad themes:

1. Ethics of risk
2. Is there such a thing as “libertarian paternalism”?
3. Professional ethics

In each seminar, we will begin by considering 'real-life' ethical conundrums, to then seek to disentangle the ethically-relevant aspects of the problem and identify the ethical concepts best suited to answering it. The effort to locate such concepts within a wider framework of analysis (consequentialism, deontology, virtue ethics etc) will provide the 'stepping stone' for the second part of each seminar, which will consider the application of those key ethical concepts to legal practice.

Note that this course is not a mere extension of the jurisprudence course. To quote one student:

“Law and Ethics is not jurisprudence for geeks, but rather a course for those who want to apply ethical knowledge to real-life issues [...] All that is needed is an open and enquiring mind.”

Method of teaching

This highly participatory course will be taught by seminar discussion.

There will also be an opportunity to experience an ethical dilemma in “The Cave” in UCL (a highly immersive virtual reality environment). It is expected that each member of the class will attend all meetings of the class, prepare for each class and be prepared to contribute to class discussion.
LAWS3014: PUBLIC INTERNATIONAL LAW

Convenor: Professor Roger O’Keefe (r.okeefe@ucl.ac.uk)

Teachers: Professor Roger O’Keefe, Dr Danae Azaria, Dr Martins Paparinskis, Dr Kimberley Trapp

Method of instruction: Lectures and tutorials

Assessment: Unseen written examination in May (3 hours)


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

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

Public international law will be of interest to anyone who takes an interest in international affairs. In professional terms, it is indispensable for those keen to join the ranks of the increasing numbers of barristers and solicitors whose practice involves advising states and private clients on everything from bilateral investment treaties and sovereign rights over the oil and gas of the seabed to challenging drone strikes in Pakistan in the English courts; for those thinking of working, in a legal or diplomatic capacity, for the Foreign & Commonwealth Office or its foreign equivalents, for an international organization like the United Nations or for an international judicial institution like the International Criminal Court; and for those interested in a legal career in a non-governmental organization like Amnesty International or Greenpeace.
LAWS3016: HEALTH CARE LAW

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

Teachers: Prof Jonathan Montgomery

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

Assessment: 5,000-word essay (50%) and 2-hour unseen examination in May (50%)

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

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

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

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

There is a wide range of literature available; textbooks, public and Parliamentary reports, specialist journals (especially the Medical Law Review and the Journal of Medical Ethics). You will not need to purchase a textbook, but could have a look at E. Jackson Medical Law, Text and Materials (3rd ed OUP 2013) or K Mason & G. Laurie, Mason and McCall Smith’s Law and Medical Ethics (9th ed OUP 2013). For most sections of the course official reports and academic articles are identified that are available electronically. The Convenor will provide advice on readings for the law reform project to students once they have selected their topic.
LAWS3029: HUMAN RIGHTS IN THE UK

Convenor: Mr Colm O’Cinneide (c.o’cinneide@ucl.ac.uk)

Teachers: to be confirmed

Method of instruction: seminars and tutorials

Assessment: unseen written examination in May (3 hours)

Recommended texts: see below

Aims and Objectives

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

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

Teaching Method

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

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

Course Outline

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

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

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

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

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

Human Rights under European Community and Union Law: The distinctions between ECHR and EC/EU standards, scope and application of freedoms and rights, the Charter of Rights; ECJ/CJEU jurisprudence on the Charter and ECHR; EU accession to ECHR.
**ECHR Substantive Rights and Freedoms:** Clearly it will not be possible to study all of the Convention rights. Accordingly, a selection will be made from the following rights and freedoms, dependent upon teaching preferences and availability:

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

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

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

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

**Recommended Texts**


There is also a more recent cases and materials book: Mowbray, *Cases, Materials and Commentary on the ECHR*, (3rd ed, 2012), OUP, which students may find useful.


LAWS3035: CORPORATE INSOLVENCY

*Please note that numbers on this course will be limited.*

*Note: Corporate Insolvency is only available as an optional module for exchange (not Erasmus) students*

**Convenor:** Prof. Riz Mokal ([riz.mokal@ucl.ac.uk](mailto:riz.mokal@ucl.ac.uk))

**Teachers:** Prof Riz Mokal

**Method of instruction:** 20 x weekly 2-hour seminars

**Assessment:** unseen written examination in May (3 hours)

This course approaches English corporate insolvency law from a theoretically informed perspective, and would appeal to students interested in ‘jurisprudential’ analysis of substantive law. Its focus is on the fundamental principles of insolvency law rather than on legal doctrine, and it draws on statute and case law primarily as illustrations of the application or breach of those principles. The aims of the course are to enable students to identify the economic and legal issues that precipitate corporate insolvency; to understand the law’s response to this crisis in the light of relevant empirical data; and to assess the efficacy of this response by comparing it with insolvency regimes in other jurisdictions (mainly the US). The course assumes knowledge of issues considered on the Property I and II and Jurisprudence courses. Students who have not previously read these subjects may be at a disadvantage.

The students’ learning objectives on this course are: to be able to defend a coherent view of the proper place of corporate insolvency law in the broader legal corpus; to be able to identify factors that would lead to the conclusion that a company was in distress; to understand the relationship between the various legal options available to the stakeholders of such a company; to assess the impact of legal proceedings on groups of stakeholders; and to identify in insolvency proceedings which factors are correlated with which outcomes.

At the end of the course, the students should be able to:

- Analyse the various theories about the nature and objectives of insolvency law and explain how far any of those illuminate the law in this jurisdiction.
- Identify different types of claimant in insolvency proceedings and their respective ranking for distributional purposes.
- Identify different types of security interest, demonstrate an understanding of the debate surrounding the priority accorded to security, and relate this to the objectives of insolvency law.
• Identify which claims are provable in liquidation, explain the ambit of insolvency set-off, and analyse the appropriateness of different rules of distribution.
• Explain the rationale underlying the adjustment of antecedent transactions in formal insolvency proceedings.
• Theorise about the need for a corporate ‘rescue’ procedure distinct from liquidation and understand the appropriateness of ‘informal’ rescues for large and smaller companies.
• Assess the appropriateness of receivership, administration, ‘pre-pack’ administration, company voluntary arrangements and schemes of arrangement in different factual contexts.
• Analyse the impact of the initiation of formal insolvency proceedings upon the distressed company’s directors and employees.

The students will also develop their analytical and communication skills, and their abilities to find legal materials on the Internet and in the library, and to read, analyse and criticise cases, legislation, and academic writing from different jurisdictions. Their knowledge, skills and understanding will be further developed if they take the optional Company Law course.

The students will acquire these qualities of knowledge and understanding, intellectual skills, practical skills and transferable skills through preparation for and attendance at seminars. These will be run on the Socratic method, which means a significant amount of preparation would be expected in advance, and a significant amount of participation, discussion and answering of questions during them. This could be expected to develop their analytical and communication skills. The requirement to write essays for formative feedback, and to read and discuss them in individual (‘one-on-one’) meetings with the course convenor will develop students’ research, analytical, synthesising and communication skills. The examination will test all of these skills except oral communication, which will not be assessed.
Twice in European history has a legal system been created out of the customary practices of a particular people which has gone on to dominate the legal culture of half the world. The second such system is our own Common law, varieties of which are now to be found in all English-speaking countries and in their former colonies. The first was Roman law.

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

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

The Roman Law module introduces you to the full range of legal practices and concepts developed by the lawyers of ancient Rome. Theirs was a customary system, like our own, developed out of the practice of the courts and there are many points of similarity and comparison between the two.

Gaining an understanding of the Roman legal system is a fascinating and intriguing exercise which has engaged the minds of some of the finest legal scholars over the past few hundred years. The result is a study which offers a unique blend of comparative law, detailed scholarship, legal history and practical legal insights.
The module is taught by a weekly two-hour seminar and four one hour tutorials.

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

Module outline

1. Sources of Law in the Republic and Empire
2. Legal Procedure: the primacy of claims in court
6. The Law of Succession

Recommended preparatory reading

On Roman Law:


On Roman history (for background):


Starr, C G: *The Roman Empire* (1982 OUP, p/b)
**LAWS3040: CONFLICT OF LAWS**

**Convenor:** Dr Ugljesa Grusic (Email: TBC)

**Teachers:** Dr Ugljesa Grusic

**Method of instruction:** lectures and tutorials

**Assessment:** unseen written examination in May (3 hours)

**Recommended texts:** Jonathan Hill & Máiré Ní Shuíleabháin, “Clarkson & Hill’s Conflict of Laws” (5th edn, 2016) (see further below)

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**Introduction**

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

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

1. **Jurisdiction**, the question of which court may hear a dispute;
2. **Applicable law**, the question of which law or laws a court will apply to resolve the dispute; and
3. **Recognition and enforcement of foreign judgments**.

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

The following are some examples of Conflict of Laws problems that are drawn from a selection of the leading cases that are covered in this module:
Can workers suffering from exposure to asbestos in a mine in South Africa bring their personal injury claims before an English court against an English company that held shares in the South African company that operated the mines?

England and France are parties to an international convention that provides that their courts may take jurisdiction over “matters relating to a contract” in certain circumstances. A sub-buyer brings a claim against a manufacturer for defective goods before a French court. In France this is classified as a contractual claim, whereas in England it is a claim based on the tort of negligence. Which classification should prevail?

Can an English bank that is facing anti-trust proceedings in the United States obtain an injunction from an English court to restrain the party bringing the proceedings in circumstances where the bank never had a corporate presence in the United States and the transactions at the centre of the anti-trust proceedings were executed in England and governed by English law?

A Maltese resident suffers personal injuries in a motor accident in Malta. The accident was caused by the negligence of an English resident on vacation in Malta. Under Maltese law, an accident victim cannot claim damages for pain and suffering, whereas under English law a victim can. The Maltese resident sues the English resident in an English court. Can the Maltese resident claim damages for pain and suffering?

A Libyan bank has substantial dollar deposits with the London branch of a New York bank. The US Government issues regulations prohibiting US banks (and their foreign branches) from repaying Libyan deposits. The contract of deposit is governed by English law. The London branch of the New York bank refuses to repay the Libyan bank’s deposits. Can the Libyan bank sue for the return of the deposits before an English court?

Following the Iraqi invasion of Kuwait, civil aircraft belonging to Kuwait Airways were seized and removed to Iraq. Iraqi legislation was then passed to transfer the aircraft to Iraqi Airways. Kuwait Airways brings proceedings against Iraqi Airways before an English court for wrongful interference. In determining the owner of the aircraft, should the English court give effect to the Iraqi legislation insofar as the aircraft was situated in Iraq when the legislation was enacted?

**Syllabus**

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

Reading

**Essential purchase:**

- J. Hill & M. Ní Shúilleabháin, “Clarkson & Hill’s Conflict of Laws” (5th edn, 2016)

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

- Cheshire, North and Fawcett, “Private International Law” (14th edn, 2008)

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

- “Dicey, Morris & Collins on the Conflict of Laws” (15th edn, 2012; also available on Westlaw)
- Briggs, “Private International Law in English Courts” (2014)
Murder, rape, robbery, theft and assault: all of these terms are familiar to students who have studied Criminal law. But who are the people who commit these acts, why do they do so, and why does crime persist despite attempts to curb it?

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

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

Whilst many of these conceptions continue to influence the modern search for the causes of crime, the twentieth century onwards has witnessed an increasing concern with social and cultural explanations of crime and deviancy. Influenced by the ideas of such early social thinkers as Marx and Durkheim, these more modern theories propound the view that criminals are made rather than born; in that either (i) they are socialised into their environment and learn to behave in ways which might be considered to be rational within their experiences and/or which conform to the norms of the culture or society from which they come and in which they must live (subcultural, ecological, control, strain perspectives); or (ii) that they are comprised of those in society whose behaviour just happens to be defined as criminal by the law (law and power, social reaction, critical and conflict explanations).
The module critically examines some of the major theories that have been advanced to explain crime and criminality within their historical context and considers their relevance within contemporary society. These theories emanate from a variety of disciplines - biology, psychology, sociology, anthropology and philosophy, though no prior knowledge of these subjects is required for the course. Special attention is also paid to the reflection and development of ideas about crime historically in literary texts, such as. Frankenstein (Mary Shelley, 1818), Crime and Punishment (Dostoevsky, 1866), Nana (Zola, 1880), A Diamond as Big as the Ritz (Scott Fitzgerald, 1922), Brighton Rock (Greene, 1938), The Pearl (Steinbeck, 1947), In Cold Blood (Truman Capote, 1965); and to how these ideas relate to theory, to the historical moment and to metaphysical questions of ‘being’. It also explores some of the implications of criminological theories for the development of policies aimed at crime control.

Module outline

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

Preparatory Reading


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

Module Text


Students will also be expected to read additional articles and extracts from academic books and literary texts as examples of the development of ideas and various approaches to the explanation of crime and criminality. All the academic journals and book extracts are digitalised or available online via the library e-journals link. A full reading list will be posted on Moodle at the beginning of the module.
LAWS3045: LAWYERS: PRACTICE AND ETHICS

**Convenor:** Prof Richard Moorhead ([r.moorhead@ucl.ac.uk](mailto:r.moorhead@ucl.ac.uk))

**Teachers:** Prof Richard Moorhead

**Method of instruction:** Seminars and supervision

**Assessment:** One 10,000-word essay (see below).

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**About the module**

This module critically assesses the role of lawyers in society. Students will become more commercially and ethically aware of law as a business. The course achieves this by examining the social, ethical, and economic forces governing lawyers work. We engage critically with academic, professional, and policy literature on legal services. Students also engage with real life ethical dilemmas learning to apply professional rules and ethical theories to those problems. Through understanding the practice of law as an economic and ethical endeavor, students will develop a more fully informed approach to legal practice and the challenges that face today's lawyers. The following is an indicative list of topics to be covered in seminars:

1. Introduction to trends in the legal profession
2. What is professionalism?
3. Forces shaping the market for legal services
4. The rise (and fall?) of large law firms: what forces drive large law firms?
5. Quality: are lawyers professionals?
6. How can quality in legal services be improved?
7. Why are lawyers' fees controversial?
8. How best to regulate of lawyer fees
9. Alternative Business Structures: the end of lawyers?
10. Lawyers and Innovation
11. The changing role of In-house Counsel: manager, entrepreneur or moral compass?
12. Ethics and Values of Lawyers: are lawyers ethics different, are yours?
13. Ethics in practice: the Hacking Case Studies and the main professional rules
14. Theories of legal professional ethics: zeal, morality and justice in tension
15. The importance of confidentiality and privilege
16. Zeal and criminal defence: a special case? What defence tactics are ethically acceptable?
17. Adversarialism and co-operation: the special case of negotiation
18. Are lawyers truth tellers or licensed liars?
19. Behavioural insights on lawyers ethics
20. Is lawyer creativity a problem?

Method of teaching

This is a participatory module. You learn through reading, seminar discussion, and participation in class exercises. Preparation for classes is vital.

The summative assessment for the course will take the form of a summative essay on a topic of the student’s own choosing by agreement with the tutor (10,000 words) or a question selected from a set of topics provided by the tutor.

Module materials

There is no set text for this module. Readings will draw on academic journals, policy papers (available on the internet), professional conduct rules (available on the internet), and materials provided by the convenor.
LAWS3047: LAW AND SOCIAL INQUIRY

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

Teachers: Prof Pascoe Pleasence, Prof Richard Moorhead, Prof Richard Susskind, Dr Virginia Mantouvalou, Dr Nigel Balmer, Elaine Genders, Mihael Jeklic

Method of instruction: Seminars, project based workshops, tutorials

Assessment: 10,000 word essay incorporating at least 2 of the following: (a) a critical review of evidence in relation to a chosen socio-legal question, (b) a detailed empirical research proposal to address a chosen research question, (c) a report on an original small-scale empirical research project.

In wondering what the effect of punishment is, how people use law in everyday life, whether there is an optimal negotiation strategy, whether the judiciary will ever be representative of the population, if legislation is effective, how reliable witness testimony is, whether juries are biased, etc., is to ask empirical questions. Empirical questions are the subject matter of the social sciences, and answering such questions requires the application of social science research methods. These methods have evolved within various social science disciplines - such as criminology, sociology, psychology, political science, anthropology, epidemiology – and provide a rich palette for social inquiry in the field of law.

This special topic provides an opportunity for you to explore law from a social science perspective, learn how to conduct social research and, optionally, conduct a small-scale empirical study. In doing so, it allows you to engage with and seek to answer key empirical questions for the future of law, legal practice and justice institutions.

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

In Term 1 you will learn about and be inspired by the social research of eminent UCL scholars, addressing a diverse range of questions. Can prison be therapeutic? How relevant is law in real life? Is there an optimal negotiation strategy? Are lawyers ethical? Is the legal profession a meritocracy? What is the future of legal practice? How accurate is testimony from memory? Is there modern day slavery in the UK? Do lawyers improve outcomes? Are judges and juries impartial?

In Term 2 you will receive training in social research methods and participate in a series of workshops in which students will be able to present and discuss their ideas and methods. In Terms 1 and 2 you will also have tutorials to guide your independent project work; leading to completion of your long essay.

Law and Social Inquiry therefore provides a unique opportunity to engage with empirical evidence that will inform future law and practice.
FACULTY OF LAWS
REGISTRATION OF COURSES – AFFILIATE STUDENTS

STUDENT NAME ..............................................................................................................

HOME UNIVERSITY ...........................................................................................................

Before completing this form, it is essential that you read the guidance notes provided at the beginning of this booklet regarding course selection.

Important information: Due to high demand in some subject areas, plus timetable clashes, it may not be possible to accommodate all of your preferred course choices. Please consider your option choices carefully as changes will not be permitted after the start of term (at which point timetabling will be complete).

You must choose four subjects and two reserves from the following lists:

**ERASMUS** AFFILIATE STUDENTS MUST CHOOSE TWO OPTIONS PLUS ONE RESERVE FROM GROUP A AND TWO OPTIONS PLUS ONE RESERVE FROM GROUP A OR B.

**EXCHANGE** AFFILIATE STUDENTS (HKU, UNSW OR NUS) MUST CHOOSE FOUR OPTIONS AND TWO RESERVES FROM GROUP A OR B (please indicate your top four choices as 1-4, with 1 being your first choice, and indicate ‘R’ for your reserve choices).

**GROUP A**

<table>
<thead>
<tr>
<th>Contract Law</th>
<th>Criminal Law</th>
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<tbody>
<tr>
<td>European Union Law</td>
<td>Jurisprudence &amp; Legal Theory</td>
</tr>
<tr>
<td>Property Law 1</td>
<td>Property Law II (Not Erasmus)</td>
</tr>
<tr>
<td>Public Law</td>
<td>Tort Law</td>
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</tbody>
</table>

**GROUP B**

<table>
<thead>
<tr>
<th>Commercial Law (Not Erasmus)</th>
<th>Company Law</th>
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</thead>
<tbody>
<tr>
<td>Conflict of Laws</td>
<td>Corporate Insolvency (Not Erasmus)</td>
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Once your options Registration Form has been received an email will be sent back to you confirming the choices you have made, and highlighting any problems. Please note this will not be the final allocation as this will take place after the deadline date and is subject to timetabling clashes and maximum class sizes.

I should be in a position to confirm your final options to you by the end of June. Your own individual timetable will be available to view online once you have enrolled at UCL in September (instructions regarding how to access your personal timetable online will be provided in the Affiliate Induction Session at the start of term).

**PLEASE RETURN THIS FORM VIA EMAIL BY MONDAY 20TH JUNE TO:**

Ms Kerry Newlyn k.newlyn@ucl.ac.uk