



**Nottingham  
Law School**  
Nottingham Trent University

Option Choices 2025/26

# **LCLS South, LCLS North, Bhuyan & UoL**

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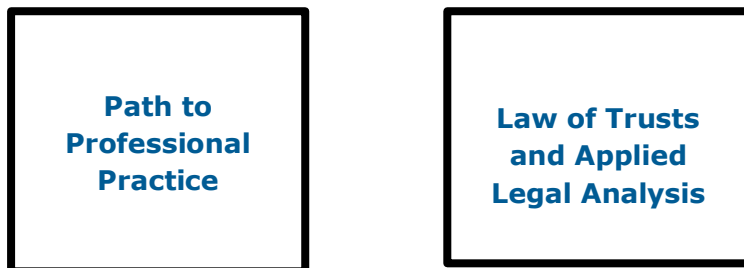
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# OVERVIEW OF FINAL YEAR PROGRAMME

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Your final year consists of **six modules**, at least one of which must be a core module. All modules are 20 Credit Points in size and so your final year must consist of a total of 120 credits.

## CORE MODULES



## OPTION MODULES

You need to select a total of **four modules** from the list on the form provided.

Most modules run on a year-long basis, but some modules are delivered over a half-year. If you select a half-year module in one term, then you are encouraged to select an appropriate half-year module in the other term so as to achieve an overall balanced workload.

## NOTES:

- i) Further details regarding the various optional modules appear in the following pages. Please note that the module details are subject to change, but that such changes will not be accepted as a basis for changing options.
- ii) Current LL.B Full-time Year 2 students will have covered seven Foundation subjects, namely:

Module
Law of Contract and Problem Solving
Tort and Legal Reasoning
Public Law and Research Skills
International, European and Comparative Law and Group Presentation Skills
Criminal Law with Mooting
Land Law and Professional Advice
Law of Trusts and Advanced Legal Reasoning

- iii) If you intend to practise law outside England and Wales (e.g. Northern Ireland or an overseas jurisdiction) there may be special requirements as to the subjects covered in your degree. It is your responsibility to find out what these are and to ensure appropriate coverage.
  
- iv) In selecting the modules that you wish to study, please be aware that you are indicating a **preference**. All optional modules are subject to relevant resources and the condition that a sufficient number of LL.B students select them as a preference and that academic staff with the requisite expertise are available to deliver the module. **No guarantee can therefore be given that any particular optional module will be available in any given year. Should you indicate a preference for a module that is not available, you will be asked to select an alternative.**

### **ASSESSMENT METHODS**

The assessment methods detailed in this options booklet may be subject to change. If any assessment methods are changed you will be notified as soon as reasonably practicable. However, changes may be made even after you have submitted your Option Selection Form. **ANY SUCH CHANGES IN ASSESSMENT METHODS WILL NOT BE ACCEPTED AS A BASIS FOR CHANGING YOUR CHOICE OF OPTIONAL MODULES.** You should therefore bear this in mind when making your choice of optional modules.

## Path to Professional Practice

### **Overview and Aims**

To enable students to develop client and employability focussed transferable professional skills so as to prepare them for work in professional practice; including development of knowledge and understanding of a professional environment within the context of professional practice together with an awareness of employability and business needs.

### **Learning outcomes**

Learning outcomes describe what you should know and be able to do by the end of the module.

#### **Knowledge and understanding.**

- Recognise and appreciate the values of law, justice and ethics in context of professional practice.
- apply in context, knowledge and understanding of legal principles, legal rules and legal processes relevant to professional writing, drafting and negotiation

#### **Skills, qualities and attributes.**

- undertake independent research to enable evaluation of primary and secondary sources in the context of professional writing, drafting and negotiation
- Critically evaluate and synthesise the wider contextual factors (such as justice and ethics) relevant to law in practice
- Take responsibility for your own personal and professional development with understanding of its relevance to diversity and professional standards
- Communicate effectively in writing and orally and answers questions which are understandable to others
- Reflect critically upon your own performance during the course and evaluate your own developmental needs and achievements in the context of your experience and plan, manage and complete the Reflective Oral Exercise
- Act with adaptability and flexibility, and with an understanding of and responsiveness to, changing environments and individual circumstances in professional practice

### **Assessment methods**

20%	Oral	Reflective Oral Exercise - 10 minute individual presentation
80%	Examination	Written Assessment Centre Exercise

For the 21/22 academic year the oral exercise was recorded and the written assessment centre exercise took the form of a “take and do” examination (although this may be subject to change for the 22/23 academic year).

## **Module Content**

Through the use of a series of case scenarios and case materials in a variety of contentious and/or non-contentious contexts, students will acquire knowledge and understanding of, and abilities in, the following key transferable professional skills:

- **Presentation Skills:** Key objectives include the identification and analysis of relevant facts, the legal context in which the factual issues arise, and how they relate to each other, summarising the strengths and weakness of a case from each party’s perspective, identification, analysis and assessment of the key communication skills and techniques in order to present effectively.
- **Interview Skills:** Key underpinning features including planning, preparatory research, purpose, formalities, structure, objectives, styles and tactics, questioning, answering and responding to questions, focus, progression, interview behaviours, closures in relation to interviewing a client and being interviewed for prospective employment.
- **Professional Writing Skills:** Fundamental elements of good practice including writing accurately, precisely and succinctly; use and misuse of legal jargon; awareness of the use of ‘plain English’; appreciation of the intended audience; importance of focus and relevancy, thoroughness and determining appropriate degree of detail; understanding client needs and managing expectations; summarising complex information; importance of logical, transparent and accessible structure; use of correct grammar, spelling and punctuation; the importance of appropriate tone and style and awareness of factors affecting choice.
- **Drafting Skills:** Key objectives of effective drafting including importance of determining client’s goals and identifying purpose(s) of document and intended users and proposed audience; importance of paying attention to both legal and non-legal information; critical use of appropriate precedents; compliance with both legal and formal requirements; need for consistency and coherence; imposing a logical and organised structure, using appropriate definitions, headings, clauses, sub-clauses, numbering and schedules; awareness of drafting styles and use of appropriate, precise and concise language; relevant conventions and etiquette of drafting and amending.
- **Negotiation Skills:** Appreciation of the vital importance of negotiation in professional practice; importance of planning a negotiation including identification of factual and legal issues, determination of respective needs and objectives of both parties and appropriate prioritisation; evaluation of the respective strengths and weaknesses of both cases and use of SWOT analysis; understanding the role of BATNA (best alternative to a negotiated agreement) and its identification;

formulation of appropriate strategies including understanding of the concepts of principled negotiation and positional bargaining and of collaborative and distributive approaches and evaluation of their respective advantages and disadvantages; understanding of the importance of progression including awareness of potential barriers and strategies for addressing them; evaluation of variety of available communication and persuasion methods and awareness of potential effects; understanding of negotiation behaviours and methods of improving communication and managing conflict; awareness and evaluation of different mediums of negotiation and determination of most appropriate medium.

Knowledge and understanding of the above key transferable professional skills will be further underpinned by knowledge and understanding of:

- **Professional ethics and professional conduct requirements:** Knowledge and understanding of key client care duties and responsibilities, focussing by way of example upon key aspects of the Solicitors Regulation Authority (SRA) Standards and Regulations ; awareness of other relevant professional codes of conduct, including the Code of Conduct of the Bar, and of SRA, Bar Standards Board and other professional body disciplinary measures; understanding of the importance of client care within professional practice and of adhering to professional standards and relevant firm procedures.
- **The commercial context of professional practice:** Awareness of the commercial reality of professional practice as a business and the sound business reasons for good client care; appreciation of the business needs of both the firm and of the client; the importance of managing the client relationship; understanding the competitive business environment for the delivery of professional services.

### **Indicative Reading**

Lisa Cherkassky, et al, *Legal Skills*. 2011 Palgrave Macmillan (available online via the NTU library).

## Commercial Law

**(only for students who have not studied Commercial Law or Commercial Law and Negotiation in their 2<sup>nd</sup> Year)**

### Overview and Aims

This module builds upon your existing Contract Law knowledge and requires similar problem solving skills. Like Contract Law, it is essentially a case law based subject although the Sale of Goods Act 1979 provides a framework for the study of that case law.

If you enjoyed studying Contract Law then you should enjoy this module!

The Commercial Law module takes your Contract Law knowledge and applies to the typical transactions entered into by businesses. The module is therefore very useful for anyone wishing to pursue a career in business whether in a legal advice capacity or otherwise.

Key topics include:

### Definitions and Distinctions

The definition and nature of the contract of sale and the commercial/consumer context; the importance of the Sale of Goods Act 1979 and the Consumer Rights Act 2015.

### The Transfer of Property and Risk

The significance of the passing of property and the rules for determining when property passes; the relationship of property to risk; the application of common law and statutory provisions in respect of contracts affected by mistake or frustration.

### Retention of Title

The purpose of retention of title clauses; the different types of clauses and analysis of their likely effectiveness.

### Statutory Implied Terms

The statutory implied terms as to correspondence with description, as to quality and as to fitness for purpose; implied terms relating to sales of goods by sample; the implied condition as to title and the implied warranties as to freedom from encumbrances and quiet possession.

### Title Conflicts

Transfer of title by a non-owner; the nature of title conflicts and of the competing claims to personal property.

### Remedies

The real and personal rights of the seller; the buyer's right to reject the goods; the actions for damages; the additional rights of the buyer in consumer cases.

## **Agency and Authority**

The importance of agency and the nature of the agency relationship; the creation of agency and the authority of the agent; the power of the agent and the corresponding liability of the principal.

## **Assessment Method**

**100% - Problem based Multi-Issue Coursework: 2,000 words.**

## **Indicative Reading**

Baskind, E., Osborne, G. & Roach, L. (2022). *Commercial Law*. 4th ed. Oxford University Press.

Twigg-Flesner C, Canavan R, MacQueen H. (2020). *Atiyah's Sale of Goods*. 14<sup>th</sup> ed. Pearson Longman.

Sealy L.S. & Hooley R.J.A. (2020). *Commercial Law Text, Cases and Materials*. 6<sup>th</sup> ed. Oxford University Press.

Rose F.D. (2020). *Blackstone's Statutes on Commercial and Consumer Law 2022-2023* Oxford University Press.

## **Learning Outcomes**

**After studying this module you should be able to:**

### **Knowledge and Understanding**

- demonstrate knowledge and understanding of relevant legal principles, legal rules and legal institutions
- recognise and assess the context in which the law operates
- apply knowledge of the law and solve legal problems
- reflect critically upon your own knowledge and understanding and identify issues to research independently

### **Skills, Qualities and Attributes**

- analyse and synthesise complex information
- make and present a reasoned and logical argument and exercise critical judgment as to the merits of competing arguments
- evaluate critically and make a reasoned choice between alternative solutions
- communicate effectively in writing
- demonstrate a professional and business awareness plan, research and learn independently

## Company Law

### Overview

Just over four million companies are currently registered in the UK. Most operate businesses for profit. This module is a full year module about the law governing the creation and operation of UK business companies.

In this module, we examine key legal concepts and principles relevant to setting up, financing, governing, operating and winding up companies. A more detailed list of the topics we cover can be found on the next page.

### Company Law and Your Career

If you have an interest in becoming a solicitor or barrister or other professional advising on corporate or commercial law, you will need to study and understand company law. Even if you have no plans to become a corporate or commercial lawyer, company law is helpful in most legal practice areas. One of the most important recent Supreme Court cases relevant to company law is a family law case about a post-divorce financial settlement (*Prest v Petrodel* (2014)(SC)). Knowledge of company law is also essential to an understanding of the operation of tort law in the context of imposing legal liability in international toxic tort cases such as *Lungowe v Vedanta* (2019)(SC) in which the operation of a copper mine in Zambia allegedly contaminated the water supply of a local village. The Zambian company operating the mine is a subsidiary company of a UK parent company and legal action is ongoing in the UK courts.

Apart from becoming a lawyer, this module will help if you wish to work as a manager or administrator in a company, including if you wish to qualify as a Company Secretary. Every public limited company must have a Company Secretary. Large companies have large company secretarial departments advising the company on a range of legal compliance issues.

Even if you may have no plans to become a lawyer at all, understanding the basic principles of company law will be useful because of their relevance to virtually any career you may have. Nobody can avoid dealing with companies on a daily basis. Most people work for a company at some point in their lives and understanding what a company is, and how it operates, will help you to understand your rights, duties and potential liabilities.

### Learning Outcomes

After studying this module you should be able to:

- Demonstrate knowledge and understanding of the basic concepts and principles of company law.
- Apply knowledge of company law and solve legal problems.
- Recognise and assess the context in which company law operates.
- Analyse and synthesise complex information.
- Make and present a reasoned and logical argument and exercise critical judgment as to the merits of competing arguments.
- Evaluate critically and make a reasoned choice between alternative solutions.
- Demonstrate a professional and business awareness.
- Plan, research and learn independently.
- Reflect upon your own learning and seek and respond to relevant feedback

## Module Content

- Different types of business organisations (sole traders, general partnerships, limited liability partnerships and companies)
- The concept of the separate corporate personality
- Limited and unlimited liability
- Formation of registered companies
- Company constitutions
- Financing a company: loan capital and share capital
- Shareholders, shares and share capital
- Capital maintenance and distributions
- Management of the Company: corporate decision making, division of powers
- Shareholders' rights, duties & powers
- Board of directors' powers, appointment & removal
- Legally binding the company
- Directors' duties
- Minority shareholder protection
- Corporate rescue, winding up and dissolution of companies

## Indicative Reading

Current editions of the following

- **Roach L, *Company Law*, Oxford University Press (core text)**
- McLaughlin S, *Unlocking Company Law*, Routledge
- Davies P, Gower and Davies, *Principles of Modern Company Law*, Sweet & Maxwell
- Dignam A, and Lowry J, *Company Law*, Oxford University Press
- Hannigan B, *Company Law*, Oxford University Press
- Kershaw D, *Company Law in Context: Text and Materials*, Oxford University
- Mayson S, French D and Ryan C, *Company Law*, Oxford University Press
- Sealy LS and Worthington S, *Cases and Materials in Company Law*, Oxford University Press
- French D, *Blackstone's Statutes on Company Law*, Oxford University Press (or current legislative materials available online)

(In recent years, OUP resources have been made available online via Law Trove).

## Assessment Method

100% Coursework 2,500 word written assignment

## Comparative Law

### Half Year 2

#### Overview and Aims

To develop knowledge and understanding of the essential characteristics of a variety of different foreign legal systems and to enable students to critically compare and contrast such characteristics with each other and with the essential characteristics of the English Legal System. To enable critical evaluation of different legal concepts and legal solutions together with the development of transferable intellectual and professional skills in an international context and so enhance employability.

#### Module Content

- **Roman Law** Sources of law in ancient Rome. The nature of Justinian's Corpus Iuris Civilis. The rediscovery of the Corpus Iuris Civilis and the "reception" of Roman Law into medieval Europe.
- **Legislative Codes** The Natural Law school and the move towards legislative codification. The essential characteristics of the French Code Civil. The German Pandectist school. The essential characteristics of the German Civil Code.
- **The contrast between Continental Law and English Law** Approaches to statutory interpretation. Judges and their authority to make law. The role of academic legal writers.
- **The French Constitution** The French constitutional system, especially the division of power between President, Government and Parliament. The role and powers of the Constitutional Council.
- **The German Constitution** The German constitutional system, especially the division of power between the central Federal authorities and the regional Länder authorities. The role and powers of the Federal Constitutional Court.
- **The United States Constitution** History of law in the United States. The American constitutional system, especially the division of power between the central Federal authorities and the State authorities. The role and powers of the Federal Supreme Court.
- **The American Judiciary** Judges in state and federal courts. Judicial Precedent in the USA. Factors which ensure that the USA is one legal tradition not fifty. American Legal Education.
- **Japan** History of legal regulation in Japan. The role of law and lawyers in Japanese Legal Culture. Formal and informal mediation of disputes in Japan. The role of police and prosecutors in Japanese society.
- Particular examples of substantive private law will also be considered in respect of a range of different jurisdictions.

**Indicative Reading**

- Zweigert K. and Kötz H (translation by Weir T.), *Introduction to Comparative Law*. Oxford: Clarendon Press.
- De Cruz. *Comparative Law in a Changing World* Cavendish Press.
- Nicholas B. *Introduction to Roman Law*. Oxford: Clarendon Press.
- Abadinsky H. *Law and Justice, An Introduction to the American Legal System*. Nelson-Hall Publishers.

**Assessment methods**

20% Research Outline - maximum 500 words

80% Written Assignment maximum 2,000 words

## Criminology and Criminal Justice

### Overview and Aims

To facilitate knowledge and understanding of criminology and criminal justice issues, to develop transferable, intellectual and professional skills in the field of criminology and criminal justice in order to enhance employability.

### Module Content

- **Crime Statistics** - The significance of crime statistics; trends and patterns of recorded crime in official crime statistics; problems of interpretation of the official statistics; comparisons between official statistics and other methods of measuring crime.
- **Sociological Explanations of Crime and Delinquency (with particular reference to Juveniles)** - Why sociology? Durkheim, anomie and the normality of crime; The Chicago School; Anomie revisited: Merton's strain theory; Subcultural theories; Control theories; Labelling/interactionism/social reaction perspective.
- **Psychological explanations of crime and deviance** – biological aspects of criminal behaviour, including behavioural genetics, primary and secondary psychopathy/sociopathy, and aspects of forensic psychology relating to serial killers and other prolific offenders.
- **Inequality and experiences of criminal justice including Race/Ethnicity, Religion, Class, Sexuality, Disability, Intersectionality** – Over-criminalisation of BAME groups, Class, offending and victimization, LGBTQI experiences of crime and victimization, Disabled people's experiences of crime and victimisation
- **Gender and Crime** – Feminist work on women's experience of criminal justice including victimization including methodology, research on masculinities and crime, Masculinities and victimisation, transgender experiences and issues around crime and victimization, emergence of crime against people identifying as non-binary, intersectionality
- **Youths, Gangs and Violence** - Street based peer groups, definitions of gangs, gangs and offending, factors behind gangs, impact of gang violence, government and other **policies** to tackle issues
- **Hate Crime** – What is hate crime, definitions, factors, Protected characteristics, Race/Ethnicity, Religion, Sexuality, Disability, Legal changes, New types of hate crime – subculture, gender, policies to tackle hate crime, intersectionality
- **Crime control policies in the CJS**
- **Organised crime** - Types of organised crime, offenders, changes in organised crime, the policing of organised crime. NCA. **And Cyber Crime** links with Organized Crime. The threat from the Dark Web.
- **The Police and Police Culture** - Discretion to arrest; Styles of policing; Research on crime control; Change in British policing, police culture
- **Prisons** - The prison crisis; Prison work; Yes or No. What is the point of prisons/do prisons work? Objectives of imprisonment. **And Sentencing; The Politics** Sentencing aims; Theoretical approaches to the sentencing process; Sentencing disparities; Sentencing powers and practice; Sentencing principles and reform proposals, non-custodial sentences
- **Privatisation** – links with policing, prison and probation. How privatisation affects the CJS landscape.

- **The Adversarial System of Justice Criminological** perspectives.
- **Mental Health Issues and the Criminal Justice System** – how people with mental health issues come into contact with the criminal justice system; mental health issues in prisons; the role of therapeutic jurisprudence.

### **Indicative Reading**

- Tim Newburn, 3<sup>rd</sup> ed *Criminology*, 2017, Willan Publishing.
- Other sources will be provided during the academic year. The Resource list is extremely well populated with modern up to date text books and made available to students.

### **Assessment Method**

Practice assessment in December. Returned marked January with feedback.

100% Written Assignment - 3,000 words. A choice of topics to write about is given.

## Critical Legal Thinking

### Jurisprudence: Justice and Law

#### Overview and Aims

- To develop knowledge and understanding of different theoretical approaches to law and justice, including knowledge of differing approaches to legal materials and systems.
- To enable students to explore theoretical and philosophical writing using critical analytical and evaluative methods.
- To develop an awareness of the variety of different approaches to law and justice and to appreciate its 'values-sensitive' nature.

#### Module Content

What is the right thing to do? This is our first major question. We start by asking: what would you do? Asking you to rely on your moral instincts to respond, and then developing your knowledge and understanding of legal and philosophical theories to illuminate your intuitions, and allow you to review your intuitive answers. We will examine utilitarianism, libertarianism, theories of justice, and pluralism.

Then we consider: what is the law? This is the second major question this module considers. Does the answer to that question require there to be a divinity of some sort? Are some legal regimes so wicked they are not legal regimes? Is unenforced law really law? We review different attempts to resolve these problems.

We have many guest lecturers: members of staff who speak on thinkers or theories they have found interesting or useful when addressing these issues. The emphasis is on introducing different approaches and questions rather than setting out 'right' answers.

The module requires no pre-requisite knowledge, and it is aimed at any student with an interest in law (obviously!), philosophy, legal processes, human reasoning, or practical logic. The module will help students deconstruct / frame research questions and structure their essay writing (assessment is via a research-based coursework), as it is concerned with how we *use* theory and reason rather than theory or reasoning for their own sake. Therefore, it can be particularly helpful to students who also take the Independent Research Project module. However, it will support any essay that requires either critical analysis or evaluation.

- **Introduction** Consequences or categorical rules: Are actions right if they achieve the best results? Or are some things just plain wrong? Is there such a thing as 'good' and 'bad' morals?
- **The greatest good** Bentham and JS Mill on the utility of pleasure over pain.
- **Libertarianism** What is the role of the State? Why is taxation on income akin to slavery?
- **Justice** How can we live the good life? How can we assess a 'just' decision or act? What of our prejudices and biases, do they tell us what is just and fair (and in turn prevent justice and fairness for others)? Indeed, is justice the same thing as fairness?

- **Legal positivism** Is law simply about power and does might make right, or does law require reason and good faith to be law?
- **Natural Law** Is law something people can settle at will or is it necessary to refer to the nature of humanity or the universe before a true law can be established?

### **Indicative Reading**

The following text gives a general overview of the sort of theories we look at:

Brian H Bix, *Jurisprudence: Theory and Context* (Sweet and Maxwell 2015)

However, we try to use original materials as much as possible (i.e. the key written works of the philosophers we teach) and both preparation for seminars and writing your assessment will require you to look at these.

We sometimes set an article from a journal (or a chapter of a book) as part of the reading for a seminar. For example,

- HLA Hart, 'Positivism and the Separation of Law and Morals' (1958) 71 Harvard Law Review 593
- Isaiah Berlin, 'The pursuit of the ideal' in Isaiah Berlin, *The Crooked Timber of Humanity* (Pimlico 2003), 1-19

When not easily available through the Library or the internet then the reading for a seminar is posted on NOW.

We will sometimes suggest some additional reading material, for example:

- Michael Sandel, *Justice: What's the right thing to do?* (Penguin Books 2010)

(And seminar preparation is sometimes the viewing of Sandel's excellent video lectures from his Harvard Justice course: <https://scholar.harvard.edu/sandel/justice>)

When not easily available through the Library or the internet then the reading for a seminar is posted on the NOW.

### **Assessment Methods**

100% written project - 2,500 words – comparing the written texts of two key philosophers and using this to answer a question on 'justice'

Choice of question (usually one from six)

## Current Issues in International Law (Module runs in Half Year 2 only)

### Overview and Aims

To introduce students to foundational theories of international law and develop this understanding through the study of specific current international legal issues.

### Introduction

CIIL is appropriate for anyone with an interest in international law. It complements the study of other international law modules, but this isn't necessary. Reading will be made available to help students familiarise themselves with key concepts and theories.

The module compares national and international concepts of law, highlighting the differences in sources, law making and actors. From this foundation, it moves onto issues around enforcement and access to justice in international fora; security issues; counterterrorism; international criminal justice; refugee law; piracy; the rights of indigenous people; and international private trade law.

### Delivery

The module is delivered as a half year module, meaning students have a mix of face-to-face lectures and workshop seminar each week.

### Assessment

Assessment is through a take-and-do examination comprising both a compulsory essay question from the foundational principles section and a choice of two problem questions from a choice on the current issues (max. 1000 words per question).

### Content

#### Foundational theories and principles:

Week 1 From National to International law – a comparative exploration of the concept of law and central theories, highlighting key approaches to international law.

Week 2 Sources of Law/Law making – examining the recognised sources of international law; how international law is made and developed and assessing the legitimacy of legal sources.

Week 3 Enforcement and Security – an introduction to the enforcement mechanisms in international law and exploring threats to the international order and community of states.

#### Issues:

#### Week 4 Counterterrorism

Introducing a very current issue in international law and the approaches taken by the international community to tackle violence perpetrated by non-state actors that is perceived to threaten states and the international order.

#### Week 5 International Criminal Justice and Genocide

Exploring the definition of 'international criminal law'; the purpose or rationale of 'international criminal law'; a brief history of 'international criminal law'; and the 'location' of 'international criminal law' (i.e. where it takes place). Considering the *legal definition* of genocide; the historical event that triggered the development of the crime of genocide; specific 'groups' protected by the crime of genocide and the process of prosecution for crimes of genocide.

**Week 6 International Refugee Law**

Exploring the international legal framework for the protection of refugees and asylum seekers. The definition of key terms and the gaps in protection that emerge from the international system. Focusing on the response to the Syrian displacement at a European and international level.

**Week 7 Private International Law**

Introducing private international law and its relationship with public international law. The relevant sources, role of international organisations and international cooperation etc. Exploring private international law rules of contract with a focus on jurisdiction and applicable law. The current issue of Brexit's impact forms part of the content for both sessions.

**Week 8 High Seas Piracy**

Considering the international legal regime applicable to high seas piracy, a problematic crime that occurs exclusively outside the jurisdiction of any State. Including probing the history of the phenomenon, understanding, and critiquing the key legal provisions relating to piracy and considering the range of responses available to States.

**Week 9 Rights of Indigenous Peoples**

Considering the rights of indigenous peoples and their interaction with international law and bodies.

**Week 10 Revision**

In-depth revision session.

**Assessment**

Students will complete an online multiple-choice formative assessment to ensure the basic content has been understood. Summative assessment will be by a 2.5 hour examination comprising both a compulsory essay question from the foundational principles section and two problem questions from a choice of four on current issues.

**Sample of Indicative Reading**

- Anghie, Chimni, Mickelson, Okafor (eds), *The Third World and International Order* (2003 Martinus Nijhoff)
- Briggs, *The Conflict of Laws* (3rd ed. OUP 2013)
- Crawford, *The Creation of States in International Law* (2nd edn, 2006 OUP)
- De Frías, Samuel, White (eds), *Counter-Terrorism: International Law and Practice* (2012 OUP)
- Dixon, *Textbook on International Law* (7th edn, 2013 OUP)
- Evans, *International Law* (2018 OUP)

## Employment Law

(Only for students who have not studied Employment Law or Business Employment Law in Year 2)

### Overview and Aims

- To produce graduates with transferable intellectual and key skills who have developed the ability to apply the law to solve employment law problems.
- To provide the opportunity for students to gain knowledge and understanding of the basic principles of employment law and the context within which they operate.
- To enhance employability.

### Module Content

#### **1. INDIVIDUAL EMPLOYMENT LAW**

**The concept of an 'employee'.** Employees are contrasted with other categories of worker. The case law will be examined in this respect, as will the areas of employment law where the category of workers who are protected is wider than that of an 'employee'.

**The contract of employment.** The sources of terms of employment- express and implied terms, statutory rights and obligations, e.g. pay and working time. The doctrine of restraint of trade will be examined, as will the implications of other types of express terms such as mobility clauses.

**Discrimination.** Equal pay; sex, race and disability discrimination. In addition the implications of continuing European developments in the wider field of discrimination.

**Termination of employment.** Common law including wrongful dismissal. Remedies will be examined, such as heads of damages, and mitigation as will the role of the interlocutory injunction. Statutory rights relating to dismissal – unfair dismissal and redundancy payments, and remedies. The relationship between unfair dismissal and wrongful dismissal.

#### **2. COLLECTIVE EMPLOYMENT LAW**

Control of industrial action. Criminal, contractual and tortious liabilities. Statutory exemptions. Legal regulation of collective bargaining.

### Indicative Reading

- Smith & Wood's, *Employment Law*, OUP
- Honeyball & Bowers, *Employment Law*, OUP
- Painter & Holmes, *Cases and Materials on Employment Law*, OUP

### Assessment Method

100% Examination

## Family Law

(Only for students who have not studied this module at Level 2)

### **Overview and Aims**

To introduce the principal themes of English family law and to place them in a social and political context. To enable students to apply legal knowledge to hypothetical, and real situations, and to be able to critically evaluate the legal framework. To enhance employability.

### **Contents**

- The formation of marriage under the law of England and Wales
- Nullity of marriage
- Divorce law
- Civil partnership
- Liability to maintain spouses and ex-spouses - legislation, criteria, options for orders
- Cohabitation
- Domestic abuse protection - the merits of civil or criminal law
- Parenthood and the meaning of parental responsibility, including the concepts of parental rights and children's rights
- Private law proceedings under Part II of the Children Act 1989, including section 8 order disputes concerning children
- The role of the court and childcare professionals

### **Indicative Reading**

***Hayes and Williams' Family Law*** – by Stephen Gilmore and Lisa Glennon 2024

***Blackstone's Statutes on Family Law***

### **Assessment Method**

This indicates the type and weighting of assessment elements in the module

100% Examination

## Human Rights

**(Only for students who have not studied this option module at Level 2)**

### **Practical reasons to study human rights - relevance to employers**

A sound grounding in human rights is now a vital component of any legal education. Since the coming into force of the Human Rights Act, human rights are potentially relevant to all areas of law since all legislation, whatever the subject matter, must now be interpreted, as far as possible, in accordance with human rights standards. Furthermore, all public authorities, including courts and all bodies performing public functions (e.g. schools, prisons, hospitals, police, government, housing associations) must act in accordance with human rights.

Given this position, if you are hoping to go into any kind of legal practice, prospective employers are likely to place a premium on applicants having human rights knowledge (especially since most legal practitioners qualified before 1998 and consequently know little about human rights themselves!). This is equally true of commercial practice since human rights issues have arisen in a variety of business contexts. Alternatively, if you are hoping to go into a wide range of other professions, knowledge of human rights is likely to prove extremely attractive to employers e.g. the media, social work, the criminal justice and regulatory professions all need a solid grounding in aspects of human rights.

Although you may have studied some limited aspects of human rights in Public law, the Human Rights module provides much greater breadth and depth of coverage and will equip you for work in relevant areas.

### **Other reasons to study human rights**

Irrespective of the practical benefits, the study of human rights is extremely interesting, topical and of great relevance to understanding the modern world. Previous students have often told us how interesting they have found this module and how much they have enjoyed it. Though challenging in content, it is not conceptually difficult and will give you a broader picture than some of the narrower legal disciplines. This is an age when the most basic and fundamental freedoms and rights which individuals possess are coming under increasing threat (e.g. consider, even for an instant, the "war on terror" and its repercussions). Now, perhaps more than at any other time, the study of human rights is particularly important.

### **Content**

#### Introduction and context

- \*What are human rights for and where do they come from? - underpinning philosophies, history and politics of human rights;
- \*What are most important rights - civil and political rights (e.g. free speech, fair trial, privacy) or social and economic rights (food, health care, shelter, education)?
- \*The European Convention on Human Rights - procedure and substance, including an examination of its effectiveness in advancing the protection of human rights whether the ECHR applies extraterritorially (e.g. to actions by UK forces in Iraq)

\*Human rights protection around the world - global and regional protection under the ECHR, the International Covenants (ICCPR and ICESCR) and the EU Charter of Fundamental Rights.

#### The substantive rights we will discuss

- \* The right to life (e.g. use of force by security forces against suspected terrorists; state's duty to take steps to protect life against dangerous persons; death penalty; when is the state entitled to kill?)
- \* Prohibition of torture and inhuman and degrading treatment (e.g. conditions of imprisonment, expulsion to face the death penalty/torture in a foreign country; is it ever permissible for the state to use procedures which could be considered to be torture?);
- \* Right to liberty (and in what situations can the state deprive individuals of their liberty?)
- \* Fair trial rights (both in civil and criminal cases - hugely important in litigation)
- \* No retrospective criminalisation or increases in penalty (impact on development of common law and on introduction of non-traditional penalties such as ASBOs, football banning orders etc.)
- \* Right to respect for a private life home, family and correspondence (personal integrity, personal space, sexuality, family life, also encompassing also working life and a variety of spheres where personal development takes place)
- \* Freedom of expression including journalistic and artistic freedom of speech
- \* Freedom of religion and belief
- \* Derogations from human rights in times of emergency - when can the state opt out from the protection of these rights?

#### **Overview and Aims**

To acquire knowledge and understanding of human rights and transferable intellectual and key skills in their international context.

- To develop the ability to think deeply about human rights and their social and political context.
- To research legal and contextual information independently.

#### **Indicative Reading**

David Harris, Michael O'Boyle, Ed Bates and Carla Buckley, *Harris, O'Boyle & Warbrick: Law of the European Convention on Human Rights* (4th edn, OUP 2018)

Bernadette Rainey, Pamela McCormick and Clare Ovey, *Jacobs, White and Ovey: The European Convention on Human Rights* (8th edn, OUP 2020)

#### **Assessment Method**

100% Coursework of **2500** words

## Immigration & Asylum Law

### **Overview and Aims**

To develop knowledge and understanding of the principal themes of UK Immigration and Asylum Law and to examine such law in its social, historical and political contexts; to consider the scope for reform; to develop relevant transferable intellectual and professional skills.

### **Introduction**

Immigration and Asylum Law is an exciting, challenging and constantly evolving subject. The course enables a range of practical skills to be developed through the problem-based approach to learning. It also enables students to engage with the wider political themes which dictate the development of Immigration and Asylum law. Knowledge of judicial review and human rights is essential for this subject.

### **Module Content**

- Nationality, including the acquisition of British citizenship and deprivation
- The development and trends of UK immigration law and policy, the hostile environment
- The current legal framework of immigration as it applies to visitors, family members, and workers
- Expulsion of foreign nationals, including deportation and removal
- International refugee law under the 1951 Convention
- The incorporation of the Convention obligations in UK asylum law
- Detention of asylum seekers
- Asylum support
- Children's rights
- Access to justice, appeals and other mechanisms for challenging decisions
- Impact of the Human Rights Act 1998 on immigration and asylum
- Trafficking and modern slavery/labour exploitation

### **Indicative Reading**

- Clayton G, *Textbook on Immigration and Asylum Law* (9<sup>th</sup> edition, 2021)
- Goodwin-Gill and McAdam, *The Refugee in International Law* (3<sup>rd</sup> edition 2007) OUP
- Koser K, *International Migration: A Very Short Introduction* (2007) OUP
- UK *Immigration Rules* HC 395
- Yeo C, *Welcome to Britain* (2020) Biteback
- Directed reading specified in module document, including articles from journals and extracts from other textbooks

### **Assessment Methods**

100% Examination (7 hour online)

One compulsory problem question on immigration rules (2000 words), and one essay from a choice of three (1500 words).

You will have an opportunity to do formatives on both areas of the exam.

## Intellectual Property Law

### **Overview and Aims**

To give students knowledge and understanding of intellectual property law and the intellectual property rights (IPRs) that exist, its rationales, its economic function within the legal environment and the international influences on the substance and practice of the law. To develop an ability to analyse current legal issues involving intellectual property and to anticipate future legal developments arising in response to changing economic conditions. To develop an appreciation of the varied contexts in which intellectual property law operates. To develop transferable intellectual and professional skills and so enhance employability.

### **Module Content**

- **Introduction to Intellectual Property**
  - Different forms of intellectual property
  - Justifications for intellectual property law and rights
  - European and international developments in intellectual property law
- **The Law of Confidence**
  - How the law protects confidential information and trade secrets
  - The relationship between the law of confidence and intellectual property rights
- **The Law of Copyright**
  - Subsistence, duration, authorship and ownership of copyright
  - Infringement of copyright, defences and remedies
  - Moral rights
- **The Law of Registered Trade Marks**
  - Registration process
  - Validity, absolute and relative grounds for refusal
  - Scope of monopoly, duration and proprietorship
  - Infringement of trade marks, defences and remedies
- **The Law of Patents**
  - Registration process
  - Validity
  - Scope of monopoly, duration, inventorship and ownership
  - Infringement, defences and remedies

### **Indicative Reading**

- Bently & Sherman et al, *Intellectual Property Law*
- Torremans, *Holyoak and Torremans Intellectual Property Law*
- Waelde et al, *Contemporary Intellectual Property*

### **Assessment Methods**

100% Examination – 3 hours.

## International Competition Law

**This Module Runs in the First Half of the Year Only (October 2024 - January 2025)**

Competition law is a critical part of the complex world of business regulation.

### **Why does competition law exist?**

The aim of competition law (known as 'antitrust' law in the USA) is to influence the behaviour of companies (firms) and those who work for them so that they do not behave anticompetitively. Particular attention is paid to big firms with large market shares. Google, Apple, Facebook, Amazon, Microsoft, Intel and Qualcomm, for example, have been the focus of competition law regulators in recent years.

### **The importance of rivalry**

Competition law is rooted in the belief that rivalry in business – competition among firms – has desirable results. Competition is believed to enhance economic welfare. Anticompetitive behaviour is said to harm consumer welfare and cause inefficient use and allocation of society's limited resources.

### **Cartels and collusion**

Cartels are the most offensive arrangements outlawed by competition law. Cartel behaviour includes firms that should be competing with one another agreeing, or colluding, to:

- fix prices
- reduce the quantity of goods available
- allocate (rather than compete for) customers and/or
- rig bids for contracts (particularly large government infrastructure projects)

### **Dominant companies**

Competition law also prohibits a firm with significant market power from exploiting its strong market position. A firm with a significant market share in a market that it is difficult to enter may behave in a manner that excludes or unfairly disadvantages other firms. Google is a particularly powerful firm and the European Commission regularly conducts investigations into what it alleges to be Google's anti-competitive abusive behaviour, such as systematically favouring its own comparison shopping product in its general search results pages whilst relegating competitor comparison shopping services.

### **Mergers and acquisitions**

The third type of behaviour analyzed by competition regulators is mergers and acquisitions. If competitors combine to become one firm, this increases concentration in the market. This may significantly impede effective competition in that market. Less competition may cause the price of goods or services to rise, the quality of goods to fall, consumer choice to be more limited, and innovation in product or service design to be stifled.

### **Legal consequences**

In this module, we examine the legal consequences of firms engaging in the behaviour outlined above. If a firm contravenes competition law, a number of legal consequences, or sanctions, may follow for the firm and/or the individuals who caused the firm to contravene the law. Sanctions include fines, prohibition orders/injunctions and, in the case of individuals rather than firms, imprisonment.

## Complex and challenging

Firms, and those involved in them, need to take competition law very seriously indeed. It is a complex area of law that is constantly evolving and you must be prepared to work hard to understand competition law. It is a very challenging (but also very rewarding) subject.

## Module Aims

- To develop knowledge and understanding of International Competition Law and the underlying theories and policies
- To develop the ability to apply the law and solve legal problems
- To develop the ability to research legal information and sources of law independently
- To develop an enthusiasm for further learning in this field.

## Module Content

- Policy issues and objectives in competition law
- The role of economic theory in competition policy and law
- How private market power is regulated, with focus on EU competition law and US Federal antitrust law
- Regulating the collaborative exercise of market power
- Cartels
- Regulating the unilateral exercise of market power
- Regulating the concentration of market power by take-overs and mergers
- International application of competition law
- Future developments in international competition law.

## Indicative Reading

Current editions from time to time of the following:

- Rodger B and MacCulloch A, *Competition Law and Policy in the EU and UK*, Routledge
- Whish R and Bailey D, *Competition Law*, Butterworths
- Jones A and Sufirin B, *EU Competition Law: Text, Cases & Materials*, Oxford University Press
- Gellhorn E, Kovacic W and Calkins S, *Antitrust Law and Economics*, West Publishing
- Elhauge E and Geradin D, *Global Competition Law and Economics*, Hart Publishing

## Assessment

100% Coursework – 2,500 words

## International Criminal Justice

### Overview and Aims

To introduce students to the key elements of “international criminal justice” – the body of laws and procedures by which individuals are held responsible for egregious crimes, such as genocide, at an international level.

Students will gain an insight into some of the most pressing legal issues facing the world today. The module covers the history and development of international criminal justice, the relevant substantive law (*i.e.* the crimes of “genocide”, “crimes against humanity”, “war crimes” and “aggression”), the procedures by which individuals are prosecuted at an international level, and the relationship between international and domestic law. Students are encouraged to think critically and analytically about these topics and the unique legal, ethical and political issues raised.

Students will develop transferrable professional skills such as the ability to think, argue and write critically and analytically. This is in addition to gaining a deeper awareness of the international legal landscape and an understanding of vital legal issues affecting the whole of humanity.

### Module Content

- **Introduction to international criminal justice**

Understanding the meaning and purpose of “international criminal justice”. Why do we need it? Is it “international law” or “criminal law”? How can it be both?

- **History and Institutions**

The historical and institutional development of international criminal law, set within a legal and political context. Covers the post-WW1 Leipzig trials, the post-WW2 Nuremberg and Tokyo International Military Tribunals, the Yugoslavia and Rwanda Tribunals, the permanent International Criminal Court, and selected *ad hoc* institutions (*e.g.* the Special Court for Sierra Leone, the Iraqi High Tribunal, the Cambodia courts). Critical analysis of the role each has played in terms of post-conflict justice and peace building. Alternatives to criminal prosecution, *e.g.* impunity, amnesties, “truth and reconciliation commissions”.

- **Substantive Law**

Understanding the history, definition and constituent elements of international crimes:

- Genocide
- Crimes against humanity
- War crimes
- Aggression

Each of the above illustrated via case studies and approached with a critical eye. Modes of liability and available defences are also considered.

- **International Criminal Procedure**

The mechanics of international criminal justice, with a particular focus on the procedure of the International Criminal Court. Includes consideration of:

- Jurisdiction and admissibility (in other words, how do cases come before the International Criminal Court?);
- The role of the Prosecutor (how to prosecute international crime?);
- The role of States and their interaction with international criminal processes;
- Other procedural issues.

- **International criminal justice in domestic courts**

The role of domestic courts in administering international criminal justice, for instance via the principle of universal jurisdiction.

- **Questioning international criminal justice**

Does “international criminal justice” actually work? What are the main criticisms facing the International Criminal Court? What are the key hurdles it must overcome?

Critical consideration of legal, ethical and political problems raised throughout the module.

### **Indicative Reading**

- R. Cryer, D. Robinson, S Vasiliev, *An Introduction to International Criminal Law and Procedure*, 4<sup>th</sup> ed. (2019), Cambridge University Press
- D. Guilfoyle, *International Criminal Law* (2016), Oxford University Press
- A. Cassese *et al.*, *The Oxford Companion to International Criminal Justice* (2009), Oxford University Press
- C. Schwöbel (ed.), *Critical Approaches to International Criminal Law* (2014), Routledge

Directed reading from other sources throughout the module, including journal articles and extracts from other textbooks.

### **Assessment methods**

100% Written Assignment, 2,500 words.

## International Trade Law

### Half Year 2

#### **Overview and Aims**

To develop knowledge and understanding of International Trade Law in the context of a single simulated international transaction; to enable students to develop relevant transferable intellectual and professional skills and so prepare students for employment in a modern commercial environment

#### **Module Content**

- General introduction to international trade; origin and evolution of GATT&WTO and institutional aspects of the WTO; Bilateral, Regional and Multilateral Trade Agreements.
- The principles on non-discrimination General Agreement on Tariff and Trade (GATT) and World Trade Organization (WTO) and the application of dispute settlement procedures under the WTO.
- General introduction to contracts for international sales of goods and the concepts and practices of International Sales - including the autonomous contractual nature of International Sales within national governing law frameworks facilitated by public international law and harmonized international commercial practice.
- Common Law Framework for International Sales Contracts considering formation, effect, interpretation and construction of contracts, sources of contractual terms, the distinction between conditions, warranties and innominate terms and the incorporation of international conventions and standard terms in the context of the Sale of Goods Act 1979 ("SGA").
- Analysis and commercial usage of FOB and CIF standard trade terms in contracts for the international sale of goods under English law, the CISG and ICC Incoterms 2020.
- Principles & practice of the international sale of goods in terms of the contractual obligations of the seller & buyer in connection with the sale & purchase, carriage and insurance of the goods.
- The application international commercial arbitration as a method of dispute resolution in international trade.

#### **Indicative Reading**

- Carr 2018 *International Trade Law* 6th ed Routledge-Cavendish 0415458439
- Murray C. 2012. *Schmitthoffs' Export trade – The law and practice of international trade* 11<sup>th</sup> ed Thomson, Sweet and Maxwell 0421893001
- Lester, Mercurio, Davies & Leitner 2008. *World Trade Law Text, Materials and Commentary* Hart Publishing 1841136603

#### **Assessment methods**

100% Written Assignment – 2,000 words

## Law of Evidence

### **Overview and Aims**

- To give students an understanding of the major rules and principles relating to the admissibility of evidence in legal proceedings.
- To apply the law of evidence to factual situations.
- To equip students for future employment notwithstanding changes in the content of the law.

### **Module Content**

#### **Introduction to the law of evidence**

Classifications of evidence. Function of judge and jury. Terminology. Principles of admissibility and relevance.

#### **Burden of Proof**

Meanings of Burden of Proof. Allocation of burdens and legal reasoning. Incidence of legal and evidential burdens. Express and implied reverse proof burdens. Challenges under article 6 European Convention on Human Rights. Reading down under section 3 Human Rights Act 1998. Standard of proof.

#### **Course of trial.**

Competence and compellability. Examination and cross-examination of witnesses and other topics allied to the presentation of the case in court.

#### **Silence**

Meaning of silence and conditions in which inferences can be drawn at common law and under the Criminal Justice and Public Order Act 1994.

#### **Hearsay**

Nature of hearsay; the old common law approach and the new inclusionary approach under the Criminal Justice Act 2003. Classification of evidence as hearsay. Admissibility of hearsay. Managing multiple hearsay. Exclusionary discretions. Impact of Article 6(3)(d) of ECHR and associated cases.

#### **Confessions and Unfairly Obtained evidence**

The meaning of confession. Challenging the admissibility of confessions and other evidence under the Police and Criminal Evidence Act 1984 and article 6 European Convention on Human Rights. Entrapment.

#### **Character**

Definition of character at common law and under the Criminal Justice Act 2003. Gateways of admissibility of character. Entitlement to a direction as to good character. The use of character evidence.

### **Module Delivery**

This module is delivered via lectures and seminars with some SCALE- UP elements.

### **Indicative Reading**

- Adrian Keane & Paul McKeown, The Modern Law of Evidence 14<sup>th</sup> edition

### **Assessment Method**

100% examination (3 hour seen exam)

## Laws of Armed Conflict



### **Overview and Aims.**

The module provides third year undergraduates with a comprehensive introduction to the international legal frameworks governing use of force, conduct of hostilities and protections of civilians and combatants in times of armed conflicts.

The module is designed and taught to understand cultural, military and political implications behind modern International Humanitarian Law (IHL), in order to problematize its moral assumptions, implementation and enforcement. The module focuses on: the four Geneva Conventions of August 1949 and their Additional Protocols of June 1977; most controversial cases related to Jus ad Bellum and Jus in Bello before international tribunals; repression of the Grave Breaches to the Conventions and International Criminal Law.

Students will develop critical awareness of current issues of international law of armed conflicts, will familiarize with the scholarly debate on these issues and will develop relevant transferable intellectual and professional skills. They will be equipped to conduct research independently in the subject and to face future advanced studies, trainings and work experiences (e.g. internships with international tribunals, or with international governmental and non-governmental organizations) with all the basic knowledge needed to successfully gain expertise in the field.

## Activities.

The module is highly interactive. During lectures, based on comprehensive presentations including a variety of documental and audio-visual materials (related to weapons, conflict zones, targeting procedures etc...) students will be solicited to participate actively in the discussions.

Seminars will be based on a wide range of collective and group activities, included two practical **air** and **ground forces targeting simulations**, based on case scenarios with satellite maps and specific combat circumstances.

## Module Content

- **Historical development of the laws of armed conflict:**  
Ancestors of the laws of war in the Greek and Roman civilizations; chivalry and warriors' ethics; the path toward the modern codifications of the laws and customs of war: Paris and Solferino; the 1863 Liber Code, the 1868 St. Petersburg Declaration relating to Explosive Projectiles, the 1899 and 1907 Hague Conventions. the 1949 Geneva Conventions, the 1977 Additional Geneva Protocols ( all historical and primary sources for this module are freely available online, with commentaries, on the website of the ICRC, at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreaties1949.xsp> )
- **International prohibition of the use of force, self-defense, and 'self-determination of 'peoples' (Jus ad Bellum):** the United Nations Charter legal framework prohibiting the use of force between States and aggressive war; the legal limits of the uses of force and the requisites for the use of force in self-defense; the UN Security Council enforcement powers; case examples and the jurisprudence of the International Court of Justice.
- **The material and personal scope of application of the four 1949 Geneva Conventions and their 1977 Additional Protocols (Jus in Bello):**  
The difference, and complementarity, between International Humanitarian Law (IHL) and International Human Rights Law (IHRL); the classification of armed conflicts: international armed conflicts, non-international armed conflicts, modern asymmetrical conflicts and challenges to the traditional dualism (armed conflicts of mixed character and 'internationalized' armed conflicts); identification of combatants, civilians and Prisoners of war under IHL;
- **Means and methods of warfare and the law of targeting:**  
the protection of the civilian population and prohibited methods of warfare; prohibited means of warfare (e.g. chemical weapons, poison and poisonous weapons, exploding or expanding bullets, cluster munitions etc...) and the *ratio* of the prohibition; the principle of distinction (between civilians and combatants) at all times, the principle of proportionality in attack, the principle of precaution in attack;
- **Enforcement systems of IHL, with particular reference to International Criminal Law and war crimes:**  
The issues of enforcement of IHL; IHL systems of enforcement (States responsibility, the Grave Breaches regime of the Geneva Conventions, and war crimes law); history of international criminal Justice from the Nuremberg International Military Tribunal, to the Rome Statute of the International Criminal Court (ICC); Art. 8 of the Rome Statute of the ICC: 'War Crimes'; International Criminal Tribunals' jurisprudence on war crimes

- **Critical issues of IHL and ICL and the future of the laws of armed conflict:**  
The moral assumptions of IHL; the legality and selectivity problems of ICL from Nuremberg to The Hague; Iraq, Afghanistan, Syria and the increasing victimization of civilians in armed conflicts; technological development of weaponry and challenges to IHL (e.g. drones, Autonomous Weapon Systems etc..)

### **International Humanitarian Law Introductory Video:**

This video presents a summary of the rules and purpose of International Humanitarian Law:

ICRC - "Rules of War in a nutshell" (av. at <https://www.youtube.com/watch?v=HwpzzAefx9M> ).

### **Indicative Reading.**

All primary source materials referred to in this module are available online, as well as the main textbook recommended, that is:

- **Nils Melzer, International Humanitarian Law. A Comprehensive Introduction (ICRC, 2016);**

[Freely available to download in pdf format from the ICRC website]

Other useful titles of interest:

- R. Kolb & R. Hyde, An Introduction to the International Law of Armed Conflicts (Hart Publishing, 2008).

- Dieter Fleck (ed.), The Handbook of International Humanitarian Law (OUP, 3d ed., 2013);

### **Audiovisual materials of interest:**

- United Nations Audiovisual Library 'Lecture Series' (at <http://www.un.org/law/avl/> );

- A suggested "filmography" will be provided in the module pack;

- War reports and documentaries illustrating the reality of the battlefield of different conflicts will be frequently used during the lectures and the seminars;

### **Assessment methods**

100% Written Assignment - ,000 words.

Students will be encouraged to familiarize with the assessment methods by composing a practice coursework and receiving feedback during the module.

### **International Humanitarian Law Introductory Video:**

This video presents a summary of the rules and purpose of International Humanitarian Law:

ICRC - "Rules of War in a nutshell" (av. at <https://www.youtube.com/watch?v=HwpzzAefx9M> ).

## Medical Law

### Overview and Aims

To provide knowledge and understanding of the legal and ethical issues surrounding the provision of medical treatment and care. To produce graduates with transferable intellectual and professional skills who have developed the ability to apply the law and solve medico-legal problems.

### Module Content

- **Ethics and Medicine:** Introduction to ethics; critical overview of key relevant philosophical theories; key ethical principles such as autonomy, welfare and justice
- **Health System, Accountability and Access to Health:** Structure of national health care provision; ethical and legal issues in access to health care.
- **Ethical and Legal Basis of Medical Intervention:** Ethical considerations; the requirement for, and types of, legal justification for medical intervention; potential criminal and civil consequences where a legal justification is lacking; detailed focus on consent as a potential justification including analysis of the four elements needed for a valid consent (capacity, voluntariness, information and compatibility with public policy); the distinct approach of the law to minors who have capacity and conflicts between children's right to make confidential decisions and parents' rights to be involved; and justification of intervention on people who lack capacity, including the distinct approaches to people who are 18 and over, 16-17 and under 16.
- **Medical Negligence:** Introduction; overview of legal mechanisms for aiding healthcare quality/avoiding malpractice; detailed focus on the tort of negligence including duty of care, the standard of care, causation, damages for both negligent care and treatment and failure to disclose material information.
- **Abortion and Interventions during Pregnancy:** Overview of issues of status of the foetus (unborn child) and clashes with the protection of the interests of others, especially the pregnant woman; detailed focus on the ethical and legal aspects of abortion; broader rights of the pregnant woman with respect to her body, particularly in refusing medical treatments, such as caesarean sections.
- **Organ transplantation:** Brief outline of history and modern issues; overview of legal mechanisms for control; legal controls on post-mortem use of the body for transplantation; critical appraisal of legal approaches to defining death and of pre-mortem activity/intervention designed to facilitate post-mortem transplantation; controls on living donation; provision opposing commodification but allowing donors to be compensated for reasonable expenses associated with donation; malpractice issues.

- **End of Life:** Overview of the law of murder and its relationship to the medical context; defences that are particularly relevant in the medical context; recognition of the doctrine of double effect; mercy killing as murder; prohibition of assisted suicide; challenges to prohibitions and reform in England and Wales and elsewhere; prevention of suicide; scope of the capable person's right to refuse initiation / continuation of life maintaining intervention; withholding and withdrawing of life maintaining treatment from incapable patients.

### **Indicative Reading**

- Herring J *Medical Law and Ethics* (8th ed OUP 2020)
- Stauch M. and Wheat K. *Text, Cases & Materials on Medical Law and Ethics* (6<sup>th</sup> ed Routledge 2018)
- *Blackstone's Medical Law Statutes* (OUP)

### **Assessment Methods**

100% examination

## Public International Law

### Overview and Aims

Public International law is the system of rules regulating relations between states. The module will enable students to understand the way in which international society functions, encourage students to have a critical awareness of the relevant issues, to develop research skills, and to expound arguments in an original and coherent manner.

This module will take you outside the bubble of UK law and provide you with a much more rounded understanding of the operation of law and international relations, which in turn may act as the real impetus behind our legislation.

### Module Content

- **Introduction to Public International Law** The development of the international legal order. The various branches of international law.
- **Sources of Public International Law.** Emphasis on treaties. Customary Law. General principles of law. Judicial decisions and the International Court of Justice.
- **The Law of Treaties.** Treaties as a source of international law, consent and reservations, interpretation and consequences of a breach.
- **Actors of Public International Law.** States, individuals, international organisations, groups and others. Their nature, rights and duties. The question of international legal personality.
- **Territorial sovereignty, self-determination, statehood and recognition**
- **State Responsibility:** The treatment of foreign nationals and other forms of responsibility.
- **Diplomatic and Consular Law.** The establishment of diplomatic and consular relations. Privileges and immunities of heads of state, diplomats and agency staff.
- **Law of the Sea** Delimitation of national territory and the High Seas. Exclusive economic zone. Piracy. Protection of the marine environment and sea life. The International Tribunal on the Law of the Sea.
- **The Peaceful Settlement of Disputes.** Negotiation and mediation, inquiries, the role of the United Nations and the International Court of Justice.
- **The Use of Force.** General prohibition of the use of force. Enforcement action by the United Nations Security Council. Self-defence and other justifications.

### Indicative Reading

- Henriksen, A., 2021. *International Law*. 3<sup>rd</sup> ed. Oxford: Oxford University Press.
- Klabbers, J., 2021. *International Law*. 3<sup>rd</sup> ed. Cambridge: Cambridge University Press.

### Assessment Methods

100% Coursework – 2,000 words

## Sexuality & the Law

### **Overview and Aims**

To develop the student's awareness of the concept of sexuality from legal, moral and sociological perspectives. To place substantive law into its social context and concentrate upon why certain behaviours are criminalised. To examine how the needs of the victim and the defendant are balanced. To provide a critical analysis of the existing law and to make proposals for reform.

### **Module Content**

- The nature of criminalisation. The relationship between law and morality, the functions of law, cultural influences, and the problems with enforcing moral values.
- Bodily autonomy. Defining sex, the issue of gender and the law, the law relating to transgender and intersex people, female genital mutilation, male circumcision.
- The issue of consent to sex. The Sexual Offences Act 2003, background and philosophy of the Act, the age of consent, history and development of the law in relation to the age of consent, abuse of a position of trust, consent to sado-masochistic practices.
- Sexual Behaviour. An examination of specific sexual offences, including criticism of the moral values they reflect e.g. sex with an adult relative, intercourse with an animal, exposure, voyeurism, sexual activity in a public lavatory.
- Rape and sexual assault. The offences of rape, assault by penetration, sexual assault, causing sexual activity without consent, evidential and conclusive presumptions as to consent.
- Child Sexual Abuse. The offences of rape of a child under 13, assault by penetration of a child, sexual assault, causing or inciting a child to engage in sexual activity, evidential issues, punishment v treatment. Offences committed by children.
- Pornography. Attitudes towards pornography, feminism v liberalism, the Obscene Publications Acts, the Protection of Children Act 1978, extreme pornography, pornography and the internet, the problems of controlling pornography. Disclosure of intimate images.
- Prostitution. The problems of prostitution, examination of the current law, the case for the legalization of brothels, protection.
- Guidance on research skills.

### **Indicative Reading**

- Pegg, S. and Davies, A. *Sexual Offences: Law and Context* Routledge (2016)
- Any up-to-date criminal statute book.
- Directed reading including journal articles and web pages.

### **Assessment Methods**

100% = Project – 3,000 words

## Sports Law

### Overview and Aims

- To allow students to acquire knowledge and understanding of the law pertaining to the regulation of sporting activity; to develop transferable intellectual and key skills and; to enhance employability prospects.
- To identify broader issues impacting on the relationship between sport and the law including socio-cultural perspectives and scientific knowledge.
- To raise awareness of the impact of the globalisation of sport and its international reach.

### Module Content

- **Introduction to Sports Law**  
What is sport? What is Sports Law?  
The concept of 'sports law'  
The history of sports law  
The role of legal regulation in sport
- **Sport as a Lawful Activity: Criminal and Civil Law Perspectives**  
The legality of sports activities themselves: boxing and combat sports including prize-fighting and UFC  
Legal responses to participant violence  
Legal responses to 'in play' transgressions i.e. 'on the ball' and 'off the ball' incidents  
Negligence in the sporting context
- **Law, Policy and Sports Regulation**  
European Union sports policy  
Access to the courts in sport; judicial review, contract, restraint of trade, competition law. Alternate Dispute Resolution: the Court of Arbitration for Sport, Sports Resolutions, arbitration, mediation
- **Anti-doping regulation and legal responses**  
Anti-doping regulators: World Anti-Doping Agency, UK Anti-Doping Agency, UNESCO Treaty  
Legal challenges to the doping regime  
Human rights issues  
The future of doping in sport
- **Legal Regulation of Sports-Related Issues**  
Exploitation of media and other commercial rights  
Regulation of spectators and stadia
- **Football Hooliganism**  
History of hooliganism and the law. Banning orders. Legislation. Case law.
- **Spectator Safety**  
Disasters in sport. Stadium Safety – Hillsborough
- **Discrimination in Sport**  
Inclusion and exclusion in competitive sport  
Differential treatment based on sex, gender, disability and race in sport  
Athletes rights  
Human rights and the accountability of sports bodies
- **Commercial aspects of sport**  
Intellectual property and sport  
Sport broadcasting

### **Indicative Reading**

- Patel. 2015. *Inclusion and Exclusion in Competitive Sport: socio-legal and regulatory perspectives*. London: Routledge
- Gardiner *et al.* 2012 *Sports Law* 4<sup>th</sup> ed Routledge Cavendish.
- Lewis and Taylor (Eds) *Sport: Law and Practice* 3<sup>rd</sup> ed Tottel
- James. 2017. *Sports Law*. Macmillan International Higher Education
- See the resource List on NOW for this module which has been extensively updated.

### **Assessment Methods**

This indicates the type and weighting of assessment elements in the module

100% Coursework - Written Assignment = 3,000 words.

## United States Law

### Half Year 1

#### **Overview and Aims**

To develop knowledge and understanding of the essential characteristics of the United States Legal System and to enable students to critically compare and contrast such characteristics with the essential characteristics of the English Legal System. To enable critical evaluation of different legal concepts and legal solutions together with the development of transferable intellectual and professional skills in an international context and so enhance employability.

#### **Module Content**

- **Historical Development of US Law**
  - The Era of Primitive Law (1607-circa 1700)
  - The Initial Flowering of the Common Law (circa 1700-1776)
  - The Period of Uncertainty (1776-circa 1850)
  - The Triumph of the Common Law (circa 1850 onwards)
- **Judicial Precedent in the United States**
  - The Federal Courts
  - Precedent in The United States Courts of Appeals
  - The Problem of Conflicts Between the Circuits
  - Precedent in State Courts of Last Resort
  - Precedent in State Intermediate Courts of Appeals
  - Legal Diversity & Conflicts Between the Circuits The Federal Diversity Jurisdiction
  - Forum Shopping and Conflict of Laws
- **Unification of United States Law**
  - The American Law Institute Restatements
  - National Conference of Commissioners on Uniform State Laws
  - Federal Subsidies
  - Federalisation of Law by Constitutional Decisions of the US Supreme Court
- **The United States Constitution**
  - The Background to the US Constitution
  - The Separation of Powers
  - Judicial Review of the Constitutionality of Legislation
  - The Constitutionality of Executive Action

Civil Rights derived from the Constitution

Changing the Constitution

- **The Supreme Court; Federal Court of Appeals and Federal District Courts**  
Supreme Court and other Federal Court Appointments
- **State Courts including Mode of Election/Selection of State Court Judges**  
Structure of US State Courts  
  
Mode of Election/Appointment of State Court Judges
- **The Legal Profession and Legal Education**  
How to Qualify  
  
The nature of US Legal Education  
  
Why so many lawyers compared e.g. with Japan
- **Pervasive Elements**  
Analysis of the relationship between federal and state law and consideration of examples of substantive private law.

### **Indicative Reading**

- Abadinsky, H. "Law and Justice: An Introduction to the American Legal System" Nelson-Hall
- Clark, D. "Introduction to the Law of the United States" Kluwer.
- Farnsworth. "An Introduction to the Legal System of the USA"
- Glick, H "Courts Politics and Justice" McGraw Hill
- Hay, P. "An Introduction to US. Law" Butterworths.
- Morrisson, Allan B. "Fundamentals of American Law" Oxford University Press.
- Rodgers, P "An Introduction to US Constitutional Law" McFarland & Co Inc.

### **Assessment methods**

- 20% Research Outline (500 words max)  
80% Research Paper (2,000 words max)