

**Book of Modules 2017/2018**

**University of limerick school of law**

**Shane Kilcommins, Head**

Table of Contents

# 

[LA4001 – LEGAL SYSTEM AND METHOD 5](#_Toc491077966)

[LA4002/LA4034 – JURISPRUDENCE 7](#_Toc491077967)

[LA4005 – LEGAL ENVIRONMENT OF BUSINESS 10](#_Toc491077968)

[LA4006 – MEDICAL LAW 13](#_Toc491077969)

[LA4008 – COMPANY AND PARTNERSHIP LAW 16](#_Toc491077970)

[LA4011 – INTRODUCTION TO LAWYERING 1 19](#_Toc491077971)

[LA4012 – COMPARATIVE LEGAL SYSTEMS 22](#_Toc491077972)

[LA4013 – MEDIA LAW 25](#_Toc491077973)

[LA4017 – ADVANCED LAWYERING 1 29](#_Toc491077974)

[LA4021 – CHILD LAW 31](#_Toc491077975)

[LA4022 – COMMERCIAL LAW 35](#_Toc491077976)

[LA4032 – CRIMINAL PROCEDURE (ONLINE) 38](#_Toc491077977)

[LA4033 – LAW OF THE EUROPEAN UNION 1 40](#_Toc491077978)

[LA4035 – LABOUR LAW 44](#_Toc491077979)

[LA4036 – INTELLECTUAL PROPERTY LAW 47](#_Toc491077980)

[LA4038 – FAMILY LAW 50](#_Toc491077981)

[LA4040 – LAW OF EVIDENCE (ONLINE) 54](#_Toc491077982)

[LA4042 – ADMINISTRATIVE LAW 57](#_Toc491077983)

[LA4044 – LAW OF THE EUROPEAN UNION 2 60](#_Toc491077984)

[LA4048 – ADVANCED LAWYERING 2 64](#_Toc491077985)

[LA6051 – PENOLOGY AND VICTIMOLOGY 66](#_Toc491077986)

[LA4052 – INTRODUCTION TO LAWYERING 2 71](#_Toc491077987)

[LA4068 – CRIME AND CRIMINAL JUSTICE 73](#_Toc491077988)

[LA4111/LA4191 – CONTRACT LAW 1 79](#_Toc491077989)

[LA4122/LA4192 – CONTRACT LAW 2/ EVENING 81](#_Toc491077990)

[LA4205 – NURSING AND MIDWIFERY AND THE LAW 83](#_Toc491077991)

[LA4211/ LA4291 – CRIMINAL LAW 1/EVENING 86](#_Toc491077992)

[LA4222 – CRIMINAL LAW 2 89](#_Toc491077993)

[LA4290 – COMPANY LAW 1 (EVENING) 91](#_Toc491077994)

[LA4310 – LAW OF TORTS 1 94](#_Toc491077995)

[LA4320 – LAW OF TORTS 2 97](#_Toc491077996)

[LA4330 – LAW OF TORTS 1 (B) 100](#_Toc491077997)

[LA4430 – CONSTITUTIONAL LAW 1 103](#_Toc491077998)

[LA4440 – CONSTITUTIONAL LAW 2 106](#_Toc491077999)

[LA4530/LA4290 – COMPANY LAW 1/EVENING 109](#_Toc491078000)

[LA4540/LA4912 – COMPANY LAW 2/EVENING 112](#_Toc491078001)

[LA4610 – LAND LAW 1 115](#_Toc491078002)

[LA4620 – LAND LAW 2 117](#_Toc491078003)

[LA4810 - EQUITY AND TRUSTS 1 119](#_Toc491078004)

[LA4828 - EQUITY AND TRUSTS 2 121](#_Toc491078005)

[LA4901/LA4101 – PRINCIPLES OF LAW 123](#_Toc491078006)

[LA4912 – COMPANY LAW 2 EVENING 126](#_Toc491078007)

[LA4922 – SPORT AND THE LAW 129](#_Toc491078008)

[LA4933 – LGBT RIGHTS, RESISTANCE, AND REDRESS: GENDER, SEXUALITY, AND THE LAW IN IRELAND 132](#_Toc491078009)

[LA5002 – IRISH AND EUROPEAN LABOUR LAW 136](#_Toc491078010)

[LA5021 – MEDIA LAW 139](#_Toc491078011)

[LA5121 – COMPARATIVE LAW OF REAL PROPERTY 143](#_Toc491078012)

[LA6011 – INTERNATIONAL BUSINESS TRANSACTIONS 146](#_Toc491078013)

[LA6021 – LAW OF INTERNATIONAL BUSINESS ASSOCIATIONS 150](#_Toc491078014)

[LA6031 – LAW OF INTERNATIONAL TRADE ORGANISATIONS 154](#_Toc491078015)

[LA6032 – GLOBAL COMPETITION LAW 158](#_Toc491078016)

[LA6042 – INTERNATIONAL LABOUR LAW 161](#_Toc491078017)

[LA6052 – CRIMINOLOGY 165](#_Toc491078018)

[LA6062 – COMPARATIVE AND EUROPEAN CRIMINAL JUSTICE 169](#_Toc491078019)

[LA6072 – INTERNATIONAL TORT LAW AND BUSINESS 173](#_Toc491078020)

[LA6082 – INTERNATIONAL PERSPECTIVES ON PROPERTY LAW 176](#_Toc491078021)

[LA6102 – LAW OF CREDIT AND SECURITY 179](#_Toc491078022)

[LA6111 – CRIMINAL JUSTICE PROCESSES AND SENTENCING 181](#_Toc491078023)

[LA6121 – LAW OF THE EUROPEAN CONVENTION OF HUMAN RIGHTS 186](#_Toc491078024)

[LA6132 – INTERNATIONAL CRIMINAL LAW 189](#_Toc491078025)

[LA6142 – POLICING AND HUMAN RIGHTS 193](#_Toc491078026)

[LA6172 – ADVANCED FAMILY LAW: STANDPOINT AND RIGHTS-BASED PERSPECTIVES 197](#_Toc491078027)

# LA4001 – LEGAL SYSTEM AND METHOD

**Module Leader**

Lydia Bracken

[Lydia.Bracken@ul.ie](mailto:Lydia.Bracken@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

To introduce the discipline of law through an examination of the functioning of the legal system, sources of law, and legal methodology.

**Syllabus**

* The concept of law.
* Common law.
* Civil law in Europe.
* Classification of law: municipal, international, substantive, procedural, public, and private.
* The administration of justice in Ireland.
* Sources of law: common law, legislation, the Constitution, European law.
* Elements of the Constitution of Ireland.
* Legal reasoning and methodology.

**Learning Outcomes[[1]](#footnote-1)**

On successful completion of this module, students will be able to:

* Describe the key legal and political institutions of the Irish legal system
* Identify the binding and persuasive sources of law in the Irish legal system.
* Explain the role of the courts within the constitutional separation of legal-political powers in Ireland.
* Examine and evaluate the operation of *stare decisis* or precedent in Irish adjudication.
* Examine and evaluate the process of statutory interpretation in Irish adjudication.

**Primary Texts**

* Raymond Byrne at al, *Byrne and McCutcheon on the Irish Legal System* (6th edn, Bloomsbury 2014)
* Tanya Ní Mhuirthile, Catherine O’Sullivan, and Liam Thornton, *Fundamentals of the Irish Legal System* (Roundhall 2016)

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

Continuous assessment comprising multiple choice questions, case note, and end of year assignment.

Repeats will be comprised of a 100% repeat examination.

# LA4002/LA4034 – JURISPRUDENCE

**Module Leader**

Shane Kilcommins

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**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

To acquire a variety of theoretical perspectives on the law through an examination of its nature and operation, and an analysis of key concepts and issues.

**Syllabus**

* Natural Law
* Legal Positivism
* Legal Formalism
* Legal Realism
* Marxist Jurisprudence
* Critical Legal Studies
* Gender and the Law
* Economic Analysis of Law
* Sociological Jurisprudence
* Law and Rights
* Postmodernist Jurisprudence

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Identify the major historical schools of jurisprudence from the Greeks to the 19th century.
* Describe the various historical theories of natural law and legal positivism.
* Assess the relevance of jurisprudence to modern law, especially to legislation and adjudication.
* Evaluate the major schools of jurisprudence.
* Critique legal positivism and natural law in light of the major contemporary theories of jurisprudence.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures. The lecture notes are available on Sulis for students, allowing each topic to be discussed in class in an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues.

**Primary Texts**

Relevant readings will be provided in class. Background reading can include the following:

* Dworkin, R., *A Matter of Principle* (2009 repr)
* Enright, M., McCandless, J. and O’Donoghue, A. (Eds) *Northern/Irish Feminist Judgments* (Bloomsbury 2017)
* Freeman, M., *Lloyds Introduction to Jurisprudence* (9th edn, Sweet & Maxwell 2016)
* Fuller, L.L., *The Morality of Law* (2007 repr)
* Hart, H.L.A., *The Concept of Law* (2008 repr)
* Kelly, J., *A Short History of Western Legal Theory* (Oxford 1992)

**Semester & Year to be First Offered**

Spring 2010

**Assessment Instruments**

30% Continuous assessment

70% end of year examination

(100% examination for repeats)

# LA4005 – LEGAL ENVIRONMENT OF BUSINESS

**Module Leader**

Catriona Moloney

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**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

To provide students with knowledge relating to the legal environment in which business operates and the legal principles central to commercial life.

**Syllabus**

* The concept of law.
* Legal systems: common law systems, civil law systems, the European Union legal system.
* Sources of Law: precedent, legislation, the 1937 Constitution, the European Treaties.
* The administration of justice in Ireland, courts and quasi-judicial tribunals, legal and equitable remedies.
* The role of law in the business environment, its function and methods, and legal philosophy in business law.
* Core elements of private law.
* Contractual transactions: formation, formalities, capacity, contractual terms and obligations, standard form contracts, statutory regulation, and discharge.
* Civil liability: negligence, statutory duties and remedies, economic torts, inducement to breach of contract, conspiracy, passing off, and injurious falsehood.
* Introduction to company law and employment law.

**Learning Outcomes**

On successful completion of this module a student will be able to:

* Interpret the legal setting for the operation of business in Ireland.
* Transfer fundamental concepts of law in Ireland to the business environment.
* Explain the Irish Court structure.
* Recount the variety of mechanisms available to courts in the disposal of cases.
* Distinguish the forms of liability which can attach to businesses and their employees.
* Demonstrate a working knowledge of contract law and the relevant case law.

**Primary Texts**

* Thuillier A. & MacDaid C., *Business Law in Ireland* (Clarus Press 2015)
* Doolan B., *Principles of Irish Law* (8th edn, Gill & MacMillan 2011)
* Keenan A., *Essentials of Irish Business Law* (6th edn., Gill & MacMillan 2010)
* Byrne R., McCutcheon J.P., Bruton C., & Coffey G., *The Irish Legal System* (6th edn Hayward Heath Bloomsbury Professional 2014)

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures. PowerPoint slides for each topic will be made available on Sulis. Students are expected to supplement these notes with their own lecture notes and independent research to further their knowledge of the relevant issues.

**Assessment Instruments**

100% end of year examination.

**Semester & Year to be First Offered**

Autumn 2009

# LA4006 – MEDICAL LAW

**Module Leader**

John Lombard

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**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

The aim of this module is to provide students with an understanding of the legal and ethical issues associated with the practice of medicine. The interface between law and medicine has become increasingly controversial in recent years. Aside from traditional concerns such as those relating to medical confidentially and access to medical records, an increasing awareness of the need to recognise and respect the autonomy of patients has raised new concerns that the legal system must address. This module seeks to introduce students to the challenges posed in the legal regulation of medical practice by introducing them to the law relating to medical confidentiality, access to medical records, consent to treatment, and end-of-life decision-making.

**Syllabus**

* Legal and ethical issues surrounding medical confidentiality and access to medical records.
* Human rights and ethical perspectives on autonomy in healthcare decision-making.
* Informed consent to medical treatment.
* Capacity to consent in relation to minors and those with mental incapacity.
* Refusal of treatment.
* End-of-life decision-making.

**Learning Outcomes**

On completion of this module, students should be able to:

* Identify the ethical and legal framework relating to medical confidentiality.
* Identify the ethical and legislative framework surrounding access to medical records.
* Understand the human rights and ethical foundation for respect of patient autonomy in the context of healthcare decision-making.
* Evaluate current case law and legislation in the area with reference to the principles of respect for patient autonomy.
* Apply current legislation and case law to hypothetical situations and advise a hypothetical patient on his/her rights under existing Irish law.
* Develop a sufficient understanding of the challenges in the area and of the current law to be able to identify avenues for reform.

**Affective (Attitudes and Values)**

On completion of this module, students should:

* Understand the conflicts which may occur between medical ethics and legal principles.
* Appreciate the ways in which law can impact upon both patients and healthcare practitioners.

**How the Module is Taught & the Students’ Learning Experience**

The module is taught through lectures and tutorials that introduce students to contemporary challenges in medical law. Students are then expected to engage in self-directed study to further explore the issues raised in class. This engagement is furthered through group discussions in tutorial settings. In introducing students to the interface between law and medicine and helping them to discover ways in which the two, often competing disciplines, can engage with each other in a meaningful and appropriate way, the module aims to help students in the development of the UL graduate attributes.

Students will become more articulate and knowledgeable by learning about the impact of the law upon another discipline (medicine) as well as enhancing their collaborative skills through developing an understanding of the challenges faced in a medical context and learning how law can best respond. Recent developments in the area of medical law, along with research findings, are incorporated into the module via the recommended reading, outlined in the study resources.

**Primary Texts**

* Deirdre Madden, *Medicine, Ethics and the Law*(3rd edn, Bloomsbury 2016)

**Other Texts**

* Kenyon Mason and Graeme Laurie, *Mason and McCall Smith’s Law and Medical Ethics* (9th edn, Oxford University Press 2013)
* Jonathan Herring, *Medical Law and Ethics* (6th edn, Oxford University Press 2016)
* Emily Jackson, *Medical Law: Text, Cases and Materials* (4th edn, Oxford University Press 2016)

**Academic Instruments**

Essay: 40%

End of Semester Exam: 60%

Repeat Exam: 60% (100% if no in-term assessments completed. If parts have been completed, the overall mark of the final exam will be adjusted accordingly)

# LA4008 – COMPANY AND PARTNERSHIP LAW

**Module Leader**

Alan Cusack

[Alan.Cusack@ul.ie](mailto:Alan.Cusack@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

To provide students with an understanding of the legal regulation of the primary forms of business organisation: the corporate entity and the partnership unit. This module will also be offered on the Professional Diploma in Accounting.

**Syllabus**

* Corporate formation: types of companies, formalities, advantages and disadvantages of incorporation, corporate personality, piercing the veil, groups of companies.
* Corporate governance: role of shareholders, directors, employees, directors’ duties, AGM, accounts, and audits.
* Minority shareholder protection, protection of parties dealing with corporations: creditors, voluntary and involuntary, charges over companies.
* *Ultra vires* contracts.
* Capital integrity: minimum requirements, distributions out of profits, repayments of capital.
* Corporate termination: liquidation, receivership, winding up, examinership, amalgamations, and reconstructions.
* Partnerships: joint and several liability, formation of partnerships, dissolution of partnerships, limited partnerships.

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Identify the process of establishing business units.
* Specify the relevant documentation required for incorporation or partnership formation.
* Differentiate between the role of directors and shareholders.
* Distinguish the types of liability arising from business trading units.
* Critique the effectiveness of incorporation versus partnership models of business activity

**Primary Texts**

* Forde and Kennedy, *Company Law* (5th edn Round Hall Sweet and Maxwell 2017)
* Thuillier, *Company Law in Ireland* (Clarus Press 2013)

**Other Relevant Texts**

* Callanan, *An Introduction to Irish Company Law* (4th edn Gill & Macmillan 2015)
* Courtney, *The Laws of Companies* (4th edn Bloomsbury Professional 2016)
* Ellis, *Modern Irish Company Law* (2nd edn Jordans 2004)
* Keane, *Company Law* (5th edn Tottel Publishing 2016)
* MacCann, *A Casebook on Company Law* (Butterworth 1991)
* McGrath, *Company Law* (Round Hall 2003)
* Murphy, *Business and Company Law: For Irish Students* (Gill & Macmillan 2004)
* Twomey, *Partnership Law* (Butterworth 2000)

**Academic Instruments**

This module will be assessed by means of a 100% end of semester closed book examination comprising of 60% multiple choice component and 40% long question component. The repeat examination comprises the same means of assessment.

# LA4011 – INTRODUCTION TO LAWYERING 1

**Module Leader**

John Lombard

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**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

The aim of this module is to introduce first time law students to the basic principles and operating procedures of the legal system in Ireland. This is will be achieved by providing students with a comprehensive grounding in the key legal skills necessary to allow them to further develop their legal understanding; it forms part of a sequential number of modules.

**Syllabus**

The objective of this module is to ensure that upon successful completion, students have a detailed knowledge of the legal process, including an introduction to court structure and procedure, the doctrine of precedent, and statutory interpretation, as well as developing student’s legal research, writing, referencing, and interpretation skills. The syllabus will focus extensively on self-directed learning and active exercises.

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Describe the key legal and political institutions of the Irish legal system.
* Identify the binding and persuasive sources of law in the Irish legal system.
* Explain the role of the courts.
* Explain the constitutional concept of the separation of powers between the legal and political bodies in Ireland.
* Examine and evaluate the operation of *stare decisis* or precedent in Irish adjudication.
* Examine and evaluate the process of statutory interpretation in Irish adjudication.
* Complete legal research and writing tasks skilfully, using all available resources.
* Accurately identify and interpret key primary sources of law.

**Primary Texts**

* Raymond Byrne, J. Paul McCutcheon, Claire Bruton, and Gerard Coffey, *Byrne and McCutcheon on the Irish Legal System* (6th edn, Bloomsbury Professional 2014)
* Tanya Ní Mhuirthile, Catherine O’Sullivan, and Liam Thornton, *Fundamentals of the Irish Legal System: Law, Policy and Politics* (Round Hall 2016)
* Jennifer Schweppe, Rónán Kennedy, and Larry Donnelly, *How to Think, Write and Cite: Key Skills for Irish Law Students* (2nd edn, Roundhall 2016)

**Other Relevant Texts**

* Holland, J. and Webb, J., *Learning Legal Rules* (7th edn, Oxford University Press 2010)

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

Original assessment

Multiple choice quiz on Sulis (20%)

Case note (30%)

Final essay (50%)

Repeat assessment

Closed book examination. Two hours, five questions, attempt three. All questions carry equal marks.

# LA4012 – COMPARATIVE LEGAL SYSTEMS

**Module Leader**

Catriona Moloney

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**Hours per Week**

Lecture: 2 Tutorials: TBC Credits: 6

**Rationale & Purpose of the Module**

The aim of this module is to provide a detailed understanding of the methods of comparative law, to show the evolution of some of the distinguishing features of the major legal families as well as the more discrete differences between various legal systems.

**Syllabus**

* The idea of law
* Legal concepts
* The historical development of common law
* Early Irish law
* Roman law
* Civil law
* Some fundamental concepts
* Introduction to German, French, Spanish, & Scottish legal systems
* How a civil lawyer finds the law
* The American legal system
* Other conceptions of law & the social order

**Learning Outcomes**

On successful completion of this module students will be able to:

* Identify the different approaches to comparative law.
* Summarise the binding and persuasive sources of law, both historical and contemporary, in the Anglo-American and continental legal traditions.
* Describe the impact of the Anglo-American and Continental legal traditions around the world and discuss other major alternative traditions.
* Compare the role of the judge and the status of jurisprudence (case law) in the Anglo-American and Continental legal traditions.
* Assess the convergence or divergence between the Anglo-American and Continental legal traditions in Europe.
* Contrast the structures and aims of national and international law.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures. PowerPoint slides for each topic will be made available on Sulis. Students are expected to supplement these notes with their own lecture notes and independent research to further their knowledge of the relevant issues.

**Primary Texts**

* De Cruz, P., *Comparative Law in a Changing World* (3rd edn, Routledge: Cavendish 2008)
* Zweigert, K., & Kotz, H., *An Introduction to Comparative Law* (3rd edn, Oxford University Press 1998)

**Other Relevant Texts**

* Raymond Byrne et al, *Byrne and McCutcheon on the Irish Legal System* (6th edn, Bloomsbury 2014)
* Cownie, Bradney, & Burton, *English Legal System in Context* (5th edn, Oxford University Press, 2010)
* Craig and de Búrca, *EU Law: Text, Cases and Materials* (6th edn, Oxford University Press 2015)
* Fairhurst, J., *Law of the European Union*, (available as an e-book on the library website)
* Foster and Sule, *German Legal System and Laws* (4th edn, Oxford University Press 2010)
* Merryman and Pérez-Perdomo, *The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America* (3rd end, Stanford University Press 2007)
* Robinson, O., Fergus, T., and Gordon, W., *European Legal History* (3rd edn, Oxford University Press 2000)
* Steiner, E., *French Legal Method* (Oxford University Press 2002)
* Van der Merwe and Du Plessis, *Introduction to the Law of South Africa* (Kluwer Law International, 2004)

**Assessment Instruments**

The examination is comprised of 20% continuous assessment and 80% end of year examination. For repeats, the examination makes up 100% of the final grade.

**Semester & Year to be First Offered**

Spring 2010

# LA4013 – MEDIA LAW

**Module Leader**

Susan Leahy

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**Hours per Week**

Lecture: 2 Tutorial: 1 (per fortnight)

Credits: 6

**Rationale & Purpose of the Module**

This course aims to make students fully aware of the legal framework and constraints within which the media operates and then enable them to cover courts and other stories with legal implications effectively and with confidence. It also aims to make students fully aware of the major ethical issues that concern journalists. Students will be able to form judgements about ethical dilemmas and articulate a response to them.

**Syllabus**

The structure of the legal system, with specific relevance to the law as it affects journalists, including defamation, malicious falsehood, criminal libel, blasphemy, contempt of court, reporting restrictions, breach of confidence and copyright. The course will introduce students to major sources (individuals, institutions, campaigning bodies, government bodies, journalists, journals) on media law issues. Students will analyse complex legal issues and be able to apply them to specific legal dilemmas. The course will cover recent developments in the laws on privacy and, in particular, European human rights legislation. Students will be introduced to the ethical framework surrounding journalism, including the various codes of conduct, and touching on laws such as those of privacy. They will discuss issues of public interest and its bearing on private lives, and the importance of truth, fairness, and objectivity. There will be discussions on reporting suicide, mental health issues, questions of taste and decency, and the use of subterfuge to obtain stories, and the questions of sleaze and sensationalism. Representation of women and minorities in the press will be covered, as will the impact of competition, ownership, and advertising on journalism. Assessment will be by examination and coursework essay.

**Learning Outcomes**

On successful completion of this module students will be able to:

* Identify the key elements in establishing the legal and regulatory environment of journalistic reporting.
* Specify the criteria for defamation actions and truth in reporting.
* Outline the basic human rights provisions applicable to journalistic reporting.
* Differentiate between law and policy on issues such as privacy and public interest reporting.
* Distinguish issues such a copyright, communications received in confidence, ethical issues including sensationalism.
* Critique the limits of legally acceptable journalistic reporting standards.

**How the Module is Taught & the Students’ Learning Experience**

The module breaks down into succinct areas: an introduction into the Irish Legal system, an introduction to rights and the media, freedom of expression (emphasis on media), defamation, privacy, media reporting (politics and the courts), copyright, ethics and sensationalism, and regulation versus self-regulation. The areas will be taught through biweekly lectures, while each area will be subject to an additional discussion-led tutorial on the area in question on a fortnightly basis. Given the evolving and fast-paced nature of the media, the module will attempt to promote practicality and relevance by encouraging students to engage with topical issues that occur during the semester by bringing relevant media articles to lectures and tutorials for class discussion. The module emphasises a student-centred approach. The students’ learning experience should reflect a rapidly evolving and sensitive area that is media law. They should find the course relevant, informative, and thought provoking.

**Primary Texts**

* Carolan, E., & O Neill, A., (2010) *Media Law in Ireland*.
* Murphy & McGuinness, *Journalists and the Law*, 3rd edn, (Round Hall, 2011)
* McGonagle, M. (2003) *Media Law,* 2nd edn, Dublin: Roundhall Sweet & Maxwell

**Other Relevant Texts**

* Crook, *The UK Media Law Pocketbook*, (Oxon: Routledge, 2013)
* Martin, *Media Law Ireland*, (Cork: Oak Tree Press, 2011)
* Hanna & Dodd, *McNae’s Essential Law for Journalists*, 21st edn, (Oxford: Oxford University Press 2012).
* Smart, *Media & Entertainment Law*, 2nd edn, (Oxon, Routledge, 2014).

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

30% continuous assessment during term and 70% end of term examination (1.5 hours, students will be required to answer two out of four questions).

The repeat exam takes the same format as the original exam. Where a student has completed the in-term assignments, these grades will count for the purposes of the repeat examination and the examination will account for 70% of the grade. Where no in-term assessment have been completed, the repeat examination will account for 100% of the grade.

# LA4017 – ADVANCED LAWYERING 1

**Module Leader**

Lydia Bracken [Lydia.Bracken@ul.ie](mailto:Lydia.Bracken@ul.ie)

**Hours per Week**

Lecture: 1 Lab: 2

Credits: 6

**Rationale & Purpose of the Module**

The aim of this module is to provide a detailed understanding of the operation and practise of the legal system in Ireland, paying particular attention to the necessary skills inherent in the process of law at all levels. It forms part of a sequential number of modules.

**Syllabus**

The objective of this module is to ensure that, upon successful completion, students have a detailed knowledge of the role of the courts and the complementary systems of alternative dispute resolution as a forum for dispute resolution and the practical skills involved. Emphasis will be placed on negotiation, arbitration, conciliation, and mediation skills. The module will involve simulation and role-playing in order to develop these skills.

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Identify the alternatives to judicial resolution of disputes.
* Specify the criteria for seeking non-judicial resolution of disputes.
* Outline the process used in the key forms of alternative dispute resolution.
* Obtain a deeper understanding of the practical aspects of legal theory through interactive integration by way of role play.
* Undertake a significant piece of independent activity in legal practice, research or writing.

**Primary Texts**

* Byrne et al, *Byrne and McCutcheon on the Irish Legal System* (6th edn, Bloomsbury 2014)
* Blake et al, *A Practical Approach to Alternative Dispute Resolution* (3rd edn, OUP 2014)
* Boyle et al, *A Practical Guide to Lawyering Skills* (2nd edn, Cavendish Publishing 2003)
* Dowling-Hussey, A. and Dunne, D. *Arbitration law* (2nd edn, Thomson Round Hall 2014)

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

50% Essay Assignment

50% End of year examination

Repeats are comprised of a 100% repeat examination.

# Module LA4021 – CHILD LAW

**Course Leader**

Lydia Bracken

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**Hours per Week**

Lecture: 2 Tutorial: 1 (per fortnight)

Credits: 6

**Rationale & Purpose of the Module**

The desire to protect children from harm and to recognise their rights as autonomous individuals is an increasingly accepted goal in legal scholarship. The aim of this module is to consider the rights of children and how they may be advanced by the legal system. This involves gaining an understanding of the protection of children’s rights both at domestic and international levels, as well as considering specific aspects of the law which impact upon children’s lives.

**Syllabus**

* Children’s rights in the Irish Constitution
* The European Convention on Human Rights and the United Nations Convention on the Rights of the Child
* Child participation and representation in legal proceedings
* Child protection and children in care
* Youth justice
* Garda vetting procedures and mandatory reporting of child abuse
* Bullying
* Child abduction, adoption and education

**Learning Outcomes**

On completion of this module, students should be able to:

* Identify the rights of children under the Irish Constitution, the European Convention on Human Rights, and the United Nations Convention on the Rights of the Child.
* Identify the ways in which the voice of the child may be effectively heard in legal proceedings in the State.
* Describe specific areas of law which impact upon children such as child protection legislation, law relating to criminal responsibility, procedures relating to vetting and reporting of child abuse, and laws relating to bullying, child abduction, adoption, and education.
* Evaluate the extent to which children’s rights are protected under Irish law.
* Apply relevant legislation and case law relating to children in hypothetical situations.
* Develop a sufficient understanding of the rights of children and of the current law to be able to identify avenues for reform.

**Affective (Attitudes and Values)**

On completion of this module, students should:

* Understand the specific needs and concerns of children in society.
* Appreciate the ways in which law can help to improve the lives of children by affording adequate protection to their rights.

**How the Module is Taught & the Students’ Learning Experience**

The module is taught through lectures and tutorials that introduce students to contemporary challenges in child law. Students are then expected to engage in self-directed study to further explore the issues raised in class. This engagement is furthered through group discussions in tutorial settings. In introducing students to the rights of children and the specific concerns of this group within society, the module aims to help students in development of the UL graduate attributes. Particularly, students will become more articulate and knowledgeable by learning about the impact of the law upon a specific unit group of society (i.e. children). Recent developments in the area of child law, along with research findings are incorporated into the module via the recommended reading and study resources.

**Primary Texts**

* Kilkelly (2008) *Children’s Rights in Ireland: Law, Policy and Practice*, Tottel Publishing
* Shannon (2005) *Child Law*, Thomson Round Hall

**Other Relevant Texts**

* Crowley (2013) *Family Law*, Round Hall
* Nestor (2011) *An Introduction to Irish Family Law,* 4th edn, Gill & Macmillan
* Forde and Leonard (2013) *Constitutional Law of Ireland,* 3rd edn, Bloomsbury Professional
* Shannon (2011) *Adoption Law*, Round Hall
* Shannon (2011) *Child Care Law*, Round Hall
* Walsh (2005) *Juvenile Justice*, Round Hall

**Semester & Year to be First Offered**

Autumn 2015

**Academic Instruments**

30% continuous assessment during term and 70% end of term examination (1.5 hours, students will be required to answer two out of four questions).

The repeat exam takes the same format as the original exam. Where a student has completed the in-term assignments, these grades will count for the purposes of the repeat examination and the examination will account for 70% of the grade. Where no in-term assessment has been completed, the repeat examination will account for 100% of the grade.

# LA4022 – COMMERCIAL LAW

**Module Leader**

Alan Cusack

[[Alan.Cusack@ul.ie](mailto:Alan.Cusack@ul.ie)](mailto:Alan.Cusack@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

To introduce the student to the legal background of commercial transactions and their impact on everyday commercial life.

**Syllabus**

* Agency
* Ownership versus Possession under the Sale of Goods and Supply of Services legislation
* Credit Provision Systems and Security Mechanisms
* Product Liability
  + Contractual (Sale of Goods and Supply of Services legislation)
  + Tortious (Negligence and Liability for Defective Products Act 1991)
* Intellectual Property
* Competition Law

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Describe, in detail, the essential terms of a contract to which sale of goods and supply of services legislation applies.
* Identify the impact of that legislation on a contract.
* Present the principles of law applicable in certain aspects of vendor protection, namely retention of title.
* Outline the legal provisions applicable in matters of liability for defective products.
* Identify the legal issues arising with agency and its various forms.
* Explain the basic principles of competition law in Ireland with reference to the Competition and Consumer Protection Commission.
* Summarise the legal rights attaching to the different forms of intellectual property, including trademarks and copyright.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures and tutorials. Interaction between students and lecturer/tutor will play a major role in developing an understanding of the core principles of the module. Students will also be expected to conduct their own private research, using all available sources, to further their knowledge of the relevant issues.

**Primary Texts**

* Forde, M., *Commercial Law*, 3rd edn (Tottel, Sussex, 2005)
* White, F., *Commercial Law*, 2nd edn (Thomson Round Hall, Dublin, 2012)

**Other Relevant Texts**

* Legal databases such as Lexis, Justis, Westlaw.ie, etc.
* Commercial Law Practitioner (CLP)
* Irish Business Law Quarterly (IBLQ)

(Additional reading on specific topics will be recommended during the lectures)

**Semester & Year to be First Offered**

Summer 2009

**Academic Instruments**

The assessment will be an end of term, closed book examination that will consist of five questions where students will be required to answer three within a period of two hours. The questions will be a mixture of essays and problems and all questions will carry equal marks.

For students that are unsuccessful in the semester assessments the annual repeat examination will be a two hour exam where students are required to answer three questions from a selection of five. The questions are a mixture of problems and essays and all questions carry equal marks.

# LA4032 – CRIMINAL PROCEDURE (ONLINE)

**Module Leader**

Margaret Fitzgerald [Margaret.Fitzgerald-OReilly@ul.ie](mailto:Margaret.FitzgeraldOReilly@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

This module will consider the procedures to be used in the criminal justice system from the earliest moment of investigation right through to sentencing. The system as a whole will be evaluated from various value based positions, encouraging critical reflection among students. Key areas such as policing, trial procedure, and the sentencing process will be considered in depth.

**Syllabus**

* Bail
* Garda Powers
* Questioning and Legal Representation
* Initiating Court Proceedings
* Prosecutions & Trial Procedure
* Jury Trials
* Sentencing
* Criminal Appeals

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Recount fundamental concepts underpinning the Irish criminal justice system such as due process, burden of proof and the importance of the jury.
* Explain the role of the various institutions, bodies, and individuals that operate within the system.
* Examine the safeguards which exist within the system to protect the individual against breaches of their constitutional and human rights.
* Outline the procedure that the prosecution of an individual follows from arrest to conviction.
* Locate and interpret the relevant case law and statutes in the area.
* Critically evaluate the operation of the Irish criminal justice system.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through online lectures together with weekly discussion boards.

**Primary Texts**

* Walsh, *Criminal Procedure* (Round Hall, 2016)

**Additional Texts**

* O’Malley, *Sentencing Law and Practice* (Roundhall, 2016)
* Conway, Daly, & Schweppe, J., *Irish Criminal Justice: Theory, Process and Procedure* (Dublin: Clarus Press, 2010)
* O’Malley, *The Criminal Process* (Round Hall, 2009)

**Semester & Year to be First Offered**

Spring 2018

**Assessment Instruments**

This online module will be assessed through a combination of in-term assessments and end of year examination.

20% Discussion Boards

20% for Report/Case Analysis

60% End of Year Examination

# LA4033 – LAW OF THE EUROPEAN UNION 1

**Module Leader**

Alan Cusack

[Alan.Cusack@ul.ie](mailto:Alan.Cusack@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

* The aim of the module is to equip the student with an understanding and knowledge of the basic principles and rules of the European Union including: the origins and character of European Union law, beginning with the three original Community Treaties, developments from the 1960s up to the Lisbon Treaty, and the subsequent Stability Treaty.
* Each of the institutions will be examined: Parliament, Commission, Council, European Council, Court of Auditors, European Central Bank, and the court system (General Court, Court of Justice of the European Union, and Civil Service Tribunal).
* Sources of law: primary (Treaties), secondary (Regulations, Directives etc.), and case law of the Court of Justice of the European Union.
* Enforcement of EU law-infringement proceedings (Article 258), proceedings for failure to act (Article 265), and proceedings for failure to fulfil an obligation (Article 259).
* Preliminary references: Article 267.
* Legislative process-role of the institutions, the relationship between EU Law and national law: supremacy and direct effect.
* The development of human rights.

**Syllabus**

The module covers, in the first instance, the history of the European communities and the various treaty amendments up to the Treaty of Lisbon and the subsequent Stability Treaty. The module proceeds to consider the role, function, and legislation powers of the Commission, Parliament, and Council. The module will also examine the European Council, the Court of Auditors, and the European Central Bank. The court system and the types of actions heard by the Court of Justice, the General Court, and the Civil Service Tribunal will also be covered. The new legislative procedures, the ordinary legislative procedure, and the special legislative procedure, as introduced by Lisbon, will be examined. The development of human rights and the principles of direct effect and supremacy will be considered.

**Learning Outcomes**

* Comprehend recent and key changes introduced by the Treaty of Lisbon that affects the way in which European institutions carry out their respective functions.
* Appreciate the historical context that led to the establishment of the European Communities in the 1950s and the emergence of the European Union in 1992.
* Identify the distinctive contribution of each of the European treaties since 1958 to the current European treaties and the establishment of the European Communities and Union Compare.
* Contrast key principles of public international law and the unique European legal order.
* Explain the contributions of each of the institutional players involved in the inter-institutional balance reflected in policy development and the legislative process.
  + Appraise the contribution of the judicial architecture (in particular the Court of Justice) to the development of the unique European legal order.
  + Understand the complex relationship between the different European Institutions.

**Primary Texts**

* Fairhurst, J. (2016) *Law of the European Union* (11th edn), Essex: Pearson
* Carolan, B. (2009) *EU Law for Students in Ireland* (2nd edn), Dublin: Gill & Macmillan
* Chalmers, D., Monti, G., and Tomkins, A. (2010) *European Union Law* (2nd edn), Cambridge: Cambridge University Press
* Craig, P. and De Búrca, G. (2015) *EU Law Text, Cases, and Materials*. (6th edn), Oxford: Oxford University Press
* Kaczorowska-Ireland, A. (2016) *European Union Law* (4th edn), Abingdon: Routledge
* Barnard, C., Peers, S., (2014) (Eds) *European Union Law*. Oxford: Oxford University Press
* Berry, E., et al. (2013) *Complete EU Law: text, cases, and materials*. Oxford: OUP
* Steiner, J. and Woods, L. (2014) *Steiner & Woods EU Law* (12th edn), Oxford: Oxford University Press
* Foster, N. (2014) *Foster on EU Law* (4th edn), Oxford: Oxford University Press

**Other Relevant Texts**

* Dashwood, A., Wyatt, D. (2011) *Wyatt and Dashwood’s European Union Law* (6th edn), Oxford: Hart
* Schmidt, S.K., Kelemen, R.D. (2013) *The Power of the European Court of Justice*, London: Routledge
* Craig, P. (2013) *The Lisbon Treaty: law, politics, and treaty reform*, Oxford: Oxford University Press
* Weatherill, S. (2014) *Cases and Materials on EU Law* (11th ed.), Oxford: Oxford University Press

**Programme(s) in which this Module is Offered**

LM029 Law Plus

LM020 Law and Accounting

Graduate Entry LLB

LM032 Arts-Joint Honours

LM040 European Studies

LM041 Politics and Public Administration

LM043 International Insurance and European Studies

**Academic Instruments**

90% End of Semester Written Exam, 2 x 5% Sulis MCQs.

Repeat format: Where student has completed the in-term assessments, the repeat exam will be a 90% written examination. Where the student has not completed the in-term assessments, the exam will be 100%.

# LA4035 – LABOUR LAW

**Module Leader**

Eddie Keane

[Eddie.Keane@ul.ie](mailto:Eddie.Keane@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

To familiarise students with the legal regulation of employment relationships, industrial relations, and remedies thereto.

**Syllabus**

* The history, sources & institutions of labour law
* Defining employee status
* Equality/discrimination
* Health safety & welfare at work
* Dignity at work: bullying & sexual harassment
* Termination of employment
* Trade union membership

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Identify the legal relationships existing between the different classes of employees and employers, collective labour law, freedom of association and the law relation to trade disputes, the transfer of undertakings, and industrial relations law.
* Specify the principles governing a range of legal issues including equality law, unfair dismissal, bullying, harassment, sexual harassment, health and safety in the workplace, the nature and terms of the employment contract, the impact of European labour provisions, and the institutional regulation of labour law in Ireland.
* Discuss the policy issues arising in different areas of labour law and evaluate the existing law in the light of policy considerations.
* Differentiate the legal relationship existing between employers and trade unions, and the legal relationship existing between trade unions and their members.
* Distinguish between the different types of worker, in particular, employees and independent contractors, full-time and part-time workers, and compare the rights and status of each.
* Critique the legal remedies available to employers and employees in different situations.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures, tutorials, and Moot Court exercises. Material is presented by the module leader that will be discussed in class in an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues. An integral part of the module is that students have the opportunity to represent a party in a moot court case, which is heard in the UL Law School replica courtroom.

**Primary Texts**

* Regan (Ed), *Employment Law*, (Tottel, Hayward’s Heath, 2009)
* Daly and Doherty, *Principles of Irish Employment Law*, (Clarus Press, Dublin, 2010)
* Cox, Corbett & Ryan, *Employment Law in Ireland*, (Clarus Press, Dublin, 2009)
* Forde and Byrne, Employment Law, (Round Hall Press, Dublin, 2009)

**Other Texts**

* Lexis, Justis, Westlaw.ie, etc.
* Employment Law – Law Society of Ireland Manuals
* Employment Law Reports (ELR)
* Irish Employment Law Journal

**Semester & Year to be First Offered**

Spring 2010

**Academic Instruments**

The assessment will be an in-term essay (approximately 2,000 words) worth 40% based on the arguments presented in the Moot exercise and an end of semester, closed book examination that will consist of five questions where students will be required to answer two within 1.5 hours. All questions will carry equal marks.

For students that are unsuccessful in the semester assessments the annual repeat examination will be a two hour exam where students are required to answer three questions from a selection of five. The questions are a mixture of problems and essays and all questions carry equal marks.

# LA4036 – INTELLECTUAL PROPERTY LAW

**Module Leader**

John Lombard

[John.Lombard@ul.ie](mailto:John.Lombard@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

Intellectual property (IP) is of great importance in modern society and the provision of legal protection to owners of intellectual property is considered by many to be critical to fostering ideas, rewarding innovation, and stimulating economic growth. The significance of intellectual property may be identified across a variety of sectors including the engineering, pharmaceutical, medical, entertainment, fashion, and computer/software industries. The aim of the module is to give students an understanding of the various sources and forms of IP rights including patent, trademark, copyright, and design protection.

**Syllabus**

This module will explore the various sources and forms of IP rights including:

* patents
* trademarks
* copyright
* designs
* The source of these rights, their limitations, infringement, and remedies available for breaches will also be covered.
* The course will also examine common law protections available to protect IP including the tort of passing off and breach of confidence. The focus will be on Irish IP law but will also examine relevant EU directives and global IP treaties.

**Learning Outcomes**

Upon successful completion of this module, students will be able to:

* Identify the different forms of IP, including common law protections and the source of those rights.
* Critique the protection of IP rights in Ireland today.
* Identify how to protect IP rights.
* Comprehend the limits on the exercise of IP rights.
* Appreciate the importance of international obligations in the field.

**Affective (Attitudes and Values)**

Upon successful completion of this module, students will be able to:

* Challenge the competing moral, economic, and social justifications for the recognition of IP rights and the limitation of those rights.
* Appreciate the ways in which law can impact upon both creators and users of ideas.

**How the Module is Taught & the Students’ Learning Experience**

This module will introduce students to contemporary challenges in the field of IP law through lectures and tutorials. Students will also be expected to engage in self-directed study on the issues raised in class to supplement their learning. The syllabus and assessment mechanisms will reflect the most recent developments in the field and will reflect research in the area being conducted within the School of Law.

In introducing students to the laws governing IP law in Ireland and the complex debate that surrounds the protection of IP worldwide, the module aims to develop UL graduate attributes. Students will become more knowledgeable about the protections afforded to owners of IP and the limitations on those rights. Through tailored tutorials and assessment mechanisms and particularly through the use of group work, students will also become more articulate, proactive, and collaborative.

**Primary Texts**

* Eva Nagle, *Intellectual Property Law* (Round Hall 2012)
* Robert Clark, Shane Smyth, and Niamh Hall, *Intellectual Property Law in Ireland* (4th edn, Bloomsbury Professional 2016)

**Other Texts**

* Lionel Bently and Brad Sherman, *Intellectual Property Law* (4th edn, Oxford University Press 2014)
* David Bainbridge, *Intellectual Property* (9th edn, Longman 2012)

**Academic Instruments**

Essay: 40%

End of Semester Exam: 60%

Repeat Exam: 60% (100% if no in-term assessments completed. If parts have been completed, the overall mark of the final exam will be adjusted accordingly)

# LA4038 – FAMILY LAW

**Module Leader**

Susan Leahy

[Susan.Leahy@ul.ie](mailto:Susan.Leahy@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 per fortnight

Credits: 6

**Rationale & Purpose of the Module**

The aim of the course is to familiarise students with the core concepts of Irish family law.

**Syllabus**

* Nullity
* Domestic violence
* Child custody & access disputes
* Maintenance
* Separation agreements
* Judicial separation
* Divorce
* Preliminary & ancillary relief in judicial separation & divorce proceedings
* The non-marital family

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Identify the differing concepts of the family unit both at constitutional and legislative levels.
* Specify the criteria for creating the marital relationship and the necessary consents, mental elements, and the protections and obligations owed within the marriage relationship.
* Outline the key ways in which a marriage may be dissolved or terminated and the consequences of such dissolution or termination.
* Differentiate between the rights of married and unmarried parents and their children.
* Distinguish remedies available during a subsisting marriage compared with those arising on the dissolution or termination of such marriage.
* Critique the treatments of the family unit within the Irish legal system.

**Primary Texts**

* Crowley, *Family Law*, (Dublin: Round Hall, 2013).
* Nestor, *An Introduction to Irish Family Law*, 4th edn, (Dublin: Gill & Macmillan, 2011).

**Other Texts**

* Kilkelly, *Children’s Rights in Ireland: Law Policy and Practice*, (Dublin: Tottel Publishing, 2008).
* Shannon, *Child Law*, (Dublin: Thomson Round Hall, 2005).
* Shatter, *Shatter’s Family Law*, 4th edn, (Dublin: Tottel Publishing, 1997).

**Semester & Year to be First Offered**

Spring 2010

**Academic Instruments**

The assessment for this module consists of an assignment and a written exam at the end of the semester. The written assignment accounts for 30% of the marks. The exam accounts for 70% of the marks. The exam is 1.5 hours long. Students are given a choice of four questions, of which they will be required to answer two.

The repeat exam takes the same format as the original exam. Where a student has submitted a written assignment during the term, the grade for this essay will count for the purposes of the repeat examination and the examination will account for 70% of the grade. Where no assignment has been submitted during the term, the repeat examination will account for 100% of the grade.

# LA4040 – LAW OF EVIDENCE (online)

**Module Leader**

Shane Kilcommins

[Shane.Kilcommins@ul.ie](mailto:Shane.Kilcommins@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

To critically examine the rules and general principles governing the admissibility of evidence in criminal trials.

**Syllabus**

* Principles of criminal evidence
* Burdens and standards of proof
* Witness testimony
* Confession evidence and illegally obtained evidence
* Expert evidence
* Corroboration
* Rule against hearsay
* Identification evidence
* Similar fact evidence
* Privilege

**Learning Outcomes**

On successful completion of this module a student will be able to:

* Differentiate between key concepts in the Law of Evidence including facts at issue, relevant facts, admissibility of evidence and weight of evidence, hearsay, and original evidence.
* Describe the principles relating to the burden of proof, the standard of proof, and reversal of burdens of proof.
* Explain the law and principles relating to witness testimony, challenging the credibility of the witness, and corroboration rules.
* Outline the Rule against Hearsay and the reforms to aspects of the Rule.
* Analyse the exclusionary rules relating to illegally obtained and unconstitutionally obtained evidence.
* Appraise the law relating to the testimony of the accused in a criminal trial and similar fact evidence, bad character evidence, right to silence, and confession evidence.
* Apply the rules and principles to scenarios so as to demonstrate the possibilities for conviction or acquittal.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through online lectures together with weekly discussion boards.

**Primary Texts**

* Fennell, C., *The Law of Evidence in Ireland* (3rd edn, Haywards Heath 2008)
* Healy, J., *Irish Laws of Evidence* (Thompson Round Hall 2004)
* Heffernan, L. and Ní Raifeartaigh, U., *Evidence in Criminal Trials* (Bloomsbury 2013)
* McGrath, D., E*vidence* (2nd edn,Thompson Round Hall 2014)

**Other Relevant Texts**

* Roberts, P., and Zuckerman, A., *Criminal Evidence* (Oxford University Press 2004)
* Spencer, J., *Evidence of Bad Character* (2nd edn, Hart 2009)
* Spencer, J., *Hearsay Evidence in Criminal Proceedings* (Hart 2008)

**Semester & Year to Be First Offered**

Spring 2018

**Academic Instruments**

20% Discussion Board

20% Case Analysis

60% End of Year Examination

# LA4042 – ADMINISTRATIVE LAW

**Module Leader**

Laura Cahillane

[Laura.Cahillane@ul.ie](mailto:Laura.Cahillane@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

To provide students with a critical understanding of the principles of administrative law and the mechanisms to test whether any decisions or actions taken by government or governmental agencies are lawful, and to examine the redress available for aggrieved citizens.

**Syllabus**

* Judicial review background
* Excess of jurisdiction
* Errors of law and fact
* Rules of constitutional (natural) justice
* Limitations upon discretionary powers
* Legitimate expectations
* Remedies

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Identify the key elements and be familiar with the fundamental principles governing administrative law including natural and constitutional justice, the principle of legitimate expectations, and the extent to which the courts can control the exercise of discretionary powers by administrative authorities.
* Have a sufficient understanding of a wide number of selected topics as well as the relevant legislative provisions in this area of law including the ingredients of fair decision-making, the rule against bias, judicial decision-making, judicial independence, and accountability.
* Outline the procedural and formal requirements applicable to administrative action and judicial review procedure.
* Differentiate the principles governing the legal nature of administrative powers and the exercise of discretionary powers and duties.
* Critique the limits of administrative law and apply the governing principles in solving legal problems including the procedures for applying for judicial review and the availability of public law remedies for unlawful administrative action.

**How the Module is Taught & the Students’ Learning Experience**

Lectures and Tutorials

Research findings incorporated in to the syllabus (if relevant)

**Primary Texts**

* Donson & O’Donovan, *Law and Public Administration in Ireland* (Clarus Press 2015)
* Hogan & Morgan, *Administrative Law in Ireland* – Student Version, (2012, Roundhall)
* Hogan & Morgan, *Administrative Law in Ireland*, (2010, Roundhall)
* Delaney, *Judicial Review of Administrative Action* (2013, Roundhall)
* Coffey, *Administrative Law*, (2010, Roundhall)
* De Blacam, *Judicial Review*, (2009, Bloomsbury)
* Hogan & Whyte, *Kelly’s Irish Constitution*, 4th edn (2003, Dublin; Butterworths)

**Other Relevant Texts**

* Bradley, *Judicial Review* (Thomson, Round Hall )
* Craig, *Administrative Law*, (Sweet and Maxwell)
* Wade: *Administrative Law*, (Oxford University Press)
* Barnett, *Constitutional and Administrative Law* (London: Cavendish)
* De Smith, Woolf and Jowell’s *Principles of Judicial Review* (OUP)
* Leyland and Anthony, *Textbook on Administrative Law*, (OUP)

**Academic Instrument**

Tutorial attendance and participation: 10%

End of term exam: 90%

**Semester & Year to be First Offered**

Spring 2010

# LA4044 – LAW OF THE EUROPEAN UNION 2

**Module Leader**

Laura Donnellan

[Laura.Donnellan@ul.ie](mailto:Laura.Donnellan@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

This module will review and identify major developments in the substantive law of the European Union, its interpretation, and development, with special reference to the foundations and common rules and policies of the common market and the realisation of an internal market. The policies dealt with will include the free movement of goods, persons, services, capital and payments, competition (Articles 101 and 102), and social policy (equal pay and equal treatment).

**Syllabus**

The module covers, in the first instance, background to the single market/common market. The module proceeds to examine in detail the four freedoms: free movement of goods, persons (including workers, families/dependents, students, and retired citizens), establishment, and provision of services. Competition law, including restrictive agreements and abuse of a dominant position will be examined. Social policy, (equal pay and treatment, same sex couples, transsexuals etc.) will also be covered.

**Learning Outcomes**

Upon completion of this module students should be able to

* Demonstrate an understanding of the principles applicable to the operation of the four freedoms that go to make up the internal market (goods, persons, services, and capital plus payments) e.g. definitions, rights, and exceptions.
* Evaluate the change in focus from the economic actor to citizenship in relation to freedom of movement.
* Analyse the application of articles 101 and 102 in the Treaty on the Functioning of the European Union (competition policy) and related cases of the Court of Justice/General Court/Commission/National Competition Authorities
* Evaluate the contribution of the European Union to regulation in the workplace in relation to individual and collective labour law (selected) and health and safety (selected)
* Appreciate the extension, and inter-linked principles, of anti-discrimination treaty and secondary legislation provisions from the initial gender-only focus to non-gender groups.

**Primary Texts**

* Fairhurst, J. (2016) *Law of the European Union* (11th edn), Essex: Pearson
* Carolan, B. (2009) *EU Law for Students in Ireland* (2nd edn), Dublin: Gill & Macmillan
* Chalmers, D., Monti, G. and Tomkins, A. (2013) *European Union Law* (3rd edn), Cambridge: Cambridge University Press
* Craig, P. and De Búrca, G. (2015) *EU Law Text, Cases, and Materials*. (6th edn), Oxford: Oxford University Press
* Kaczorowska-Ireland, A. (2016) *European Union Law* (4th edn), Abingdon: Routledge
* Barnard, C, Peers, S. (2014) (Eds) *European Union Law*, Oxford: Oxford University Press
* Berry, E., et al. (2013) *Complete EU law: text, cases, and materials*, Oxford: OUP
* Steiner, J. and Woods, L. (2014) *Steiner & Woods EU Law* (12th edn), Oxford: Oxford University Press
* Foster, N. (2014) *Foster on EU Law* (4th ed.), Oxford: Oxford University Press
* Horspool, M., Humphreys, M. (2014) *European Union Law* (8th edn) Oxford: Oxford University Press

**Other Relevant Texts**

* Barnard, C. (2013) *The Substantive Law of the European Union* (4th edn), Oxford: Oxford University Press
* Barnard, C. (2012) *EU Employment Law* (4th edn), Oxford: Oxford University Press
* Jones, A., Sufrin, B.E. (2014) *EU competition law: text, cases, and materials* (5th edn), Oxford: Oxford University Press
* Oliver, P. (2010) *Oliver on free movement of goods in the European Union* (5th edn), Oxford: Hart
* Ezrachi, A. (2014) *EU competition law: an analytical guide to the leading cases* (4th edn), Oxford: Hart Publishing
* McNab, A., (ed.) (2013) *Bellamy & Child materials on European Union law of competition* (6th edn), Oxford: OUP
* Nic Shuibhne, N. (2013) *The Coherence of EU Free Movement law: Constitutional Responsibility and the Court of Justice*, Oxford: Oxford University Press
* Hatzopoulos, V. (2012) *Regulating services in the European Union*, Oxford: Oxford University Press
* Nazzini, R. (2011) *The foundations of European Union competition law: the objective and principles of Article 102*, Oxford: Oxford University Press
* Hindelang, S.(2009) *The free movement of capital and foreign direct investment: the scope of protection in EU law*, Oxford; New York: Oxford University Press

**Programme(s) in which this Module is Offered**

LM029 Law Plus

LM020 Law and Accounting

Graduate Entry LLB

LM040 European Studies

LM041 Politics and Public Administration

**Academic Instruments**

Spring: 85% written exam, 2 x 5% Sulis MCQs and 5% tutorial attendance.

Where student has completed the in-term assessments, the repeat exam will be an 85% written examination. Where the student has not completed the in-term assessments, the exam will be 100%.

# LA4048 – ADVANCED LAWYERING 2

**Module Leader**

Norah Burns

[[norah.burns@ul.ie](mailto:Norah.Burns@ul.ie)](mailto:norah.burns@ul.ie)

**Hours per Week**

Credits: 6

**Rationale & Purpose of the Module**

The aim of this module is to allow fourth year students the opportunity to undertake their own piece of legal research either as part of a group project or identifying their own topic and writing a research article as an individual student.

**How the Module is Taught & the Students’ Learning Experience**

A presentation will be given to students during semester 1 outlining the different group projects that will be running during semester 2. Projects in the past have focused on labour law, Travellers rights, donor assisted human reproduction, etc. The topic of group projects is chosen and run by a member or members of the faculty, as such the group topics will change each year. Once students have been informed of the different projects running this year, students will then complete a form outlining, in order of preference, which project they would like to be part of or if they would instead prefer to do an individual research article on a topic of their choice. Demand for places on projects may be larger than the number of places available so each student is asked to write a short paragraph on why they should be admitted to their first choice project. Places on the projects will be assigned based on these short written pieces and students’ reasons for wanting to work on that particular topic. Students will be allocated into each group. Alternatively, if a student does not want to take part in a group project the student can choose a research topic of their own and a supervisor will be assigned to the student. The student will produce a research article on their topic. The group projects will all have different assessment criteria and will be supervised by a member of faculty. Draft submission of work deadlines will be set by individual supervisors and project leaders during the semester. Final submission of research articles will have a centralised deadline which will be communicated to students during the information session at the end of semester 1.

**Learning Outcomes**

On successful completion of this module, students will be able to undertake a significant piece of independent activity in legal practice, research, or writing.

**Semester & Year to be First Offered**

Spring 2012

# LA6051 – PENOLOGY AND VICTIMOLOGY

**Module Leader**

Shane Kilcommins

[Shane.Kilcommins@ul.ie](mailto:Shane.Kilcommins@ul.ie)

**Hours per Week**

Lecture: 2 Private: 13

Credits: 9

**Rationale & Purpose of the Module**

The purpose of this course is to provide students with an understanding of punishment, criminal justice, and social regulation. In particular, the aims of the module are as follows:

* To provide analyses of the primary penal disposals (both contemporary and historical) utilised in society.
* To highlight the various political, social, cultural, and economic determinants that underpin the provision of penal dispositions.
* To encourage theorisation about punishment and penal responses.
* To highlight the needs and concerns of victims of crime.
* To determine how change is possible in the penal complex, in particular, how sanctions are modified or supplanted and how stakeholders, such as victims, emerge.
* To examine new “logics” and “discourses” on punishment and justice as they emerge.
* To provide a framework for understanding modern penal systems and the forms of social organisation in which they operate.

**Syllabus**

This module covers:

* The emergence of penal-welfarism and individualisation of treatment
* The culture of control in late modern society
* The emergence of the prison and disciplinary society
* Issues such as exclusion, governance, and expressive punishments
* The politicisation of law and order
* The return of the victim, Norbert Elias, and the civilising society
* Emile Durkheim and social solidarity
* Cohen’s dispersal of discipline thesis
* Crime and punishment in Ireland.

**Learning Outcomes**

On successful completion of this module, students should be able to:

* Differentiate between criminal law as paper rules and criminal law in action
* Outline and trace changes in punishment and the justice system over time
* Identify the determinants which shape punishment and justice in late modern society
* Employ different theoretical approaches to criminal law phenomena
* Examine the extent to which such theories can explain occurrences in late modern Irish society
* Interpret Irish criminal law cases, statutes and policy recommendations in socio-legal terms

**Affective (Attitudes and Values)**

On completion of this module, students should be able to:

* Connect changing values and sentiments in punishment and justice with a changing emphasis on criminal law and procedure.
* Understand current criminal justice policies in terms of overarching trends and patterns (as it relates to the accused, victims, agencies, and politicians).
* Question the extent to which criminal law really is objective and value free in orientation.

**How the Module is Taught & the Students’ Learning Experience**

This module will be delivered via two hour seminars which involve instruction on the various theories to be studied, as well as active student discussion on each of these theories. Students will become more knowledgeable by engaging with a new perspective on, and understanding of, the process of punishment and its role within the criminal justice system, as well as its employment as a form of social regulation. Their knowledge will also be advanced through critical engagement with the needs and concerns of victims within the criminal system. Students will also become more articulate as they will be taught how to think about punishment in a new, more nuanced, manner. This will allow them to experience the value of alternative perspectives on complex issues such as punishment and the appropriate treatment of victims of crime. They will also become more adept at articulating and communicating their views on punishment and victims both within the classroom context and beyond. Students will be expected to become proactive in engaging with the perspectives on punishment and victimhood they are learning about and relate them to real-world examples within the criminal justice system in Ireland. This proactivity will be encouraged and fostered within the discussion and instruction offered in the seminars and within the recommended reading for the module. Recent developments in penology and victimology are incorporated into the module through the recommended reading.

**Primary Texts**

* Foucault, M., *Discipline and Punish: The Birth of the Prison* (Penguin 1991)
* Garland, D., *The Culture of Control* (Oxford University Press 2001)
* Kilcommins, S. et al., *Crime, Punishment and the Search for Order in Ireland* (Institute of Public Administration 2004)
* Simon, J., *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford University Press 2007)

**Other Relevant Texts**

* Elias, N., *The Civilizing Process* (2nd edn, Wiley-Blackwell 2007)
* Kilcommins, S. and O’Donnell, I. (eds), *Alcohol, Society and Law* (Barry Rose Law Publishers 2003)
* Garland (1991) *Punishment and Modern Society: A Study in Social Theory*, Clarendon Press
* Hudson (2004) *Understanding Justice: An introduction to Ideas, Perspectives and Controversies in Modern Penal Theory,* 2nd ed, Open University Press
* Doak (2008) *Victims’ Rights, Human Rights and Criminal Justice: Reconceiving the Role of Third Parties,* Hart Publishing
* Edwards, Harold and Kilcommins (2012) *Access to Justice for People with Disabilities as Victims of Crime in Ireland,* University College Cork
* Hanly et al (2009) *Rape and Justice in Ireland: A National Study of Survivor, Prosecutor and Court Responses to Rape,* The Liffey Press

**Programme(s) in which this Module is offered**

MAHRCJTFA – Human Rights in Criminal Justice

MLHRCJTPA – Human Rights in Criminal Justice

MLLAGETFA – (General)

MLLAGETPA – (General) P/T

MLECLATFA – European and Comparative Law

MLECLATPA – European and Comparative Law P/T

**Semester & Year to be First Offered**

Autumn 2015

**Academic Instruments**

The assignments weightings are as follows:

40% Assignment (1,500 words)

40% Assignment (1,500 words)

20% (viva)

# LA4052 – INTRODUCTION TO LAWYERING 2

**Module Leader**

Lydia Bracken

[[Lydia.Bracken@ul.ie](mailto:Lydia.Bracken@ul.ie)](mailto:Lydia.Bracken@ul.ie)

**Hours per Week**

Lab: 3

Credits: 6

**Rationale & Purpose of the Module**

The aim of this module is to provide a detailed understanding of the operation and practice of the legal system in Ireland, paying particular attention to the necessary skills inherent in the process of law at all levels. It forms part of a sequential number of modules within which this aim is achieved.

**Syllabus**

The objective of this module is to ensure that upon successful completion students have begun to deal with core issues in the practice of law including logical reasoning, questioning, option generation, problem solving, oral argument, and advocacy together with client interviewing. The syllabus will focus extensively on self-directed learning and active exercises. In addition, students will be expected to explore the role of ethics and professional responsibility in the legal system.

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Identify the core areas in legal practice such as logical reasoning, problem solving, and option generation.
* Specify the key role of lawyers within the wider community and the underlying responsibility of legal practice.
* Outline the process for effective client interviewing.
* Distinguish the role of advocacy in legal argument from advocacy for public or sectional interest.

**Primary Texts**

* Schweppe, Kennedy and Donnelly, *H*o*w to think, write and cite: Key skills for Irish law students* (2nd edn, Roundhall 2016)

**Other Relevant Texts**

* Kee, C. *The Art of Argument: A Guide to Mooting* (Cambridge: Cambridge University Press 2006)
* Morley, M. *The Devil’s Advocate: A Short Polemic on How to Be Seriously Good in Court* (London: Sweet and Maxwell 2009)
* Hill, J., *A Practical Guide to Mooting* (Palgrave Macmillan 2009)
* Snape and Watt, *How to Moot: A Student Guide to Mooting* (2nd edn, Oxford University Press, 2012)
* Williams, G., *Glanville Williams Learning the Law* (Smith, A.T.H. Ed) (14th edn. London: Sweet and Maxwell 2010)

**Semester & Year to be First Offered**

Spring 2009

**Academic Instruments**

50% In-term assessment

50% End of term assessment

# LA4068 – CRIME AND CRIMINAL JUSTICE

**Module Leader**

Jennifer Schweppe

[Jennifer.schweppe@ul.ie](mailto:Jennifer.schweppe@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

This module aims to critically evaluate the institutions and operation of the criminal Irish justice system in comparative perspective. The module aims to introduce students to the main approaches and theories in the field of crime and criminal justice studies, and the mechanisms by which the criminal justice system responds to the incidence of crime. The module also examines the influence of the media influence on public attitudes towards crime, criminal justice processes and sentencing, criminal justice policy making, reform, and anti-crime initiatives.

**Syllabus**

* Historical development of the criminal justice system.
* Models of criminal justice: due process versus crime control.
* Criminal justice values and policies.
* Human rights and the criminal justice system.
* The making of criminal justice policy: the Department of Justice, Equality and Law Reform, the National Crime Council, the Law Reform Commission, the role of non-governmental bodies.
* The influence of European institutions on the Irish criminal justice process.
* Influence of the media on the criminal justice process and policy implementation.
* Diversion from the criminal justice system including Garda cautions and prosecutorial discretion.
* Alternative processes in the criminal justice system, restorative justice, the Drugs Court.
* The juvenile justice system.
* Penal policy and rationales for sentencing.
* Sentence management and the treatment of offenders, conditions of imprisonment, scrutiny of the prison system including judicial review and visiting committees, the Inspector of Prisons and Place of Detention.
* The adoption of civil mechanisms in the criminal justice system: seizure of criminal assets and other proceeds of crime
* Anti-social behaviour orders.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Apply theoretical perspectives and concepts of crime and criminal justice to concrete examples.
* Make reasoned judgements and demonstrate a capacity for independent thinking.
* Demonstrate an ability to synthesise information provided during teaching through students’ own study and research activities.
* Comprehend recent and key changes in the criminal justice system that affect the way in which criminal justice agencies carry out their respective functions.
* Understand the complex relationship between the different agencies in the criminal justice system.
* Analyse the different theoretical perspectives to crime and criminal justice. Analyse the power of media representations of crime and criminal justice.
* Demonstrate a sufficient knowledge of research methods used to assess public understanding of the problem of crime.
* Demonstrate awareness of recent and current crime trends as recorded officially by government agencies.
* Gather, retrieve, and synthesise information from a number of different sources in order to understand the complexities of the relationship between crime and the response of the criminal justice system.
* Access and utilise a variety of research resources on different aspects of the relationship between the different agencies in the criminal justice system.
* Critically analyse the media’s role in representing crime and criminal justice.
* Demonstrate knowledge pertaining to the key agents in the criminal justice system.
* Demonstrate an understanding of the key models used to account for the criminal justice system.
* Demonstrate the ability for accurate reading and clear written communication.

**Affective (Attitudes and Values)**

Show self-reliance and the ability to manage time and work to deadlines. Show confidence in the presentation of arguments and ideas (in both seminar sessions and assessed work) as they pertain to the criminal justice system.

**Primary Texts**

* Conway, Daly and Schweppe, *The Irish Criminal Justice System: Theory, Process and Procedure* (Clarus Press, 2010)
* Healy, Hamilton, Daly and Butler, *The Routledge Handbook of Irish Criminology* (Routledge 2016)
* O’Mahony, *Criminal Justice in Ireland* (Institute of Public Administration, 2002)

**Other Relevant Texts**

* Ashe and Reid, *Money Laundering* (Round Hall, 2000)
* Bacik and O’Connell, *Crime and Poverty in Ireland* (Round Hall, 1998)
* Brewer, Lockhart and Rodgers, *Crime in Ireland 1945–95* (Clarendon Press, 1997)
* Conway, Daly and Schweppe, *The Irish Criminal Justice System: Theory, Process and Procedure* (Clarus Press, 2010)
* Fennell, *Crime and Crisis in Ireland: Justice by Illusion?* (Cork University Press, 1993)
* Kilcommins, O’Donnell, O’Sullivan and Vaughan, *Crime, Punishment and the Search for Order in Ireland* (Institute of Public Administration, 2005).
* Kilkelly, *Youth Justice in Ireland: Tough Lives, Rough Justice* (Irish Academic Press, 2006)
* McCullagh, *Crime in Ireland: A Sociological Introduction* (Cork University Press, 1996)
* McDermott, *Prison Law* (Round Hall, 2000)
* Murphy, *Rethinking the War on Drugs in Ireland* (Cork University Press, 1996)
* O’Donnell, O’Sullivan and Healy (Eds), *Crime and Punishment in Ireland 1922 to 2003: A Statistical Sourcebook* (Institute of Public Administration, 2006)
* O’Donnell and O’Sullivan, *Crime Control in Ireland: The Politics of Intolerance* (Cork University Press, 2001)
* O’Donnell and McAuley (Eds), *Criminal Justice History: Themes and Controversies from Pre-independence Ireland* (Four Courts Press, Dublin, 2003)
* O’Mahony, *Criminal Justice in Ireland* (Institute of Public Administration, 2002)
* O’Mahony, *Crime and Punishment in Ireland* (Round Hall, 1993)
* O’Mahony, *Criminal Chaos: Seven Crises in Irish Criminal Justice* (Round Hall, 1996)
* O’Mahony, *Prison Policy in Ireland: Criminal Justice versus Social Justice* (Cork University Press, 2000)
* O’Malley, *Sentencing: Towards a Coherent System* (Round Hall, 2011).
* O’Malley, *Sentencing Law and Practice* (2nd edn, Round Hall, 2006)
* O’Malley, *The Criminal Process* (Round Hall, 2010)
* Rogan, *Prison Policy in Ireland: Politics, Penal-Welfarism and Political Imprisonment* (Routledge, 2011)
* Seymour, *Youth Justice in Context: Community, Compliance and Young People* (Routledge, 2014)
* Walsh and McCutcheon (Eds), *Confiscation of Criminal Assets* (Round Hall, 2000)
* Walsh, *Walsh on Criminal Procedure* (Round Hall 2016)

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures. Slides to accompany lectures will be available on Sulis for students. There will be five tutorials, for which students will be expected to have prepared material to further their knowledge on the relevant issues and discuss key themes.

**Academic Instruments**

The module will be assessed by means of an end of semester unseen written examination paper lasting two and a half hours requiring students to answer three questions. This will constitute 100% of marks awarded for the assessment of the module. The examination paper will be divided into two parts, Part A, and Part B. Part A, question 1 is a compulsory multiple choice question (students will be required to answer 20 short MCQs directly related to materials covered in lectures/seminars and tutorials during the semester); negative marking will not apply. In Part B, students will be required to answer any two questions from a choice of five questions. Students are reminded to read and answer the questions that are asked of them. The format of this repeat paper is the same.

# LA4111/LA4191 – CONTRACT LAW 1

**Module Leader**

Norah Burns

[[norah.burns@ul.ie](mailto:Norah.Burns@ul.ie)](mailto:norah.burns@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

To provide the legal basis for the creation and enforcement of contracts and to examine what restrictions exist regarding freedom to contract.

**Syllabus**

* Formation of contracts: offer and acceptance, intention, doctrine of consideration.
* Formal and evidentiary requirements: void, voidable and unenforceable contracts.
* Construction/interpretation of contracts, capacity and consideration will all be covered.

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Identify the key elements in establishing the formation of a contract through agreement.
* Specify the requirements that convert an agreement into an enforceable contract.
* Outline the written formalities required in certain types of enforceable agreements.
* Differentiate the capacity of legal and natural persons to enforce agreements that they have entered into.
* Distinguish the rights of third parties to enforce contracts from the rights of the parties to enforce that contract.
* Critique the limits of those agreements that can be enforced through the legal system.

**Primary Texts**

* Friel, *The Law of Contract*, 2nd edn, (Round Hall, 2000)
* Enright, *Principles of Irish Contract Law*, (Clarus Press, 2007)
* Clarke, *Contract Law in Ireland*, 8th edn, (Roundhall, 2016)

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

100% closed book end of term exam (spring)

100% closed book end of term exam (Annual Repeat)

# LA4122/LA4192 – CONTRACT LAW 2/ Evening

**Module Leader**

Norah Burns

[norah.burns@ul.ie](mailto:norah.burns@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

To examine the grounds upon which contracts may be discharged or avoided and the remedies available to ensure performance of contractual obligations.

**Syllabus**

* Express and Implied Terms.
* Vitiating factors: mistake, misrepresentation, fraud, duress, undue influence, unconscionability.
* Discharge of obligations: by performance, by agreement, by breach, by frustration.
* Remedies for breach of contract: specific performance, damages, rectification, rescission.

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Identify the key elements in establishing the parameters of a contract either by expressed or implied terms
* Specify the judicial or legislative requirements that imply terms into an enforceable agreement.
* Outline the basis for not enforcing certain types of agreements due to public policy.
* Differentiate the factors that vitiate the existence of a contract based on mistake, misrepresentation, duress, and undue influence.
* Distinguish the consequences of bringing a contractual relationship to an end depending on the path chosen, including remedies and sanctions.
* Critique the ability of the law to regulate the voluntary agreements of private citizens

**Primary Texts**

* Friel, *The Law of Contract*, 2nd edn, (Round Hall, 2000)
* Enright, *Principles of Irish Contract Law*, (Clarus Press, 2007)
* Clarke, *Contract Law in Ireland*, 8th edn, (Roundhall, 2016)

**Academic Instruments**

100% closed book end of term exam (spring)

100% closed book end of term exam (Annual Repeat)

# LA4205 – NURSING AND MIDWIFERY AND THE LAW

**Module Leader**

Catriona Moloney

[Catriona.moloney@ul.ie](mailto:Catriona.moloney@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

This module provides an understanding of the role and application of the legal process in the practice of nursing and midwifery.

**Syllabus**

* The sources of law: the Constitution, case law, and legislation.
* The court structure: tribunals and other dispute resolution mechanisms.
* The regulatory framework, record keeping, and confidentiality.
* The court system in Ireland, constitutional interpretation and the development of unenumerated rights in the Constitution.
* Issues in criminal and tort law in the practice of nursing and midwifery: liability for negligence. Legal issues of informed consent, informed choice, right of refusal.
* Mental health provisions.
* Fundamental human rights issues.
* Legal issues related to the right to life and the right to die.

**Learning Outcomes**

* Demonstrate an overview understanding of the Irish legal system as relevant to nursing and midwifery practice
* Explore legislation and related issues within nursing and midwifery practice.
* Discuss the concepts of duty of care, tort and negligence, legal resolution mechanisms, and the implications for nursing and midwifery practice.
* Explore statutory legislation and constitutional rights and consider the issues for midwifery and nursing with regard to areas such as negligence, consent, and capacity, the Mental Health Act, disability, documentation, and confidentiality.

**Affective (Attitudes and Values)**

* Relate relevant legislation to nursing and midwifery practice.
* Discuss the concepts of fundamental human rights in health care.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures. PowerPoint slides for each topic will be made available on Sulis. Students are expected to supplement these notes with their own lecture notes and independent research to further their knowledge of the relevant issues.

**Primary Texts**

* Van Dokkum, N. (2011) *Nursing Law for students in Ireland*, 2nd edn, Dublin: Gill & Macmillan.

**Other Texts**

* Dimond, B. (2006) *The Legal Aspects of Midwifery,* 3rd ed, Edinburgh: Books for Midwives
* Jenkins, R. and Jones, S.R. (2004) *The Law and the Midwife*, Oxford: Blackwell
* Bogner, M.S., (2012) *Human Errors in Medicine*, CRC Press
* Byrne, R. and McCutcheon, J.P. (2009) *The Irish Legal System,* 5th edn, Haywards Heath: Bloombury Professional
* Casey, P. (2000) *Constitutional Law in Ireland*, 3rd edn, Dublin: Round Hall Sweet & Maxwell.
* Casey, P.R. and Craven, C (2010) *Psychiatry and the Law*, 2nd edn, Dublin: Blackhall Publishing.
* Doolan, B. (2011) *Principles of Irish Law,* 8th edn, Dublin: Gill & Macmillan
* Dooley, D. and McCarthy, J. (2011) *Nursing Ethics: Irish Cases and Concerns,* 2nd edn, Dublin: Gill & Macmillan
* Greene, B. (2005) *Understanding Medical Law*, London: Cavendish
* Hockton, A. (2002) *The Law of Consent to Medical Treatment*, London: Sweet & Maxwell
* Madden, D. (2011) *Medicine, Ethics and the Law,* 2nd edn*,* Dublin: Butterworths
* Merry, A. and McCall Smith, A. (2001) *Errors, Medicine and the Law,* Cambridge: Cambridge University Press
* Mills, S. (2007) *Clinical Practice and the Law,* 2nd edn, Dublin: Tottel Publishing
* Tingle, J. and Cribb, A. (2007) *Nursing Law and Ethics*, Oxford: Wiley-Blackwell

**Academic Instruments**

End of Semester Exam 100%

Repeat Exam: End of Semester Exam 100%

# LA4211/ LA4291 – CRIMINAL LAW 1/Evening

**Module Leader**

Margaret Fitzgerald O’Reilly

[[Margaret.Fitzgerald-OReilly@ul.ie](mailto:Margaret.FitzgeraldOReilly@ul.ie)](mailto:Margaret.Fitzgerald-OReilly@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

To examine the general principles of criminal law through consideration of their ethical, social, and legal dimensions.

**Syllabus**

* Historical and ethical consideration of criminal law, characteristics of a crime.
* Parties to a crime: principals and accessories, vicarious liability.
* The elements of a crime.
* *Actus reus*, conduct, omissions, status.
* *Mens rea*, intention, recklessness, criminal negligence.
* *Mens rea* in penal statutes.
* Offences of strict liability.
* General defences: insanity, infancy, automatism, intoxication, mistake, necessity, duress, self-defence.
* Inchoate offences: attempt, incitement, conspiracy.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Describe the two main elements of a crime: *Actus reus* and *Mens rea.*
* Discuss the principles of causation, voluntary act, and coincidence of *Actus reus* and *Mens rea*.
* Differentiate between objective and subjective tests in determining criminal liability.
* Explain the criminal liability of participants to a crime.
* Recognise inchoate offences and associated jurisprudence.
* Apply the rules and principles to scenarios so as to demonstrate the criminal liability involved.
* Analyse proposed reforms to above aspects of criminal law.

**Affective (Attitudes and Values)**

Upon successful completion of this module, students will be able to:

* Appreciate the criminal law as a medium through which questions of the expected standards of individual behaviour and the state-individual relationship are considered.
* Embrace questions of eth­ics, philosophy, psychology, and social and political theory in the study of criminal law.

**How the Module is Taught & the Students’ Learning Experience**

This module will introduce students to challenges in the modern legal environment through lectures, tutorials, and self-directed study. The syllabus and assessment mechanisms will reflect the most recent developments in the field and will reflect research in the area being conducted within the School of Law.

In introducing students to the ingredients of criminal liability and the defences available in Ireland and developing a critical understanding of the fundamental principles governing the general part of the criminal law, the module aims to develop UL graduate attributes. Students will become more knowledgeable about criminal law through tailored lectures, tutorials, and assessment mechanisms. Students will also become more articulate, proactive, and collaborative. Students will be expected to engage in self-directed study on the issues raised in class to supplement their learning.

**Primary Texts**

* Hanly, *An Introduction to Irish Criminal Law* (3rd edn, Gill & Macmillan, 2013)
* McIntyre, McMullan, Ó Toghda, *Criminal Law* (Round Hall 2012).
* Campbell, Kilcommins, and O’Sullivan, *Criminal Law in Ireland: Cases and Commentary* (Clarus Press, 2009).

**Other Relevant Texts**

* Coffey, *Criminal Law* (Round Hall, 2010).
* McAuley and McCutcheon, *Criminal Liability* (Round Hall, 2000)

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

100% end of semester closed book written examination paper (two hours). The repeat assessment will follow the same format.

# LA4222 – CRIMINAL LAW 2

**Module Leader**

Jennifer Schweppe

[[jennifer.schweppe@ul.ie](mailto:Jennifer.schweppe@ul.ie)](mailto:jennifer.schweppe@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

This module builds upon Criminal Law 1 where students were introduced to the foundational concepts of criminal law such as *Actus reus* and *Mens rea*. This module introduces students to the specific offences such as homicide, sexual offences, and property offences.

**Syllabus**

* Homicide (murder & manslaughter)
* Non-fatal offences against the person
* Sexual offences
* Offences against property (theft offences & criminal damage)
* Inchoate Offences
* Offences against the administration of justice
* Criminal Justice (Public Order) Act, 1994

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Describe the rules and principles of the law of homicide.
* Explain the law and principles relating to non-fatal offences against the person and sexual offences.
* Identify the law and principles regarding offences against property.
* Apply the rules and principles to scenarios so as to demonstrate the criminal liability involved.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures. Slides to accompany lectures will be available on Sulis for students. There will be five tutorials, for which students will be expected to have prepared material to further their knowledge on the relevant issues and discuss key themes.

**Primary Texts**

* Campbell, Kilcommins, O Sullivan, *Criminal Law in Ireland: Cases and Commentary* (Dublin: Clarus Press, 2010).
* Hanly, *An Introduction to Irish Criminal Law* 3rd edn (Dublin: Gill & MacMillan, 2015).

**Other Relevant Texts**

* McAuley and McCutcheon, *Criminal Liability* (Round Hall, 2000)
* McIntyre, McMullan & O’Toghda, *Criminal Law,* (Dublin: Round Hall, 2012).
* Coffey, G., *Criminal Law* (Dublin: Round Hall, 2010).

**Year to be First Offered**

Spring 2010

**Academic Instruments**

This module is assessed by an end of semester 100% examination. The exam is two hours long. The exam will consist of five questions and students must answer three of these questions. The repeat examination will take the same format.

# LA4290 – COMPANY LAW 1 (Evening)

**Module Leader**

Sinead Eaton

[[Sinead.eaton@ul.ie](mailto:Sinead.eaton@ul.ie)](mailto:Sinead.eaton@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

To familiarise the student with the law governing companies incorporated in Ireland.

**Syllabus**

* Forms of business association
* Methods and consequences of incorporation
* Corporate criminal liability
* Disregarding separate legal personality
  + Legislative exceptions
  + Judicial exceptions
* Shareholders rights and remedies
* Corporate contracts
* Share capital
* Initial investors in Public companies

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Identify the advantages and disadvantages of incorporating a business.
* Specify the requirements for incorporation.
* Outline the contents of the constitutional documents of a company.
* Critique the limits on the rights of shareholders.
* Critique the remedies and recourses available to oppressed shareholders.
* Identify the circumstances in which the law will ignore the separate legal personality of the company.
* Differentiate the various grounds for attribution of *mens rea* to a company.
* Outline the requirements which apply to the offer of shares to the public.
* Identify the circumstances in which the law will deem a contract to be unenforceable.
* Explain the company law provisions on Share capital and maintenance.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures and tutorials. Students will be presented with some material that will be discussed in class in an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues.

**Primary Texts**

(Additional reading on specific topics will be recommended during the lectures)

* G Brian Hutchinson (Ed) *Keane on Company Law*, 5th edn, Bloomsbury
* Callanan, *An Introduction to Irish company Law* 4th edn, Gill & McMillan
* Courtney, *Bloomsbury Professional’s guide to the Companies Act* 2014

**Semester & Year to be First Offered**

Summer 2009

**Academic Instruments**

The assessment will comprise a Sulis quiz with a value of 20% of total marks and an end of term, closed book examination where students will be required to answer two questions within a period of 1.5 hours. The questions will be a mixture of essays and problems and all questions will carry equal marks.

For students who are unsuccessful in the semester assessments the annual repeat examination will be a two hour exam where students are required to answer two questions. The questions will be a mixture of problems and essays and all questions carry equal marks.

# LA4310 – LAW OF TORTS 1

**Module Leader**

Eoin Quill

[Eoin.Quill@ul.ie](mailto:Eoin.Quill@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

To critically evaluate the role of the law of torts in society, to examine the basic elements of a tort with particular emphasis on negligence, and the defences thereto.

**Syllabus**

* Nature and function of torts: origin and development.
* General torts: negligence, breach of statutory duty - elements of a tort (breach of duty, damage, causation, remoteness).
* Particular areas of liability: negligently inflicted psychiatric harm, negligent misstatement, economic loss, product liability, employers’ liability, occupiers’ liability, liability for defective premises, and liability of administrative agencies.
* General defences in tort.
* Parties: minors, the State, diplomats, corporate and unincorporated bodies, concurrent liability, vicarious liability.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Identify the key elements of the torts of negligence and breach of statutory duty (duty, breach, causation and remoteness of damage) and the general features of responsibility, such as vicarious liability, concurrent wrongdoers, responsibility of minors and the defences of contributory negligence and waiver.
* Specify the requirements for establishing a duty of care at common law, the factors relevant to assessing a breach of such duty, the availability of civil action in respect of statutory duties, and the tests for establishing vicarious liability, legal cause, remoteness of damage, and the defences.
* Outline the categories of claim such as products liability, occupiers’ liability, professional negligence, defective buildings, negligent misstatement and the effect of certain participants in the process, such as minors, the State, corporations and associations.
* Differentiate the different types of harm that tort law will compensate, from those that it will not (via the duty mechanism and remoteness principles) and differentiate obligation from liability through the roles played by the various elements of a cause of action. Distinguish theories of corrective and distributive justice in the analysis of tort doctrines and distinguish primary from secondary liability.
* Critique the role of policy in areas such as duty of care, legal cause, vicarious liability, and non-delegable duties, as well as the effectiveness of tort in addressing its aims via corrective or distributive justice and the role of liability insurance in the process.

**How the Module is Taught & the Students’ Learning Experience**

Lectures will be a hybrid of problem-based learning and traditional lecturing. Small group teaching will be by Moots instead of tutorials starting week 5; the mooting timetable will be arranged by the lecturer in consultation with the students. There will be a link with Forensic Engineering & Ethics students for some of the moots. The mooting rules in the course outline must be followed. This module involves a high level of self-led learning for students.

**Primary Texts**

* Quill, *Torts in Ireland*. 4th edn (Dublin: Gill & Macmillan, 2014)
* McMahon & Binchy, *The Irish Law of Torts*. 4th edn (Dublin: Bloomsbury, 2013)

**Other Relevant Texts**

* Tully, *Tort Law in Ireland* (Dublin: Clarus, 2014)

**Academic Instruments**

50% End of semester exam (based on a fact pattern distributed in advance)

50% In-term essay (group essay, based on mooting)

Repeat assessment: same format (except individual essays are submitted, if required)

# LA4320 – LAW OF TORTS 2

**Module Leader**

Eoin Quill

[Eoin.Quill@ul.ie](mailto:Eoin.Quill@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

To examine the nominate torts (other than negligence and breach of statutory duty). To evaluate remedies in the area of tort law and the assessment of damages.

**Syllabus**

* Limitation of actions
* Nuisance
* Rylands v Fletcher liability
* Damage by fire
* Damage by animals
* Defamation
* Alternative compensation systems
* Trespass to the person, land & goods
* Economic torts: deceit, passing off, injurious falsehood, inducement to breach of contract, conspiracy, intimidation.
* Relationship of torts with constitutional law and EU law.
* Remedies: general and special, judicial and extra-judicial, assessment of damages.

**Learning Outcomes**

* On successful completion of this module a student will be able to:
* Identify the key elements of the torts such as trespass, nuisance, defamation, economic torts and breach of constitutional rights, and also identify the criteria for the assessment of damages.
* Specify the circumstances in which each of the above torts is an appropriate form of action.
* Outline the ways in which various rights, such as bodily integrity, personal liberty, reputation, privacy, property, and economic rights are protected by the torts and how they are valued in the remedial process (either through injunctions or quantification of damages).
* Differentiate the various conceptions of these torts in different eras and the changing values reflected in these differences.
* Distinguish the various conceptions of justice reflected in the scope of the rights protected and the remedies available for their enforcement.
* Critique the effectiveness of the legal rules in protecting the rights affected and the values espoused by the rules.

**How the Module is Taught & the Students’ Learning Experience**

Lectures will be a hybrid of problem-based learning and traditional lecturing. Small group teaching will be by Moots instead of tutorials starting week 5; the mooting timetable will be arranged by the lecturer in consultation with the students. The mooting rules in the course outline must be followed. This module involves a high level of self-led learning for students.

**Primary Texts**

* Quill, *Torts in Ireland*. 4th edn (Dublin: Gill & Macmillan, 2014)
* McMahon & Binchy, *The Irish Law of Torts*. 4th edn (Dublin: Bloomsbury, 2013)

**Other Relevant Texts**

* Tully, *Tort Law in Ireland* (Dublin: Clarus, 2014)

**Academic Instruments**

50% End of semester exam (based on a fact pattern distributed in advance)

50% In-term essay (group essay, based on mooting)

Repeat assessment: same format (except individual essays are submitted, if required)

# LA4330 – LAW OF TORTS 1 (B)

**Module Leader**

Eoin Quill

[Eoin.Quill@ul.ie](mailto:Eoin.Quill@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

To evaluate critically the role of the law of torts in society, to examine the basic elements of a tort with particular emphasis on negligence, and the defences thereto.

**Syllabus**

* Nature and function of torts: origin and development.
* General torts: negligence, breach of statutory duty, elements of a tort (breach of duty, damage, causation, remoteness).
* Particular areas of liability: negligently inflicted psychiatric harm, negligent misstatement, economic loss, product liability, employers’ liability, occupiers’ liability, liability for defective premises, and liability of administrative agencies.
* General defences in tort.
* Parties: minors, the State, diplomats, corporate and unincorporated bodies, concurrent liability, vicarious liability.

**Learning Outcomes**

On successful completion of this module a student will be able to:

* Identify the key elements of the torts of negligence and breach of statutory duty (duty, breach, causation and remoteness of damage) and the general features of responsibility, such as vicarious liability, concurrent wrongdoers, responsibility of minors and the defences of contributory negligence and waiver.
* Specify the requirements for establishing a duty of care at common law, the factors relevant to assessing a breach of such duty, the availability of civil action in respect of statutory duties and the tests for establishing vicarious liability, legal cause, remoteness of damage and the defences.
* Outline the categories of claim, such as products liability, occupiers’ liability, professional negligence, defective buildings, negligent misstatement, and the effect of certain participants in the process such as minors, the State, corporations and associations.
* Differentiate the different types of harm that tort law will compensate, from those that it will not (via the duty mechanism and remoteness principles) and differentiate obligation from liability through the roles played by the various elements of a cause of action.
* Distinguish theories of corrective and distributive justice in the analysis of tort doctrines and distinguish primary from secondary liability.
* Critique the role of policy in areas such as duty of care, legal cause, vicarious liability and non-delegable duties, as well as the effectiveness of tort in addressing its aims via corrective or distributive justice and the role of liability insurance in the process.

**How the Module is Taught & the Students’ Learning Experience**

Lectures will be a hybrid of problem-based learning and traditional lecturing. Tutorials will involve problems being set for students to consider in advance and discuss in the tutorials. Students will also be expected to conduct their own private research, using available high-quality sources, to further their knowledge of the relevant issues.

**Primary Texts**

* Quill, *Torts in Ireland*. 4th edn (Dublin: Gill & Macmillan, 2014)
* McMahon & Binchy, *The Irish Law of Torts*. 4th edn (Dublin: Bloomsbury, 2013)

**Other Relevant Texts**

* Tully, *Tort Law in Ireland* (Dublin: Clarus, 2014)

**Academic Instruments**

100% End of Semester Exam or 100% Term Essay(s) – at the student’s election.

Repeat Assessment: 100% Exam or 100% Term Essay(s) – based on the student’s in-term election.

# LA4430 – CONSTITUTIONAL LAW 1

**Module Leader**

Laura Cahillane

[Laura.Cahillane@ul.ie](mailto:Laura.Cahillane@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 (per fortnight)

Credits: 6

**Rationale & Purpose of the Module**

The aim of the module is to provide a detailed understanding of the main body of the Constitution and the law surrounding it. Fundamental rights are addressed in LA4440 Constitutional Law 2.

**Syllabus**

Constitutional Law 1 examines the Irish Constitution from an institutional perspective. The course will examine how the Constitution regulates the legal framework of the Irish state and its institutions including the interaction between these various institutions. Thus, during the course, fundamental issues such as sovereignty and the separation of powers will be examined. The historical development of the Constitution will be initially addressed, and then the powers and competencies of the various organs of government. The related issue of international obligations, including our obligations due to our membership of the European Union will be considered. Issues such as constitutional litigation and constitutional interpretation will also be considered.

**Learning Outcomes**

On completion of this module, students will be able to:

* Demonstrate an understanding of the historical development of the Constitution.
* Demonstrate an understanding of the text of the Constitution.
* Explain the importance of separation of powers and articulate the basic purpose and position of each of the three main branches of government.
* Examine the potential impact of international law on the domestic legal position in the context of constitutional limitations.
* Appraise the relationship between the nation, the state, and the people.
* Engage rigorously with judicial and academic debate on points of constitutional law.

**How the Module is Taught & the Students’ Learning Experience**

Research findings incorporated into the syllabus (if relevant).

**Primary Texts**

* Casey (2000) *Constitutional Law in Ireland*, Dublin: Round Hall Sweet and Maxwell
* Forde and Leonard (2013) *Constitutional Law*, 3rd edn, Dublin: Firstlaw
* Hogan and Whyte (2003) *JM Kelly: The Irish Constitution,* 4th edn, Dublin: Butterworths
* Doyle (2008) *Constitutional Law: Text, Cases and Materials*, Dublin: Clarus Press

**Other Relevant Texts**

* Laura Cahillane & Seán Ó Conaill, *Constitutional Law – Ireland* (Kluwer International Publishing forthcoming summer 2017)
* Laura Cahillane, *Drafting the Irish Free State Constitution* (Manchester University Press 2016)
* Laura Cahillane, James Gallen, & Tom Hickey (Eds), *Judges, Politics and the Irish Constitution* (Manchester University Press 2017)
* Constitution Review Group, *Report of the Constitution Review Group* (Dublin: Stationery Office, 1996) also available on [www.constitution.ie](http://www.constitution.ie))
* Eoin Carolan (Ed), *The Constitution of Ireland: Perspectives and Prospects* (Haywards Heath: Bloomsbury, 2012)
* Eoin Carolan & Oran Doyle, *The Irish Constitution: Governance and Values* (Dublin: Thomson Round Hall, 2008)
* Tim Murphy & Patrick Twomey (Eds), *Ireland’s Evolving Constitution* (Oxford: Hart Publishing, 1998)
* Frank Litton (Ed), *The Constitution of Ireland 1937–1987* (Dublin: Institute of Public Administration, 1988)
* Gerard Hogan and David Gwynn Morgan, *Administrative Law in Ireland*, (4th edn, Dublin: Round Hall Sweet & Maxwell, 2012)
* Dermot Keogh and Andrew McCarthy, *The Making of the Irish Constitution 1937*, (Cork: Mercer Press, 2007)
* David Gwynn Morgan, *The Separation of Powers in the Irish Constitution*, (Dublin: Roundhall, 1997)
* David Gwynn Morgan, *Constitutional Law of Ireland: the law of the executive, legislature and judicature*, (2nd edn., Dublin: Round Hall, 1990)
* Gerard Hogan, *The Origins of the Irish Constitution 1928–1942*, (Dublin: RIA, 2012).

**Academic Instruments**

Total Marks 100: Open book examination 70 marks, continuous assessment 25 marks, tutorial attendance 5 marks.

Repeat assessment: formal written examination 100 marks

# LA4440 – CONSTITUTIONAL LAW 2

**Module Leader**

Laura Cahillane

[Laura.Cahillane@ul.ie](mailto:Laura.Cahillane@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

The objective of this module is to impart knowledge of the fundamental rights provisions of the Irish Constitution, the tools that the courts use to interpret them, and the remedies that can be granted to enforce them, and to assess the need for reform of those provisions.

**Syllabus**

The aim of this course is to examine the fundamental rights provisions of the Irish Constitution. Topics to be covered include:

* Articles 40–45 of the Irish Constitution
* Constitutional interpretation
* Personal & unenumerated rights
* The right to life of the unborn
* Family rights & the rights of children
* Educational rights
* Religious freedom
* Property rights
* Socioeconomic rights
* Remedies for breaches of constitutional rights

**Learning Outcomes**

On successful completion of this module students will be able to:

* Demonstrate an understanding of fundamental rights in the Irish Constitution
* Examine the limitations placed on the exercise of rights and assess the legitimacy of these
* Reason by analogy and apply the law on fundamental rights to determine the likely outcome of a court action
* Critically evaluate the law on constitutional rights in Ireland
* Evaluate the need for constitutional change in order to meet the changing trends in society
* Engage with judicial and academic debate on points of constitutional law.

**How the Module is Taught & the Students’ Learning Experience**

Research findings incorporated into the syllabus (if relevant)

**Primary Texts**

* Casey (2000) *Constitutional Law in Ireland*, Dublin: Round Hall Sweet and Maxwell
* Forde and Leonard (2013) *Constitutional Law,* 3rd edn, Dublin: Firstlaw
* Hogan and Whyte (2003) *JM Kelly: The Irish Constitution,* 4th edn, Dublin: Butterworths
* Doyle (2008) *Constitutional Law: Text, Cases and Materials*, Dublin: Clarus Press

**Other Relevant Texts**

* Laura Cahillane & Seán Ó Conaill, *Constitutional Law – Ireland* (Kluwer International Publishing forthcoming summer 2017)
* Laura Cahillane, *Drafting the Irish Free State Constitution* (Manchester University Press 2016)
* Laura Cahillane, James Gallen, and Tom Hickey (Eds), *Judges, Politics and the Irish Constitution* (Manchester University Press 2017)
* Constitution Review Group, *Report of the Constitution Review Group* (Dublin: Stationery Office, 1996) also available on [www.constitution.ie](http://www.constitution.ie))
* Eoin Carolan (Ed), *The Constitution of Ireland: Perspectives and Prospects* (Haywards Heath: Bloomsbury, 2012)
* Eoin Carolan and Oran Doyle, *The Irish Constitution: Governance and Values* (Dublin: Thomson Round Hall, 2008)
* Tim Murphy and Patrick Twomey (Eds), *Ireland’s Evolving Constitution* (Oxford: Hart Publishing, 1998)
* Frank Litton (Ed), *The Constitution of Ireland 1937–1987* (Dublin: Institute of Public Administration, 1988)
* Gerard Hogan and David Gwynn Morgan, *Administrative Law in Ireland*, (4th edn, Dublin: Round Hall Sweet & Maxwell, 2012)
* Dermot Keogh and Andrew McCarthy, *The Making of the Irish Constitution 1937*, (Cork: Mercer Press, 2007)
* David Gwynn Morgan, *The Separation of Powers in the Irish Constitution*, (Dublin: Roundhall, 1997)
* David Gwynn Morgan, *Constitutional Law of Ireland: the law of the executive, legislature and judicature*, (2nd edn, Dublin: Round Hall, 1990)
* Gerard Hogan, *The Origins of the Irish Constitution 1928–1942*, (Dublin: RIA, 2012).

**Academic Instruments**

Total Marks 100: open book examination 70 marks, continuous assessment 20 marks, tutorial attendance 10 marks.

Repeat assessment: formal written examination 100 marks

# LA4530/LA4290 – COMPANY LAW 1/EVENING

**Module Leader**

Sinead Eaton

[[Sinead.eaton@ul.ie](mailto:Sinead.eaton@ul.ie)](mailto:Sinead.eaton@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

To familiarise the student with the law governing companies incorporated in Ireland.

**Syllabus**

* Forms of business association
* Methods and consequences of incorporation
* Corporate criminal liability
* Disregarding separate legal personality
  + Legislative exceptions
  + Judicial exceptions
* Shareholders rights and remedies
* Corporate contracts
* Share capital
* Initial investors in Public companies

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Identify the advantages and disadvantages of incorporating a business.
* Specify the requirements for incorporation.
* Outline the contents of the constitutional documents of a company.
* Critique the limits on the rights of shareholders.
* Critique the remedies and recourses available to oppressed shareholders.
* Identify the circumstances in which the law will ignore the separate legal personality of the company.
* Differentiate the various grounds for attribution of *mens rea* to a company.
* Outline the requirements which apply to the offer of shares to the public.
* Identify the circumstances in which the law will deem a contract to be unenforceable.
* Explain the company law provisions on share capital and maintenance.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures and tutorials. Students will be presented with some material that will be discussed in class in an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues.

**Primary Texts**

(Additional reading on specific topics will be recommended during the lectures)

* G Brian Hutchinson (Ed) *Keane on Company Law*, 5th edn, Bloomsbury
* Callanan, *An Introduction to Irish company Law* 4th edn, Gill & McMillan
* Courtney, *Bloomsbury Professional’s guide to the Companies Act* 2014

**Semester & Year to be First Offered**

Summer 2009

**Academic Instruments**

The assessment will comprise a Sulis quiz with a value of 20% of total marks and an end of term, closed book examination where students will be required to answer two questions within a period of 1.5 hours. The questions will be a mixture of essays and problems and all questions will carry equal marks

For students who are unsuccessful in the semester assessments the annual repeat examination will be a two hour exam where students are required to answer two questions. The questions will be a mixture of problems and essays and all questions carry equal marks.

# LA4540/LA4912 – COMPANY LAW 2/Evening

**Module Leader**

Sinead Eaton

[Sinead.eaton@ul.ie](mailto:Sinead.eaton@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Prerequisite Modules**

LA4530 Company Law 1

**Rationale & Purpose of the Module**

To familiarise the student with the law governing companies incorporated in Ireland.

**Syllabus**

* Directors
* Company Secretary & the Annual Return
* Enforcement of Company law
* Dividends & Distributions
* Company borrowing & security
* Receivers
* Examinership
* Liquidations & winding up

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Identify the common law and statutory duties of company directors.
* Critique the remedies available to injured parties in the event of breach of those duties.
* Identify the duties and powers of a company secretary.
* Outline the typical contractual position of a company that has entered into a loan and security agreement.
* Distinguish the respective rights of the company, its controllers, and any receiver appointed to enforce that security.
* Critique the limits placed by law on the payment by companies of dividends to shareholders.
* Outline the enforcement mechanisms available to various State agencies to ensure the enforcement of company law.
* Critique the statutory basis for the protection and reorganisation of companies under the 2014 Act.
* Identify the forms of company liquidation.
* Outline the powers, role and duties of the various types of liquidator.
* Critique the statutory order of priority for payment of creditors under corporate insolvency laws.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures and tutorials. Students will be presented with some material that will be discussed in class in an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues.

**Primary Texts**

(Additional reading on specific topics will be recommended during the lectures)

* G Brian Hutchinson (Ed) *Keane on Company Law*, 5th edn, Bloomsbury
* Callanan, *An Introduction to Irish company Law* 4th edn, Gill & McMillan
* Courtney, *Bloomsbury Professional’s guide to the Companies Act* 2014

**Semester & Year to be First Offered**

Spring 2010

**Academic Instruments**

The assessment will be a 10% award of marks for attendance at five tutorials (2% per tutorial) and an end of term, closed book examination that will account for 90% of the total marks where students will be required to answer two questions within a period of 1.5 hours. The questions will be a mixture of essays and problems, and all questions will carry equal marks.

For students who are unsuccessful in the semester assessments the annual repeat examination will be a two hour exam where students are required to answer two questions. The questions are a mixture of problems and essays and all questions carry equal marks.

# LA4610 – LAND LAW 1

**Module Leader**

Una Woods

[Una.Woods@ul.ie](mailto:Una.Woods@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial 1

Credits: 6

**Rationale & Purpose of the Module**

To examine fundamental aspects of land law.

**Syllabus**

* The classification of property, the principles governing finding disputes and the doctrine of treasure trove.
* Tenure and the doctrine of estates: freehold estates, modified fee simples, restrictions on alienation, leasehold estates, fee farm grants, words of limitation.
* The influence of equity: historical background, the use and the trust, priorities and the doctrine of notice, the effect of the registration systems on the doctrine of notice.
* Adverse possession: the justifications for the doctrine, the title acquired by the squatter, the elements of adverse possession, a human rights issue?
* Co-ownership: joint tenancy and tenancy in common, severance at law and in equity, determination of co-ownership.
* Easements and profits *a prendre*: characteristics of easements and profits, acquisition of easements and profits, extinguishment of easements and profits.

**Learning Outcomes**

On the successful completion of this module a student will be able to:

* Outline the key principles of the law governing finding disputes, treasure trove, co-ownership, adverse possession, easements, the doctrine of estates and the doctrine of notice
* Apply the law to determine the likely outcome of a court action
* Critique the extent to which these elements of land law provide an appropriate solution to property related difficulties and disputes.

**Primary Texts**

* De Londras F, *Principles of Irish Property Law* (2nd edn, Clarus Press 2011)
* Wylie JCW, *Irish Land* Law (5th edn, Bloomsbury Professional 2013)

**Other Relevant Texts**

* Woods U, *Property and Trust Law in Irelan*d (Kluwer 2011)
* Lyall A, *Land Law in Ireland (*3rd edn, Round Hall 2010)
* Pearce R and Mee J, *Land Law (*3rd edn, Round Hall 2011)
* Wylie JCW, *The Land and Conveyancing Law Reform Act 2009: Annotations and Commentary* (Bloomsbury Professional, 2009)

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

End of year assessment (90% exam; 10% Sulis quiz)

Repeat (100% exam)

# LA4620 – LAND LAW 2

**Module Leader**

Una Woods

[Una.Woods@.ul.ie](mailto:Una.Woods@.ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

To examine regulatory aspects of land law, including landlord and tenant law and the law of succession.

**Syllabus**

* Succession law: the rules governing the validity of wills, alterations to wills, revocation of wills, construction of wills, limits on freedom of testation, intestate succession.
* Landlord and tenant law: the nature of the relationship and how to differentiate it from a licence, the statutory formalities for a lease and an agreement to lease, covenants affecting landlords and tenants, the enforcement of obligations, the determination of the lease, statutory rights of business tenants, the Residential Tenancies Act 2004.
* Mortgages: the creation of a mortgage, the position of the parties under a mortgage, judgement mortgages.

**Learning Outcomes**

On the successful completion of this module a student will be able to:

* Outline the key principles of the law governing succession, the landlord and tenant relationship and mortgages.
* Specify the requirements for a valid will and the rules that govern intestacies.
* Describe the limits of freedom of testation.
* Differentiate between a lease and a licence.
* Apply these rules to determine the likely outcome of a court action.
* Critique the extent to which these elements of land law provide an appropriate solution to property related difficulties and disputes.

**Primary Texts**

* De Londras F, *Principles of Irish Property Law* (2nd edn, Clarus Press 2011)
* Wylie JCW, *Irish Land Law* (5th edn, Bloomsbury Professional 2013)

**Other Relevant Texts**

* Woods U, *Property and Trust Law in Irelan*d (Kluwer 2011)
* Lyall A, *Land Law in Ireland* (3rd edn, Round Hall 2010)
* Pearce R and Mee J, *Land Law* (3rd edn, Round Hall 2011)
* Wylie JCW, *The Land and Conveyancing Law Reform Act 2009: Annotations and Commentary* (Bloomsbury Professional, 2009)
* Brady J, *Succession Law in Ireland* (2nd edn, Butterworths 1995)
* Wylie JCW, *Irish Landlord and Tenant Law* (3rd edn, Bloomsbury Professional 2014)

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

End of year assessment (100% exam)

Repeat (100% exam)

# LA4810 - EQUITY AND TRUSTS 1

**Module Leader**

Kathryn O’Sullivan

[Kathryn.OSullivan@ul.ie](mailto:Kathryn.OSullivan@ul.ie)

**Hours Per Week**

Lecture: 2 Tutorial 1

Credits: 6

**Rationale & Purpose of the Module**

The rationale and the purpose of this module is to examine the growth and development of equity as a body of law placing particular emphasis on the equitable doctrines and remedies available today.

**Syllabus**

The objective of this module is to ensure that upon successful completion, students will have a detailed knowledge of the nature of equity and its historical development, the maxims of equity, and the key equitable remedies available including injunctions, specific performance, rescission, rectification, and estoppel.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Outline the historical development of equity as a body of law.
* Critically discuss the maxims of equity.
* Critique the key equitable doctrines.
* Describe the equitable remedies and the requirements that must be met to avail of such remedies.
* Apply these rules to determine the likely outcome of a court action.
* Critically evaluate equity’s response to difficulties and disputes.

**Affective (Attitudes and Values)**

Students should gain an appreciation of equity as a distinct body of law.

**Primary Texts**

* Biehler, *Equity and the Law of Trusts in Ireland* 6th edn (Round Hall, 2016)
* Keane, *Equity and the Law of Trusts in Ireland* 2nd edn (Bloomsbury Professional, 2011)
* Courtney, *Mareva Injunctions and Related Interlocutory Orders* (Butterworths, 1998)
* Farrell, *Irish Law of Specific Performance* (Butterworths, 1994)
* Hanbury and Martin, *Modern Equity* 20th edn (Sweet & Maxwell, 2015)

**Semester & Year to be First Offered:**

Autumn 2009

**Academic Instruments**

Original assessment: 100% exam (mix of essay and problem questions)

Repeat assessment: 100% exam (mix of essay and problem questions)

# LA4828 - EQUITY AND TRUSTS 2

**Module Leader**

Kathryn O’Sullivan

[Kathryn.OSullivan@ul.ie](mailto:Kathryn.OSullivan@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

The aim of this module is to inculcate in the student an understanding of the modern law of trusts, exploring the creation of express, constructive, and resulting trusts and examining the practical importance of trusts in the modern world. The module also aims to introduce students to key aspects of the regulation of trusts and the role of trustees.

**Syllabus**

The objective of this module is to ensure that upon successful completion, students have a detailed knowledge of express, implied, resulting, constructive and charitable trusts, the requirements of a trust and the constitution of trusts. Students should also have a detailed knowledge of the general principles relating to trustees, their obligations, duties, powers, and fiduciary responsibilities. Finally, the module will consider the implications of a breach of trust.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Differentiate between the different types of trusts.
* Outline the rules which govern the administration of trusts.
* Critically evaluate the requirements for the creation of an enforceable express trust.
* Recognise the circumstances which give rise to a resulting or constructive trust.
* Specify the consequences of a failure to create a valid trust.
* Apply the law on trusts to determine the likely outcome of a court action.
* Critique the extent to which the law on trusts resolves property disputes or difficulties.

**Affective (Attitudes and Values)**

Students should gain an appreciation of equity as a distinct body of law.

**Primary Texts**

* Biehler, *Equity and the Law of Trusts in Ireland* 6th edn (Dublin: Round Hall, 2016)
* Keane, *Equity and the Law of Trusts in Ireland* 2nd edn (Haywards Heath: Bloomsbury, 2011)
* Wylie, *Irish Land Law* 5th edn (Haywards Heath: Bloomsbury, 2015)
* Delany, *Equity and the Law of Trusts in Ireland-Cases and Materials* (Dublin: Roundhall, 2002)
* Wylie, *A Casebook on Equity and Trusts in Ireland* 2nd edn (Oxford: Butterworths, 1998)

**Semester & Year to be First Offered**

Spring 2010

**Academic Instruments**

Original assessment: 100% exam (mix of essay and problem questions)

Repeat assessment: 100% exam (mix of essay and problem questions)

# LA4901/LA4101 – PRINCIPLES OF LAW

**Module Leader**

Catriona Moloney

[[Catriona.moloney@ul.ie](mailto:Catriona.Moloney@ul.ie)](mailto:Catriona.moloney@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits 6

**Rationale & Purpose of the Module**

Principles of Law is an introduction to law for non-law students.

**Syllabus**

The module provides the student with a basic knowledge of the Irish legal system, the Irish Constitution, the legal profession in Ireland, sources of Irish law, Civil and Criminal law, and Tort law.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Recount fundamental concepts of the Irish legal system.
* Explain the Irish Court structure and the personnel involved.
* Differentiate between the sources of law including European Union law which operate within a common law jurisdiction and summarise the methods of interpretation.
* Outline core principles relating to four primary areas of Irish law, namely constitutional, civil and criminal, and tort.
* Locate and interpret the relevant case law in the area.
* Evaluate the accessibility of the Irish legal system.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures. PowerPoint slides for each topic will be made available on Sulis. Students are expected to supplement these notes with their own lecture notes and independent research to further their knowledge of the relevant issues.

**Primary Texts**

* Byrne R, McCutcheon J.P, Bruton C & Coffey G, *The Irish Legal System* (6th edn Hayward Heath Bloomsbury Professional 2014)
* Doolan, B, *Principles of Irish Law*, 8th edn, (Dublin: Gill & MacMillan, 2011).

**Further Recommended Reading**

* Ní Mhuirthile et al.,*Fundamentals of the Irish Legal System: Law, Policy and Politics* (Round Hall 2016)
* Kenneally A. & Tully J, *The Irish Legal System* (Clarus Press 2015)
* Library shelfmark 349.417/KEN
* Michael Forde & David Leonard, *Constitutional Law of Ireland* (Bloomsbury 2013),
* Quill E, *Torts in Ireland* (4rd ed. Gill & MacMillan 2014) Library shelfmark 346.30417/QUI
* Keenan A,*Essentials of Irish Business Law* (6th edn., Gill & MacMillan 2010) Library shelfmark 346.650417/KEE
* *Bunreacht na hÉireann*
* Ryan,*Constitutional Law 2nd edition* , Dublin: Round Hall (2008)

**Assessment Instruments**

The examination is a 100% end of year examination.

**Semester & Year to be First Offered**

Autumn 2009

# LA4912 – COMPANY LAW 2 Evening

**Module Leader**

Sinead Eaton

[[Sinead.eaton@ul.ie](mailto:Sinead.eaton@ul.ie)](mailto:Sinead.eaton@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Prerequisite Modules**

LA4530 Company Law 1

**Rationale & Purpose of the Module**

To familiarise the student with the law governing companies incorporated in Ireland.

**Syllabus**

* Directors
* Company Secretary & the Annual Return
* Enforcement of Company law
* Dividends & Distributions
* Company borrowing & security
* Receivers
* Examinership
* Liquidations & winding up

**Learning Outcomes**

On successful completion of this module a student will be able to:

* Identify the common law and statutory duties of company directors.
* Critique the remedies available to injured parties in the event of breach of those duties.
* Identify the duties and powers of a company secretary.
* Outline the typical contractual position of a company that has entered into a loan and security agreement.
* Distinguish the respective rights of the company, its controllers, and any receiver appointed to enforce that security.
* Critique the limits placed by law on the payment by companies of dividends to shareholders.
* Outline the enforcement mechanisms available to various State agencies to ensure the enforcement of company law.
* Critique the statutory basis for the protection and reorganisation of companies under the 2014 Act.
* Identify the forms of company liquidation.
* Outline the powers, role and duties of the various types of liquidator.
* Critique the statutory order of priority for payment of creditors under corporate insolvency laws.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of lectures and tutorials. Students will be presented with some material which will be discussed in class in an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues.

**Primary Texts**

(Additional reading on specific topics will be recommended during the lectures)

* G Brian Hutchinson (Ed) *Keane on Company Law*, 5th edn, Bloomsbury
* Callanan, *An Introduction to Irish company Law* 4th edn, Gill & McMillan
* Courtney, *Bloomsbury Professional’s guide to the Companies Act* 2014

**Semester & Year to be First Offered**

Spring 2010

**Academic Instruments**

The assessment will be a 10% award of marks for attendance at five tutorials (2% per tutorial) and an end of term, closed book, examination that will account for 90% of the total marks where students will be required to answer two within a period of 1.5 hours. The questions will comprise of a mixture of essays and problems and all questions will carry equal marks. Repeat Assessment:

For students who are unsuccessful in the semester assessments the annual repeat examination will be a two hour exam where students are required to answer 2 questions. The questions are a mixture of problems and essays and all questions carry equal marks.

# LA4922 – SPORT AND THE LAW

**Module Leader**

Laura Donnellan

[Laura.Donnellan@ul.ie](mailto:Laura.Donnellan@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

The aim of this module is to examine the law relating to the governance and regulation of sport.

**Syllabus**

Sport and the Law will examine the interaction between the law and sport. The course will begin with a discussion of what constitutes sport and have we evolved to a stage where we can say that there is a branch of law that specifically pertains to sport? The module will then examine the role of the law in dealing with participator violence (both criminal and civil) on the field of play. The legality of boxing will be discussed, beginning with a historical discussion on the development of bare-knuckle fighting to modern day boxing. The constitutional issues surrounding drug and technological doping will be examined. A brief background to general contract law will be given, employment issues, such as restraint of trade will be discussed. The course will end with an examination of the various methods of alternative dispute resolution that are available to sporting persons, including the Court of Arbitration for Sport.

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Identify the key elements of criminal, tort, employment, and constitutional and contract law and their application to sport.
* Summarise the historical regulation of sport.
* Distinguish the application of legal principles in a sports context from their application in other settings.
* Critique the effectiveness of the law in regulating sports.
* Examine and evaluate the various methods of alternative dispute resolution that are available to sportspersons.
* Examine and evaluate the role of the Irish government in sports governance in Ireland.

**Primary Texts**

* Donnellan L. (with Leahy S.) (2016), *Sports Law in Ireland* (2nd edn), Kluwer
* Donnellan, L. (2010) *Sport and the Law: A Concise Guide*, Dublin: Blackhall Publishing, 2010
* Anderson, J.(2010) *Modern Sports Law*, London: Hart
* Gardiner, S. et al. (2012)*Sports Law* (4th edn,), London: Cavendish,
* Cox, N., Schuster, A. (2004) *Sport and the Law*, Dublin: Firstlaw
* James, M. (2017) *Sports Law* (3rd edn,), London: Palgrave MacMillan

**Other Relevant Texts**

* Barnes, J. *Sports and the law in Canada* (3rd edn, Toronto: Butterworths, 1996)
* Beloff, M. (2012) *Sports law* (2nd edn), Oxford: Hart
* Grayson, E. (2000) *Sport and the law*, London: Butterworths
* Greenfield, S. and Osborn, G. (Eds) (2001) *Law and sport in contemporary society* London: F. Cass
* Hartley, H. (2009) *Sport, Physical Recreation and the Law*, London: Routledge:
* O’Leary, J. (2001) *Drugs in sports: socio-legal perspectives*, London: Cavendish
* Thorpe, D., et al (2013) *Sports Law* (2nd edn,), Melbourne, Oxford University Press
* Healey, D. (2009) *Sport and the Law* (4th edn,), Sydney, UNSW Press
* Blackshaw, I. (2009) *Sport, mediation and arbitration*, The Hague: T.M.C. Asser Press

**Programme(s) in Which This Module Is Offered**

LM029 Law Plus

Graduate Entry LLB

LM089 Bachelor of Science in Sport and Exercise Sciences

**Semester & Year to be First Offered**

Spring 2010

**Academic Instruments**

Spring: 70% written exam (or 90% if the optional assessment is not availed of), optional 20% presentation (if a student decides to not to present the case note then the exam is 90%), 2 x 5% Sulis MCQs.

Where a student has completed the in-term assessments, the repeat exam will be a 70% written examination. Where the student has not completed the in-term assessments, the exam will be 100% (or 90% if the two MCQs completed).

# LA4933 – LGBT RIGHTS, RESISTANCE, AND REDRESS: GENDER, SEXUALITY, AND THE LAW IN IRELAND

**Module Leader**

Jennifer Schweppe

[jennifer.schweppe@ul.ie](mailto:jennifer.schweppe@ul.ie)

**Hours per Week**

Lecture 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

This course is designed to help students acquire the conceptual tools and affective dispositions required to engage in LGBT inclusive analyses of Irish legislation and policy. The module first seeks to help students adopt a critical approach to traditional binary concepts of gender and sex, as well as to heteronormativity, providing a foundation for an informed analysis of historical and contemporary Irish legislation. In particular, students will be encouraged to consider the impact of LGBT inclusion of anti-discrimination and criminal legislation. Students will engage with key moments in the evolution of LGBT rights in Ireland, up to and including the passing of the Marriage Act 2015 and the Gender Recognition Act 2015.

**Syllabus**

* Traditional gender & sex roles
* The social construction of gender & biological sex
* Gender variant & intersex communities in Ireland
* Sexual minorities in Ireland
* The LGBT rights movement in Ireland
* The Campaign for Homosexual Law Reform
* Employment Equality Legislation
* The Civil Partnership Act 2010
* The Marriage Act 2015
* The politics of blood donations
* The Gender Recognition Act 2015
* The Prohibition of Incitement to Hatred Act 1989
* Trans children & the right to self-identification
* Intersex persons & the right to bodily integrity
* Intersex Genital Mutilation
* Affirmative healthcare including the availability of PrEP
* Future challenges for the LBGT rights movements in Ireland
* Hate crime in Ireland

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Distinguish between the concepts of gender identity, gender expression, biological sex, and sexual orientation.
* Critique traditional binary approaches to gender, sex, and sexuality.
* Understand core concepts such as heteronormativity and cisnormativity.
* Apply a gender complex analysis to legislation and policy designed in a cisgender context.
* Demonstrate an understanding of developments of LGBT inclusive policies in legislation.
* Critique the cisgender and heteronormative nature of decisions of Irish courts.
* Evaluate the LGBT-inclusiveness of simple policy measures.

**Affective (Attitudes and Values)**

On completion of this module, students should:

* Appreciate the complex interrelationship between gender and sex beyond traditional binaries.
* Understand the impact of discrimination and hostility upon the lives of gender and sexual minorities.
* Appreciate the opportunities for positive action through legislative means.

**How the Module is Taught & the Students’ Learning Experience**

This module will be taught through a combination of lecturs and self-directed learning. Lectures will be augmented by the participation, virtually or in person, of key stakeholders in the LGBT rights movement in Ireland.

**Primary Texts**

* Bacik, I. (2004) *Kicking and Screaming: Dragging Ireland into the 21st Century.* Dublin: O’Brien Press.
* Leane, M. and Kiely, E. (2014) *Sexualities and Irish Society: A Reader*. Dublin: Orphen Press.

**Other Relevant Texts**

### Buffington, Robert M., Eithne Luibhéid, and Donna J. Guy, Eds. *A global history of sexuality: The modern era.* John Wiley & Sons, 2014.

* Callahan, G.N. (2009) *Between XX and XY: Intersexuality and the Myth of Two Sexes*. Chicago: Chicago Review Press.
* Davis, G. (2015) *Contesting intersex: The dubious diagnosis*. New York: NYU Press.
* Enright, M, McCandless, J, and O’Donoghue, A (eds). *Northern / Irish Feminist Judgments: Judges’ Troubles and the Gendered Politics of Identity*. Oxford: Hart Publishing (2017)

### Hines, S. and Tam Sanger, Eds. (2010) *Transgender identities: Towards a social analysis of gender diversity*. London: Routledge.

* Lindsey, L. (2014) *Gender Roles: A Sociological Perspective*. Boston: Pearson.

### Rose, K. (1994) *Diverse Communities: The Evolution of Lesbian and Gay Politics in Ireland*. St Martin’s Press, 1994.

* Whelan, N. (2015) Ireland Says Yes: The Inside Story of How the Vote for Marriage Equality Was Won. Dublin: Merrion Press

**Semester & Year to be First Offered**

Spring 2018

**Assessment Instruments**

The examination is comprised of 30% essay to be submitted during the semester and 70% end of year examination. For repeat examinations, the examination makes up 100% of the grade.

# LA5002 – IRISH AND EUROPEAN LABOUR LAW

**Module Leader**

Eddie Keane

[Eddie.Keane@ul.ie](mailto:Eddie.Keane@ul.ie)

**Hours per Week**

Lecture: 3

Credits: 6

**Rationale & Purpose of the Module**

To enable students to engage in critical analysis of legal regulations affecting employment, including the ability to recognise the social values reflected in the law and the normative character of labour regulations. To enable students to consider the practical implications for employers of their legal rights and duties. To ensure that students appreciate the role and influence of the EC in developing labour law.

**Syllabus**

* The impact of European labour law on Irish labour law and the operation of the European Community legal system. The development of social policy (conferring rights on workers) in Europe
* Equality Law
* Atypical Workers
* Health and Safety
* Dignity at Work
* Termination of Employment

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Explain the development of European Labour law and its impact on the development of Irish Labour law.
* Critically analyse the European and Irish legal provisions relating to equality in the workplace.
* Identify the rights enjoyed by atypical workers.
* Outline the requirements for both employers and employees in relation to health and safety in the workplace.
* Summarise the legal provisions relating to the protection of an employee’s dignity at work.
* Present the principles of law in relation to the termination of employment.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught through a series of seminars. Students will be presented with some material that will be discussed in class in an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues.

**Primary Texts**

* Barnard, *EU Employment Law* 4th edn (Oxford University Press, 2012)
* Regan M. (Ed), *Employment Law*, (Tottel, 2009)

**Other Texts**

* Blanpain, *European Labour Law* 13th rev. edn (Kluwer, 2012)
* Daly and Doherty, *Principles of Irish Employment Law* (Clarus Press, 2010)
* Forde and Byrne, *Employment Law* 3rd edn (Roundhall Sweet & Maxwell, 2009)
* Kenner, *EU Employment Law – From Rome to Amsterdam and beyond* (Hart Publishing, 2003)
* Bolger, Bruton and Kimber, *Employment Equality Law* (Round Hall, 2012)
* Ellis, *EU Anti-Discrimination Law* (Oxford EC Law Library, 2005)
* Shannon, *Health and Safety Law and Practice* 2nd edn (Round Hall Press, 2007)
* Di Martino, *Preventing Violence and Harassment in the Workplace* (Office for Official Publications of the European Communities, 2003)
* Eardly, *Bullying and Stress in the Workplace: employers and employees: a guide*, 2nd edn, (Firstlaw, 2008)
* Redmond, *Dismissal Law in Ireland* 2nd edn, Butterworths, 2007

**Semester & Year to be First Offered**

Spring 2010

**Academic Instruments**

The course will be assessed by two in-term written assignments. The first assignment accounts for 40% of the grade, with the remaining 60% allocated to the second assignment.

Personal feedback on the first assignment will be provided before the submission deadline for the second assignment.

Each assignment will be an essay consisting of a maximum of 3000 words. The topics for the essays, and the deadlines for submission, will be made available during the semester.

For students who are unsuccessful in the term assessments, the annual repeat assessment will be a written, closed book, examination where students will be required to answer two essay type questions from a selection of four within a period of two hours.

# LA5021 – MEDIA LAW

**Module Leader**

Susan Leahy

[Susan.Leahy@ul.ie](mailto:Susan.Leahy@ul.ie)

**Hours per Week**

Lecture: 2 Tutorial: 1 (per fortnight)

Credits: 9

**Rationale & Purpose of the Module**

This course aims to make students fully aware of the legal framework and constraints within which the media operates, and to enable then to cover courts and other stories with legal implications effectively and with confidence. It also aims to make students fully aware of the major ethical issues that concern journalists. Students will be able to form judgements about ethical dilemmas and articulate a response to them.

**Syllabus**

The structure of the legal system, with specific relevance to the law as it affects journalists, including defamation, malicious falsehood, criminal libel, blasphemy, contempt of court, reporting restrictions, breach of confidence and copyright. The course will introduce students to major sources (individuals, institutions, campaigning bodies, government bodies, journalists, journals) on media law issues. Students will analyse complex legal issues and be able to apply them to specific legal dilemmas. The course will cover recent developments in the laws on privacy and in particular European human rights legislation. Students will be introduced to the ethical framework surrounding journalism, including the various codes of conduct, and touching on laws such as those of privacy. They will discuss issues of public interest and its bearing on private lives, and the importance of truth, fairness and objectivity. There will be discussions on reporting suicide, mental health issues, questions of taste and decency, and the use of subterfuge to obtain stories, and the questions of sleaze and sensationalism. Representation of women and minorities in the press will be covered, as will the impact of competition, ownership and advertising on journalism.

**Learning Outcomes**

On successful completion of this module, students will be able to: ‘

* Identify the key elements in establishing the legal and regulatory environment of journalistic reporting.
* Specify the criteria for defamation actions and truth in reporting.
* Outline the basic human rights provisions applicable to journalistic reporting.
* Differentiate between law and policy on issues such as privacy and public interest reporting.
* Distinguish issues such a copyright, communications received in confidence, ethical issues including sensationalism.
* Critique the limits of legally acceptable journalistic reporting standards.

**How the Module is Taught & the Students’ Learning Experience**

The module is breaks down into succinct areas; an Introduction into the Irish Legal system, An Introduction to Rights and the Media, freedom of expression (emphasis on media), defamation, privacy, Media reporting (politics and the courts), copyright, ethics & sensationalism and regulation v self-regulation. The areas will be taught through biweekly lectures, while each area will be subject to an additional discussion led tutorial on the area in question on a fortnightly basis. Given the evolving and fa paced nature of the media, the module will attempt to promote practicality and relevance by encouraging students to engage with topical issues that occur during the semester by bringing relevant media articles to lectures and tutorials for class discussion. The module emphasises a student centred approach. As the module is not designed specifically for law students it adopts an accessible teaching style, enabling those without a law background to garner a clear understanding of the relevant case law, statutes and relevant to constitutional provisions for each area, thereby allowing informed discussion on the issues involved. The learning experience of the students should reflect a rapidly evolving and sensitive area that is Media Law, they should find the course relevant, informative and thought provoking.

**Primary Texts**

* Carolan, E & O Neill, A. (2010) *Media Law in Ireland*.
* Murphy & McGuinness, Journalists and the Law, 3rd ed, (Round Hall, 2011),
* McGonagle, M. (2003) *Media Law 2nd ed.*, Dublin: Roundhall Sweet & Maxwell

**Other Relevant Texts:**

* Crook, *The UK Media Law Pocketbook*, (Oxon: Routledge, 2013)
* Martin, *Media Law Ireland*, (Cork: Oak Tree Press, 2011)
* Hanna & Dodd, *McNae’s Essential Law for Journalists*, 21st ed, (Oxford: Oxford University
* Press, 2012).
* Smart, *Media & Entertainment Law*, 2nd ed, (Oxon, Routledge, 2014)

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

30% continuous assessment during term and 70% end of term examination (1.5 hours, students will be required to answer 2 out of four questions).

The repeat exam takes the same format as the original exam. Where a student has completed the in-term assignments, these grades will count for the purposes of the repeat examination and the examination will account for 70% of the grade. Where no in-term assessment have been completed, the repeat examination will account for 100% of the grade.

# LA5121 – COMPARATIVE LAW OF REAL PROPERTY

**Module Leader**

Una Woods

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**Hours per Week**

Lecture: 2 Private: 13

Credits: 9

**Rationale & Purpose of the Module**

To introduce students to the study of comparative approaches to property law and provide students with an advanced understanding of the theory, law, and practice pertaining to property law in common law jurisdictions and the knowledge and skills necessary to appreciate the theory, law, and practice from a comparative perspective.

**Syllabus**

This course illustrates the role played by comparative law in property law reform. The law on a number of property law issues is analysed and critiqued with a view to establishing the case for reform and whether lessons can be learned from the law on these issues in other common law jurisdictions. The topics include adverse possession, business leases, matrimonial property law, the property rights of unmarried cohabitants, the limits on testamentary freedom, family disputes over burials, and the recognition of native title in Australia.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Outline key features of the Irish law on adverse possession, business leases, family property, succession, burial instructions, and the recognition of native title in Australia.
* Critique the current law.
* Discuss the case for reforming the current law or the rationale behind any recent reforms introduced in these areas.
* Engage in comparative analysis of the legal responses of various jurisdictions to property related difficulties and disputes.
* Critically evaluate the extent to which the experiences and responses of other jurisdictions should influence Irish property law.

**Primary Texts**

Readings vary from topic to topic, no prime texts.

**Other Relevant Texts**

* Brady J, *Succession Law in Ireland* 2nd edn, (Butterworths, 1995)
* Byrne M, *Landlord and Tenant Law: The Commercial Sector* (Round Hall, 2013)
* Crowley L, *Family Law* (Round Hall, 2013)
* De Londras F, *Principles of Irish Property Law* 2nd edn, (Clarus Press, 2011)
* Jourdan S and Radley-Gardner O, *Adverse possession* 2nd edn, (Bloomsbury Professional, 2011)
* Lyall A, *Land Law in Ireland* 3rd edn (Round Hall, 2010)
* Mc Neil K, *Common law Aboriginal Title* (Clarendon Press, 1989)
* Mee J, *The Property Rights of Cohabitees* (Hart 1999)
* Perry M and Lloyd S, *Australian Native Title Law* (Lawbook, 2003)
* Russell PH, *Recognizing Aboriginal title: the Mabo case and Indigenous resistance to English-settler colonialism* (University of Toronto Press, 2006)
* Shatter A, *Shatter’s Family Law* 4th edn (Butterworths, 1997)
* Wylie JCW, *Irish Land Law* 5th edn (Bloomsbury Professional, 2013)
* Wylie JCW, *Landlord and Tenant Law* 2nd edn (Butterworths, 1998)
* Zweigert K and & Kotz H, *An Introduction to Comparative Law* 3rd rev. edn (Clarendon Press, 1998)

**Programme(s) in Which This Module Is Offered**

LLM General

LLM International Commercial Law

LLM European and Comparative Law

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

The course will be assessed by two essays (each worth 40% of the total credit), an in-term presentation (15% of the total credit), and the student’s participation in class throughout the semester (5% of the total credit).

In the event of the student not completing any of the in-term assessments, the repeat examination will take the form of two essays to be completed by the week of repeat examinations (each worth 50%). If the student has completed some of the in-term assessments, credit will be given for these and the percentage of the final essays will be reduced accordingly.

# LA6011 – INTERNATIONAL BUSINESS TRANSACTIONS

**Module Leader**

Raymond Friel

[Raymond.Friel@ul.ie](mailto:Raymond.Friel@ul.ie)

**Hours per Week**

Lecture: 2 Private: 8

Credits: 6

**Rationale & Purpose of the Module**

To build on the students’ knowledge and understanding of commercial transactions in a cross-border environment. The aim of this module is to expose students to a comprehensive understanding of the laws which govern international business transactions both at the micro and macro level. Students will gain a deeper knowledge of the legal issues arising in international contracts for the sale of goods and the international financial instruments which support such commerce. The grading type for this module is Normal. The level of award is Level 9 and the module is to be centrally scheduled in the same manner as other taught postgraduate modules.

**Syllabus**

The module will examine the following legal issues that arise in international transactions:

* International contracts for the sale of goods, problems of formation, construction, and enforcement including e-commerce transactions, choice of law, and jurisdiction issues.
* Import regulation: WTO regime, US Trade authorities, US import controls, free trade agreements, tariffs, classification, valuation, and origin principles, non-tariff barriers.
* Export regulation: Export controls from the US, export licences, national security issues, exports to North American Free Trade Association (NAFTA) jurisdictions, exports to EU jurisdictions.
* Contextualising international trade: Anti-dumping and antitrust issues, subsidies and countervailing subsidies, state trading entities, the Foreign Corrupt Practices Act and illegal payments abroad, US s.301 proceedings, and the US Boycott and Anti-Boycott rules.
* International Finance, including letters of credit and ETF transactions, offshore banking and tax efficiencies.
* International business litigation and dispute resolution, arbitration and enforcement of arbitral awards, recognition and enforcement of foreign awards, including a documentary analysis.
* Overseas investment, including investment in the EU, developing countries, and investments in NAFTA members.
* Expropriation of overseas investments.
* Ethical investment policy.

**Learning Outcomes**

On completion of this module a student will be able to:

* Identify the role law has to play in international business transactions.
* Explain the fundamental basis of cross-border contracting in international trade.
* Discuss the legal interaction between transactional free trade principles and the need to ensure a fair and level playing field through anti-dumping and countervailing duties.
* Critically analyse the role of the law in financing international transactions and the transfer of money across borders.
* Relate the law of international business transactions to the dispute resolution framework and international enforcement of judgements.
* Critique different theories on the expropriation of overseas investments and the role of unilateral and multilateral agencies in resolving disputes.
* Relate the transactional law of international trade with emerging trends in ethical trade, investment, development and sustainability.

**Affective (Attitudes and Values)**

On completion of this module a student will understand the role of the law in international business transactions, understand how the law may impact upon private parties particularly where they conflict with state interests, and appreciate the need for a comprehensive legal environment within which international business transactions from the sale to investment can take place.

**How the Module is Taught & the Students’ Learning Experience**

The module is taught through a series of weekly seminars. Students will be assigned some reading material and will be expected to conduct independent research, prior to each seminar, where they will be required to discuss the relevant issues. The University of Limerick graduate attributes will be developed by broadening students’ knowledge and proactivity through encouraging independent and directed research. Emphasising student’s responsibility to organise their time in an efficient manner and to work to specific deadlines. Enhancing students’ creativity in how they approach independent research. Promoting collaborative research by the students and requiring students to articulate their research findings in a group setting.

Research findings incorporated into the syllabus (if relevant).

**Primary Texts**

* Can, I. (2009) *International Trade Law*, London: Routledge Press
* Burnett, R. (2004) *Law of International Business Transactions (3e)*, USA: Federation Press
* DiMatteo, L. (2002) *The Law of International Business Transactions*, USA: Thomson Learning
* Folsom, R. et al. (2005) *Principles of International Business Transactions, Trade and Economic Relations*, USA: Thomson West

**Other Relevant Texts**

* Chow, D. and Schoenbaum, T. (2005) *International Business Transactions: Problems, Cases, And Materials*, USA: Aspen Pub

# LA6021 – LAW OF INTERNATIONAL BUSINESS ASSOCIATIONS

**Module Leader**

Sinead Eaton

[[Sinead.eaton@ul.ie](mailto:sinead.eaton@ul.ie)](mailto:Sinead.eaton@ul.ie)

**Hours per Week**

Lecture: 2

Credits: 9

**Rationale & Purpose of the Module**

The aim of this module is to familiarise students with modern international business structures. The module will also examine the importance of corporate governance and the appropriate governance structures in different jurisdictions. This module emphasises independent research and learning and seminars will be structured around presentations and discussions.

**Syllabus**

This course will examine the following:

* An overview of the historical development of the corporate structure in western commercial law from the early state based trading corporations to the rise of private enterprise units. This will be coupled with an introduction to theoretical frameworks of business structures and their legal regulation
* An introduction to modern business structures that operate on an international level, including sole trader, registered companies, real estate investment trusts, special purpose entities, joint ventures, franchise arrangements and distribution networks.
* The legal process of creating different business structures in different jurisdictions; The concept of residency, centre of management, and the determination of corporate citizenship; The historical development of corporate formation in the USA, the role of the Delaware corporation in US interstate commerce, modern formation processes in US corporate law.
* Corporate frameworks in European Union in particular the European Company (SE), The evolution of corporate governance structures in the European Union at both State and European level, including aspects of the "Smart Regulation in the European Union” agenda
* Corporate formation in China as totally foreign owned entities and the role of joint ventures in corporate formation.
* Governance issues in Europe, the USA and China, the role of shareholders and investors, restrictions on management, the integration of Labour into corporate oversight and development. and the different institutions involved in enforcing corporate governance provisions including the Sarbanes-Oxley Act in the USA.

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Identify the different types of business structures that operate internationally
* Discuss how these business structures relate to one another
* Explain how each type of business structure is created
* Critically analyse the legal implications of operating in different jurisdictions
* Identify the key elements of corporate governance
* Recognise the influences on the evolution of corporate governance in the EU and the USA
* Relate corporate governance theories to the legal structures underlying different business structures
* Criticise different theories of corporate governance
* Critique the current thinking and trends in corporate governance matters
* Understand the social and economic value of different business structures
* Understand how legal provisions impact on business structures and behaviour.
* Appreciate the role of corporate governance in modern society

**Primary Texts**

* Cahn, A and Donald, D. *Comparative Company Law: Text and Cases on the Laws Governing* *Corporations in Germany, the UK and the USA*. Cambridge: Cambridge University Press (2010)
* Gold, Michael, Nikolopoulos, Andreas, Kluge, Norbert. *The European Company Statute: A New Approach to Corporate Governance*. Peter Lang Publishing Group (2009)
* Gu, M. *Understanding Chinese Company Law,* 2nd ed. Hong Kong: Hong Kong University Press (2010)
* McCahery, J.A, Timmerman, L, Vermeulen, E.P.M. *Private Company Law Reform: International and European Perspectives*. (2010) Asser Press
* Munkert, M.J, Stubner, S. Wulf, T. *Founding a Company: Handbook of Legal Forms in Europe*. (2010) SpringerLink
* Siems, M and Cabrelli, D. (Eds) *Comparative Company Law: A Case-Based Approach*.  London: Hart Publishing (2013)
* Tully, S. *International Corporate Legal Responsibility*. Kluwer Law International (2012)
* Wang, J. *Company Law in China: Regulation of Business Organizations in a Socialist Market Economy*. London: Edward Elgar Publishing Ltd (2014)

**Semester & Year to be First Offered**

Autumn 2015

**Assessment Instruments**

Two class presentations worth 20% each (total of 40%) during term.

An essay worth 60% towards the end of term.

# LA6031 – LAW OF INTERNATIONAL TRADE ORGANISATIONS

**Module Leader**

Eddie Keane

[Eddie.Keane@ul.ie](mailto:Eddie.Keane@ul.ie)

**Hours per Week**

Lecture: 2

Credits: 9

**Rationale & Purpose of the Module**

The aim of this module is to expose students to a comprehensive understanding of the global trading environment and the legal institutions, laws, rules, and regulations that apply to cross-border transactions.

**Syllabus**

This course will introduce students to the historical evolution of the legal provisions relating to international trade ranging from the Hanseatic League up to the period after World War II that established the modern global trading environment. It will briefly discuss the differing theories of international trade. The course will then examine the following institutions (listed below), their legal basis and operation, and their legal control over international trade.

* The WTO, its precursor (GATT), the establishing Treaty, and the rules on accession and secession, the governance structure of the organisation, the interaction of its decisions and rules with national laws, and the role it plays in dispute resolution between signatory states.
* Regional trading organisations such as NAFTA and the EU (European Union), in particular, the legal basis of establishment, the interaction between national laws and the role of the regional trading organisation as arbiter, the process of dispute resolution between members of the regional organisation and the hierarchy of laws and issues of primacy between competing regulations.
* UN bodies engaged in assisting the development of international trade, including UNCITRAL (United Nations Commission on International Trade Law), its role in providing a uniform legal environment within which international trade occurs and UNCTAD (the United Nations Conference on Trade and Development).
* National enforcement agencies such as CBP (Customs and Border Protection (USA)) and the EU approach, their role and function, and the extra-territoriality of their legal powers.
* Finally the course will look at ethical and sustainable movements in international trade and their incorporation into national and regional legal systems.

**Learning Outcomes**

* On completion of this module a student will be able to:
* Identify the different types of international trade organisations at national, regional and global level.
* Explain the legal basis of different global and regional regulatory trade bodies including enforcement powers.
* Discuss the interaction between different levels of international trade regulation particularly in terms of primacy and hierarchy.
* Critically analyse the role of dispute resolution in international trade within a legal context, particularly in the context of non-militarisation of disputes.
* Relate the law of international regulation of trade to national sovereign states and regional structures.
* Critique different theories of the legal regulation of international trade, including current trends in ethical trade.

**Affective (Attitudes and Values)**

On completion of this module a student will:

* Understand the role of international bodies in the regulation of international trade
* Understand how the legal powers of these international bodies impact upon individuals trading internationally.
* Appreciate the need for legal regulation of international trade.

**How the Module is Taught & the Students’ Learning Experience**

The module is taught through a series of weekly seminars. Student will be assigned reading material and will be expected to conduct independent research prior to each seminar where they will be required to discuss the relevant issues. The University of Limerick graduate attributes will be developed by:

* Broadening students’ knowledge and proactivity through encouraging independent and directed research.
* Emphasising student’s responsibility to organise their time in an efficient manner and to work to specific deadlines.
* Enhancing students’ creativity in how they approach independent research.
* Promoting collaborative research by the students and requiring students to articulate their research findings in a group setting.

**Primary Texts**

* Van de Bossche, P. and Zdouc, W. (2012) *Law and Policy of the WTO: Text, Commentary and Materials*, 3rd edn, Cambridge University Press.
* Klabbers, J. (2009) *An Introduction to International Institutional Law*, 2nd edn, Cambridge University Press.
* Lester, S. and Mercurio, B. (2012) *World Trade Law: Text, Materials and Commentary*, 2nd edn, Hart Publishing.

**Other Texts**

* Herdegen, M. (2013) *Principles of International Economic Law*, Oxford University Press.
* Dhooge, L., Schaffer, R. et al (2014) *International Business Law and its Environment*, 9th edn, Texas: South-Western College Publishing.
* Folsom, Gordon, Spanogle, and Van Alstine. (2013) *Folsom, Gordon, Spanogle, and Van Alstine’s Principles of International Business Transactions*, 3rd edn, West Academic Publishing.

**Semester & Year to be First Offered**

Autumn 2016

**Academic Instruments**

The course will be assessed by two in-term written assignments. The first assignment accounts for 40% of the grade with the remaining 60% allocated to the second assignment.

Personal feedback on the first assignment will be provided before the submission deadline for the second assignment.

Each assignment will be an essay consisting of a maximum of 3000 words. The topics for the essays and the deadlines for submission will be made available during the semester.

For students who are unsuccessful in the term assessments, the annual repeat assessment will be a written, closed-book examination where students will be required to answer two essay type questions from a selection of four within a period of two hours.

# LA6032 – GLOBAL COMPETITION LAW

**Module Leader**

Sinead Eaton

[Sinead.Eaton@ul.ie](mailto:Sinead.Eaton@ul.ie)

**Hours per Week**

Lecture: 2 Private: 13

Credits: 9

**Rationale & Purpose of the Module**

This module provides students with an understanding of the role and diversity of competition laws that arise in the conduct of business. The module reviews the different approaches taken to different aspects of competition in various jurisdictions and illustrates the role of economics in competition law regimes. Students will critically examine the origins of competition laws and their current form in major jurisdictions such as the EU and the USA.

**Syllabus**

The module will explore the origin and development of the main tenets of competition law. Treaty provisions and statutes will be the base for analysis and the interpretations of courts and enforcement authorities will be reviewed. At the end of the course, students will be familiar with the articles and case law of the European and American courts and will have gained a comprehensive understanding of the practice and application of competition law.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Identify the key articles and case law of the European and American courts.
* Explain the interpretation, origins and application of the main tenets of competition law.
* Differentiate between competition law regimes.
* Appraise the impact of the incorporation of the European competition law into the domestic legal system.

**How the Module is Taught & the Students’ Learning Experience**

The introductory classes will be presented through lectures by the course leader. Following these, the structure of the seminars will include cases or themes presented by nominated students (the Presenters). After all the presentations have been given, a discussion of the topic will follow in which those students nominated to read the cases (the Readers) will be expected to actively contribute; all students in the class should be familiar with one of the cases that have been presented*.* A guest lecture will be given by a practitioner

**Primary Texts**

* *An Introductory Guide to EC Competition Law and Practice*, Valentine Korah, 2000, Hart Publishing, 9th edn.
* *EC Law, Text, Cases and Materials,* Craig and de Búrca, 5th edn.
* Competition Law Chapters including “The Development of European Integration” and “Completion of the Single Market”.
* *The Role of Economic Analysis in the EC Competition Rules*, Hildebrand, 3rd edn, Kluwer, 2009.
* “Reflection on Irish Competition Law 1991 – 2005” Dr Vincent Power (2004) 4 (1) HLJ 195
* *Competition Law in Ireland*, Sinead Eaton and Patrick O’Brien, Wolters Kluwer, 2015
* *German Antitrust Law,* Heidenhain, Satzky and Stadler, 5th edn, 1999, Fritz Knapp Verlag
* *International Antitrust Law and Policy,* 1995 Corporate Law Institute by Fordham University School of Law. Chapters 1, 2, 3, 7, 8, and 14 minimum.
* Article 82 EC: Reflections on its Recent Evolution, ed by Ariel Ezrachi, Hart Publishing.
* *Competition Policy in America 1888–1992,* Rudolph J.R. Peritz, Oxford University Press. Read as a minimum Introduction, Chapters 1, 2 and 6.
* Vickers C*ompetition Law and Economics : A mid-Atlantic viewpoint*, European Competition Journal p. 1.

**Other Relevant Texts**

Further materials are recommended in lectures.

**Programme(s) in Which This Module Is Offered**

MLICLATFAD – LLM International Commercial Law (Full time)

MLICLATPAD – LLM International Commercial Law (Part time)

MLLAGETFA – (General)

MLLAGETPA – (General) P/T

**Semester & Year to be First Offered**

Autumn 2015

**Assessment Instruments**

Two class presentations and essays worth 20% each (total of 40%) during the term. An essay worth 60% shall be completed during an exam at the end of semester but the title of the essay shall be known in advance.

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# LA6042 – INTERNATIONAL LABOUR LAW

**Module Leader**

Eddie Keane

[Eddie.Keane@ul.ie](mailto:Eddie.Keane@ul.ie)

**Hours per Week**

Lecture: 2

Credits: 9

**Rationale & Purpose of the Module**

The aim of this module is to enable students to engage in a critical analysis of the legal regulations affecting employment, including the ability to recognise the social values reflected in the law and the normative character of labour regulations. Students will also consider the practical implications for employers of their legal rights and duties.

**Syllabus**

* The nature and purpose(s) of labour law.
  + The role of the Common Law, statutory interventions, and international institutions such as the International Labour Organisation and the EU.
* The structure of the labour market at national and international level.
* The equality agenda at both national and international level.
* Regulatory provisions for the physical and mental protection of workers, including issues such as workers health and safety, and dignity at work.
* The concept of a work/life balance and provisions for its promotion.
* Job/income security at both national and international level, including such issues as unfair dismissal, wrongful dismissal, and redundancy entitlements.

**Learning Outcomes**

* Explain the development of international, European and Irish Labour law.
* Critically analyse the international and European legal provisions relating to equality in the workplace.
* Identify the different categories of workers in the labour market and the relevant rights pertaining to each category.
* Outline the requirements on both employers and employees in relation to health and safety in the workplace.
* Summarise the legal provisions relating to the promotion of employees’ dignity at work.
* Describe the approach taken at international, European and Irish level to the creation of a work/life balance.
* Present the principles of law in relation to income security and termination of employment.

**Affective (Attitudes and Values)**

On completion of this module a student will:

* Understand how legal provisions impact on the structure of the labour market.
* Appreciate how labour law provisions can impact on societal issues such as responsibility for child rearing within the home.

**How the Module is Taught & the Students’ Learning Experience**

The module will be taught entirely online. Each fortnight, one of the topics listed above will be discussed. Each topic will have a separate forum in the ‘Forums’ section of the Sulis website for the module. Each forum will have recommended reading attached, which students should use as a launch pad for their own research on the topic.

A discussion on the topic will also be opened on the forum.

Each student is required to contribute to at least five of the six discussion forums. Each contribution (other than the first) must address existing comments from contributors.

All contributions to the forums are moderated and any comments which are disrespectful of any person, or opinion, will be deleted and a five point grade penalty imposed on the contributor.

**Primary Texts**

* Davidov, G. and Langille, D. (2011) *The Idea of Labour Law*, Oxford University Press.
* Conaghan, J., Fischl, R.M. and Klare, K. (2000) *Labour Law in an Era of Globalisation*, Oxford University Press.
* Barnard, C., (2012) *EU Employment Law*, 4th edn, Oxford University Press.
* Regan (Ed), (2009) *Employment Law*, Tottel, Hayward’s Heath.

**Other Texts**

* Blanpain, R. (2012) *European Labour Law* 13th rev. edn, Kluwer
* Daly, B. and Doherty, M. (2010) *Principles of Irish Employment Law*, Clarus Press.

**Semester & Year to be First Offered**

Spring 2017

**Academic Instruments**

The course will be assessed by a combination of contributions to the discussion forums and two in-term written assignments. Meaningful contributions to each topic on the discussion forum will be allocated up to five points, with a maximum total of 25 points available.

The first assignment accounts for 30 points, with the remaining 45 points allocated to the second assignment. Personal feedback on the first assignment will be provided before the submission deadline for the second essay.

Each assignment will be an essay consisting of a maximum of 3000 words. The titles for the essays and the deadlines for submission will be made available during the semester.

For students who are unsuccessful in the term assessments, the annual repeat assessment will be a written, closed-book examination where students will be required to answer three essay type questions from a selection of five within a period of two hours.

# LA6052 – CRIMINOLOGY

**Module Leader**

Susan Leahy

[Susan.Leahy@ul.ie](mailto:Susan.Leahy@ul.ie)

**Hours per Week**

Lecture: 2

Credits: 9

**Rationale & Purpose of the Module**

The aim of this module is to introduce graduate students to the discipline of criminology, that is, the study of crime as a social phenomenon. Students will be given an opportunity to engage critically with criminological theories. This will enable them to engage more critically with crime as a social construct and enhance their understanding of the operation of the criminal justice system and of criminal offending. This module is designed specifically for graduate students and will build upon students’ pre-existing understandings and perceptions of crime.

**Syllabus**

* Critical criminal law
* Classical and Positivist Criminology
* The Economy & Crime
* Labelling
* Feminist Criminology
* Strain Theory
* Environmental Criminology
* Control Theory
* Developmental Criminology
* Rational Choice Theory & Routine Activities Theory
* Cultural Criminology

**Learning Outcomes**

On completion of this module, students should be able to:

* Utilise criminological theories in order to gain a deeper understanding of the causes of criminal activity.
* Evaluate the various theoretical perspectives experienced in the module.
* Identify similarities and differences between the competing criminological perspectives studied and the shifts in criminological thinking over time.
* Understand the changes in criminological theories over time and link these changes with shifts in popular concerns about criminality in different periods of history.
* Determine which of the various theories studied are useful to comprehend criminal activity in an Irish context.

**Affective (Attitudes and Values)**

On completion of this module, students should:

* Understand the complex interplay between societal factors and criminal behaviour.
* Appreciate the multi-faceted causes of crime and how the Irish criminal justice system might respond more effectively to them.

**How the Module is Taught & the Students’ Learning Experience**

The module will be delivered via a series of two-hour seminars in which students will be introduced to the criminological theories to be explored in the module and guided on how to begin applying these theories to real-world contexts, predominantly the Irish criminal justice system. The seminars will be driven by student interaction and discussion based on readings which students will be required to engage with prior to each seminar. In relation to the graduate attributes, students will become more knowledgeable by developing a new perspective on the crime, thereby enhancing their capacity for critical thinking. They will also experience how criminological theories can be applied to real-world situations (i.e. the causes of crime), achieving a deeper understanding of the complexities of the criminal justice system. The module will also allow students to become more articulate as they will learn to communicate and think about crime in a new way, thereby allowing them to recognise the value of other perspectives in broadening their attitudes towards criminal behaviour. At a more basic level, they will also become more articulate through engaging in a discussion of sometimes challenging concepts with their peers in class discussions, facilitated by the lecturer. Students will also be encouraged to be proactive in requiring them to engage with criminological theories and finding ways to apply these to real-world contexts by independently seeking out examples from the Irish criminal justice system with support or contradict the theories under study. In turn, this will encourage responsibility going forward with students becoming more adept at independent critical engagement with challenging discourses and achieving an enhanced understanding of the criminal justice system that will inform decisions they will make in their future careers. Recent developments in the area of criminology, along with research findings associated with the lecturer’s research interests are incorporated into the module via the recommended reading.

Research findings incorporated into the syllabus (if relevant).

**Primary Texts**

* Liebling et al (eds) (2017) *The Oxford Handbook of Criminology,* 6th ed, Oxford University Press

**Other Relevant Texts**

* Andresen (2014) *Environmental Criminology: Evolution, Theory and Practice*, Routledge
* Body-Gendrot et al (Eds) (2013) *The Routledge Handbook of European Criminology*, Routledge
* Bosworth and Hoyle (Eds) (2011) *What is Criminology?*, Oxford University Press
* Downes and Rock (2012) *Understanding Deviance: A Guide to the Sociology of Crime and Rule-Breaking,* 6th edn, Oxford University Press
* Finch and Fafinski (2012) *Criminology Skills*, Oxford University Press
* Keseredy (2011) *Contemporary Critical Criminology (Key Ideas in Criminology)*, Routledge
* Naffine (Ed) (1995) *Gender, Crime and Feminism*, Dartmouth Press
* Naffine (1997) *Feminism and Criminology*, Polity Press
* Smart (2014) *Crime and Criminology: A Feminist Critique* (Routledge Revivals) (first published 1977), Routledge
* Taylor et al (2012) *Critical Criminology* (Routledge Revivals) (First published 1977), Routledge
* Walklate (2007) *Understanding Criminology,* 3rd edn, Open University Press
* Williams (2012) *Textbook on Criminology,* 7th edn, Oxford University Press

**Semester & Year to be First Offered**

Spring 2016

**Academic Instruments**

100% continuous assessment.

# 

# LA6062 – COMPARATIVE AND EUROPEAN CRIMINAL JUSTICE

**Module Leader**

Andrea Ryan

[Andrea.Ryan@ul.ie](mailto:Andrea.Ryan@ul.ie)

**Hours per Week**

Lecture: 2

Credits: 9

**Rationale & Purpose of the Module**

This module addresses developments in the field of European Criminal Justice resulting inter alia from the Lisbon Treaty. These developments are not adequately addressed within the existing module of European Criminal Law LA5152, because as that title suggests, it is narrower in focus that European Criminal Justice. The module will take account of developments in criminal justice systems in EU Member State jurisdictions. Thus, it will assess the body of European Criminal Justice within a contextual framework of comparative law.

**Syllabus**

* Historical development of criminal justice systems in common law & civil law countries
* Accusatorial & inquisitorial concepts in criminal justice
* Development of EU competence in criminal law
* Principles of freedom, security & justice
* Decision-making structures, processes & instruments under Lisbon Treaty
* Council of Europe Conventions
* Mutual assistance in criminal investigations across national boundaries
* Mutual recognition of judicial decisions in criminal matters
* Europol
* Eurojust
* European Public Prosecutor
* Extradition & the European arrest warrant
* Evidence gathering/transfer
* European Criminal Records Information System
* Stockholm Programme ‘Roadmap’ measures
* European Supervision Order
* Protection of human rights
* Directive on the presumption of innocence
* Directive on the European Protection Order
* Directive on rights, support & protection of victims of crime
* Comparative study of pre-trial & trial processes in selected European jurisdictions
* Roles of the players in process
* The conduct of the trial
* The admissibility of evidence
* The position of victims in the criminal process
* Implications for harmonisation of criminal procedure
* A common criminal justice system for Europe?

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Understand the development of EU competence in criminal justice matters, the principles of freedom, security and justice, and the principle of mutual recognition.
* Describe key features of decision-making structures, processes, and instruments under the Lisbon Treaty and Council of Europe Conventions.
* Consider the developing EU legal instruments aimed at enhancing/harmonising cooperation in criminal matters in the EU.
* Assess the legal and democratic bases for cross-border policing in the EU.
* Understand the historical development of approaches to criminal justice in civil and common law jurisdictions.
* Describe key features of criminal justice systems civil law and common law jurisdictions: the role of the police, prosecutors, defence lawyers, the jury, judges, victims/witnesses, pre-trial, trial.
* Consider the effects of the differences between common law and civil law jurisdictions generated by institutional arrangements and culture in the investigation and trial process on the development of a system of European Criminal Justice.

**How the Module is Taught & the Students’ Learning Experience**

Discussion-based seminar encompassing analysis of legislative and policy documents, analysis of academic commentary, student reflections. Materials are all based on up to date active research by the module leader. Graduate attributes are developed by equipping students with a high level of competence regarding EU criminal justice, and as this is a developing area, will give students a capacity to bring their knowledge to bear on real-world problems and challenges.

Proactive attributes are included by encouraging active use of data and research to drive improvements in the developing EU criminal justice area. Creative attributes are included by engendering in students a capacity to see new possibilities and opportunities in the development of EU criminal justice. Articulate attributes are included by developing competence in conveying ideas clearly, through active student participation in seminars.

**Primary Texts**

* Klip A, (2012) *European Criminal Law An Integrative Approach* (2nd edn), Intersentia
* Eckes C, Konstadinides T, (2011) *Crime within the area of freedom, security and justice: a European public order*, CUP
* Ryan A, (2014) *Towards a System of European Criminal Justice: the problem of admissibility of evidence*, Routledge
* Ligeti K, (Ed) (2012) *Toward a Prosecutor for the European Union: A Comparative Analysis*, Hart

**Other Relevant Texts**

Further materials are recommended in lectures.

**Programme(s) in Which This Module Is Offered**

MAHRCJTFA – Human Rights in Criminal Justice

MAHRCJTPA – Human Rights in Criminal Justice

MLECLATFA – European and Comparative Law

MLECLATPA – European and Comparative Law - Part Time

MLLAGETFA – (General)

MLLAGETPA – (General) P/T

**Semester & Year to be First Offered**

Spring 2013

**Academic Instruments**

100% Essay

# LA6072 – INTERNATIONAL TORT LAW AND BUSINESS

**Module Leader**

Eoin Quill

[Eoin.Quill@ul.ie](mailto:Eoin.Quill@ul.ie)

**Hours per Week**

Lecture: 2 Private: 13

Credits: 9

**Rationale & Purpose of the Module**

The aim of this module is to provide students with a comprehensive understanding of the role of tort law in various jurisdictions, affecting the legal environment in which international business takes place.

**Syllabus**

This course will provide an advanced analysis of tort theory and practice in multiple jurisdictions, focused on the relationship between tort and business. It will include both common law and civil law jurisdictions (including USA, UK, EU, Canada, Australia, Ireland, Germany and France).

General theories of liability will be explored including rights theory, corrective justice, civil recourse, distributive justice and economic analysis.

Specific causes of action and general conditions of liability, generating potential liability for businesses or protecting business interests, will be examined. Areas considered will include product liability, liability for pure economic loss, employers’ liability, liability for hazardous activities, and commercial personality rights (reputation, goodwill and confidentiality).

The relationship between tort law and the tort process will be considered including insurance, proof, extra-judicial processes (boards and tribunals), and mass tort claims.

**Learning Outcomes**

On completion of this module a student will be able to:

* Identify the effects of tort law in international business.
* Explain the legal basis of liability in different jurisdictions.
* Critically analyse the impact of tort law and tort processes on international business.
* Critique the intersection between the theory and practice of tort law in respect of international business.
* Discuss the role of tort law and tort processes in both regulating and protecting business.
* Relate the significance of tort law to the overall legal regulation of international commercial law.

**Affective (Attitudes and Values)**

On completion of this module a student will:

* Understand the role of tort law and tort processes in international business activities.
* Understand how the tort liability impacts upon both those trading internationally and those who deal with them.
* Appreciate the need for clarity and transparency in tort law in a commercial setting.

**How the Module is Taught & the Students’ Learning Experience**

Topics will be discussed in weekly seminars. Students will be referred to particular readings on each topic and will be expected to prepare for each topic by reading an assigned piece. Students will present their topics in class during the semester; the schedule will be worked out in consultation with students.

**Primary Texts**

* H Carty, *An Analysis of the Economic Torts* 2nd edn (OUP, 2010)
* P Cane, *Atiyah’s Accidents, Compensation and the Law*, 8th edn (OUP, 2013)

**Other Relevant Texts**

* J Arlen, *Research Handbook on the Economics of Torts* (Edward Elgar, 2014)
* S Douglas, *Liability for Wrongful Interferences with Chattels* (Hart, 2011)
* P Giliker, *Vicarious Liability in Tort: A Comparative Perspective* (CUP, 2010)
* D Brodie, *Enterprise Liability and the Common Law* (CUP, 2010)
* S Green & J Randall, *The Tort of Conversion* (Hart, 2009)
* VV Palmer & M Bussani*, Pure Economic Loss: New Horizons in Comparative Law* (Routledge-Cavendish, 2008)
* AO Sykes, *Economics of Tort Law* (Edward Elgar, 2007)
* CA Witting et al, *Pure Economic Loss* (Springer, 2004)
* VV Palmer & M Bussani, *Pure Economic Loss in Europe* (CUP, 2003)
* P Cane, *Tort Law and Economic Interests*, 2nd edn (Clarendon Press, 1996)
* WM Landes & RA Posner, *The Economic Structure of Tort Law* (Harvard UP, 1987)

**Academic Instruments**

100% End of Semester Essay

Repeat Assessment 100% Essay

# LA6082 – INTERNATIONAL PERSPECTIVES ON PROPERTY LAW

**Module Leader**

Una Woods

[Una.woods@ul.ie](mailto:Una.woods@ul.ie)

**Hours per Week**

Lecture: 2

Credits: 6

**Rationale & Purpose of the Module**

This course explores the impact of international perspectives on property law and its reform.

**Syllabus**

The law on a number of property law issues is analysed and critiqued with a view to establishing the case for reform and whether lessons can be learned from the law on these issues in other common law jurisdictions. The topics include adverse possession, business and residential leases, matrimonial property law (with special emphasis on the family home), the property rights of unmarried cohabitants and the limits on testamentary freedom.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Outline key features of the Irish law on adverse possession, business leases, family property, succession, burial instructions and the recognition of native title in Australia.
* Critique the current law.
* Discuss the case for reforming the current law or the rationale behind any recent reforms introduced in these areas.
* Engage in comparative analysis of the legal responses of various jurisdictions to property related difficulties and disputes.
* Critically evaluate the extent to which the experiences and responses of other jurisdictions should influence Irish property law.

**Affective (Attitudes and Values)**

On successful completion of this module, students should:

* Be challenged to think more broadly about the impact of international perspectives on the reform of land law, particularly Irish land law.
* Question the extent to which existing land laws adequately protect or provide solutions to those involved in property disputes.
* Engage with policy makers on issues of property law reform.

**Prime Texts:**

* Mattei U, *Basic Principles of Property Law: A Comparative Legal and Economic Introduction* (Greenwood Press 2000)
* Jourdan S and Radley-Gardner O, *Adverse Possession* (Bloomsbury Professional 2011)
* Wylie JCW, *Landlord and Tenant Law* (3rd edn, Bloomsbury Professional 2014)
* Crowely L, *Family Law* (Round Hall 2013)
* Mee J, *The Property Rights of Cohabitees* (Hart 1999)
* Brady J, *Succession Law in Ireland* (Butterworths 1995)
* Spierin, *Succession Act 1965 and Related Legislation: A Commentary* (5th edn, Bloomsbury 2017)

**Semester Year to be First Offered**

Spring 2018

**Academic Instruments**

Two essays (each worth 40% of the total credit)

End of semester presentation (15% of the total credit)

Student class participation (5% of the total credit)

Repeat: Two essays (50% each).

# LA6102 – LAW OF CREDIT AND SECURITY

**Module Leader**

Stephen Brittain

[Stephen.Brittain@ul.ie](mailto:Stephen.Brittain@ul.ie)

**Hours per Week**

Lecture: 3 Private: 12

Credits: 9

**Rationale & Purpose of the Module**

To provide students with an in depth knowledge of securitising assets.

**Syllabus**

This module will examine the ways in which the creditor/debtor relationship can arise and how it is documented. The module also covers the legal issues arising in the giving of security and the creation of security interests, as well as the enforcement issues that surround these. The use of debentures by companies, secured by fixed and floating charges, is also reviewed, as is the matter of priorities.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Describe the primary forms of credit and the legal consequences of each.
* Describe the primary forms of security and the legal rules governing these.
* Identify the differences between different forms of credit and security.
* Compare and contrast the differences from lenders’ and borrowers’ perspectives.
* Compare the economic and operational factors that influence the decisions made on taking security.
* Relate those decisions to the technical rules on perfection of security.
* Determine the priority of different forms of security.

**How the Module is Taught & the Students’ Learning Experience**

Research findings incorporated into the syllabus (if relevant)

**Semester & Year to be First Offered**

Spring 2010

# LA6111 – CRIMINAL JUSTICE PROCESSES AND SENTENCING

**Module Leader**

Ger Coffey

[ger.coffey@ul.ie](mailto:ger.coffey@ul.ie)

**Hours per Week**

Lecture: 2 Private: 13

Credits: 9

**Rationale & Purpose of the Module**

The aim of this module is to provide a detailed understanding of criminal justice processes and sentencing procedures and to encourage students to question the place of human rights within that system. By the end of the course students should be familiar with the various stages in the processes in Ireland, be aware of the strengths and weaknesses, see how human rights should fit into that system and have knowledge of comparative systems.

**Syllabus**

This course will consider the various stages of the criminal justice process from arrest, to trial, to sentence and the various disposal mechanisms. These will be analysed through a framework of human rights to identify the strengths and weakness of the different stages, and assess the compatibility of the Irish system with human rights obligations. What human rights are involved in the criminal justice system? How are the rights of the accused and of the victim balanced within the system? What challenges does the system face in an increasingly diverse Ireland? How can deficits in human rights standards be addressed? Other jurisdictions will be looked to as comparators in efforts to answer these questions.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Outline key features of criminal justice processes in Ireland.
* Outline the international framework which governs human rights aspects to criminal justice processes.
* Appraise the relationship between the various stakeholders in fundamental rights discourse, that is accused, victim and state, and assess how these interests should be balanced.
* Assess the requirements imposed by 21st century Ireland on the criminal justice system.
* Compare and contrast the approaches taken in various legal systems to adapting human rights obligations in the domestic context.
* Critically evaluate the extent to which the experiences and responses of other jurisdictions, as well as international human rights principles should influence Irish law.

**Primary Texts**

* O’Malley, *Sentencing: Towards a Coherent System* (Round Hall, 2011).
* O’Malley, *Sentencing Law and Practice* (3rd edn, Round Hall, 2016)
* O’Malley, *The Criminal Process* (Round Hall, 2010)

**Other Relevant Texts**

* Brewer, Lockhart and Rodgers, *Crime in Ireland 1945–95* (Clarendon Press, 1997)
* Conway, Daly and Schweppe, *The Irish Criminal Justice System: Theory, Process and Procedure* (Clarus Press, 2010)
* Fennell, *Crime and Crisis in Ireland: Justice by Illusion?* (Cork University Press, 1993)
* Final Report of the *Balance in the Criminal Law Review Group* (2007).
* Final Report of the *Strategic Review of Penal Policy Group* (2014).
* Kilcommins, O’Donnell, O’Sullivan and Vaughan, *Crime, Punishment and the Search for Order in Ireland* (Institute of Public Administration, 2005).
* Law Reform Commission of Ireland, *Consultation Paper on Sentencing* (Dublin, 1993) - full text available at www.lawreform.ie
* Law Reform Commission of Ireland, *Report on Sentencing* (LRC 53, Dublin, 1996) - full text available at www.lawreform.ie
* Law Reform Commission of Ireland, *Consultation Paper on Penalties for Minor Offences* (LRC CP18-2002) - full text available at www.lawreform.ie
* Law Reform Commission of Ireland, *Consultation Paper on Prosecution Appeals in Cases brought on Indictment* (LRC CP19-2002) - full text available at www.lawreform.ie
* Law Reform Commission of Ireland, *Report on Penalties for Minor Offences* (LRC 69-2003)
* Law Reform Commission of Ireland, *Consultation Paper on Prosecution Appeals form Unduly Lenient Sentences in the District Court* (LRC CP33-2004) - full text available at www.lawreform.ie
* Law Reform Commission, *Report on Prosecution Appeals and Pre-Trial Hearings* (LRC 81-2006) - full text available at www.lawreform.ie
* Law Reform Commission of Ireland, *Consultation Paper on Mandatory Sentences* (LRC CP 66-2011) - full text available at www.lawreform.ie
* Law Reform Commission of Ireland, *Report on Mandatory Sentences* (LRC 108-2013) - full text available at www.lawreform.ie
* McCullagh, *Crime in Ireland: A Sociological Introduction* (Cork University Press, 1996)
* McDermott, *Prison Law* (Round Hall, 2000)
* O’Donnell, O’Sullivan and Healy (Eds.), *Crime and Punishment in Ireland 1922 to 2003: A Statistical Sourcebook* (Institute of Public Administration, 2006)
* O’Donnell and O’Sullivan, *Crime Control in Ireland: The Politics of Intolerance* (Cork University Press, 2001)
* O’Donnell and McAuley (Eds), *Criminal Justice History: Themes and Controversies from Pre-independence Ireland* (Four Courts Press, 2003)
* O’Mahony, *Criminal Justice in Ireland* (Institute of Public Administration, 2002)
* O’Mahony, *Crime and Punishment in Ireland* (Round Hall, 1993)
* O’Mahony, *Criminal Chaos: Seven Crises in Irish Criminal Justice* (Round Hall, 1996)
* O’Mahony, *Prison Policy in Ireland: Criminal Justice versus Social Justice* (Cork University Press, 2000)
* O’Malley, *Sentencing: Towards a Coherent System* (Round Hall, 2011).
* O’Malley, *Sentencing Law and Practice* (3rd edn, Round Hall, 2016)
* Rogan, *Prison Law* (Bloomsbury Professional, 2014).
* Rogan, *Prison Policy in Ireland: Politics, Penal-Welfarism and Political Imprisonment* (Routledge, 2011).
* Ashworth and Redmane, *The Criminal Process* (4th edn, Oxford University Press, 2010)
* Ashworth, von Hirsh and Roberts, *Principled Sentencing: Readings on Theory and Policy* (3rd edn, Hart, 2009)
* Ashworth, *Sentencing and Criminal Justice* (5th edn, Cambridge University Press, 2010)
* Easton and Piper, *Sentencing and Punishment: The Quest for Justice* (2nd edn., Oxford University Press, 2008)

**Programme(s) in which this Module is Offered**

MLHRCJTFA – Human Rights in Criminal Justice

MLHRCJTPA – Human Rights in Criminal Justice

MAHRCJTFA – Human Rights in Criminal Justice

MAHRCJTPA – Human Rights in Criminal Justice

MLLAGETFA – (General)

MLLAGETPA – (General)

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

25% Mid-semester research assignment

75% End of semester research assignment

# LA6121 – LAW OF THE EUROPEAN CONVENTION OF HUMAN RIGHTS

**Module Leader**

Andrea Ryan

[Andrea.Ryan@ul.ie](mailto:Andrea.Ryan@ul.ie)

**Hours per Week**

Lecture: 2

Credits: 9

**Rationale & Purpose of the Module**

This module aims to provide students with an understanding of the role and function of the principal element in the Council of Europe’s framework for human rights protection through critically engaging with the underpinnings of the Convention and the vast body of Strasbourg case law.

**Syllabus**

The module will explore the influence and progress of the most developed regional mechanism for human rights protection. Convention rights will be examined on an article by article basis providing for a critical assessment of the development of each right and its treatment by the European Court of Human Rights. At the end of the course, students will be familiar with the articles and case law of the European Convention on Human Rights and the additional protocols, and will have gained a comprehensive understanding of the practice and procedure of the European Court on Human Rights.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Identify the key articles and case law of the European Convention on Human Rights, and its additional protocols.
* Explain the practice and procedure of the European Court of Human Rights.
* Differentiate between positive and negative rights under the Convention
* Appraise the impact of the incorporation of the European Convention on Human Rights into domestic legal systems.
* Revise existing literature on the development of Strasbourg case law and its influence on the legal development of Contracting States.
* Evaluate the contribution of the European Convention on Human Rights system to the protection and promotion of human rights at a regional level.

**How the Module is Taught & the Students’ Learning Experience**

The introductory classes will be presented through lectures by the course leader. Following these, cases will be presented by nominated students and a discussion of the topic will follow in which students will be expected to actively contribute; all students in the class should be familiar with at least one of the cases that has been presented in the seminar*.*

**Primary Texts**

* Harris, D.J. and O’Boyle, M. *Law of the European Convention on Human Rights.* (3rd edn, OUP 2014)

**Other Relevant Texts**

Further materials are recommended in lectures.

**Programme(s) in which this Module is Offered**

MAHRCJTFA – Human Rights in Criminal Justice

MAHRCJTPA – Human Rights in Criminal Justice

MLECLATFA – European and Comparative Law

MLECLATPA – European and Comparative Law - Part Time

MLLAGETFA – (General)

MLLAGETPA – (General) P/T

**Semester & Year to be First Offered**

Autumn 2009

**Academic Instruments**

100% Essay

# LA6132 – INTERNATIONAL CRIMINAL LAW

**Module Leader**

Ger Coffey

[[ger.coffey@ul.ie](mailto:ger.coffey@ul.ie)](mailto:ger.coffey@ul.ie)

**Hours per Week**

Lecture: 2  Private: 13

Credits: 9

**Rationale & Purpose of the Module**

This module aims to provide students with an understanding of international criminal law, to the extent that it operates as a mechanism for the international protection of human rights. The module will focus on the emerging international criminal justice system with emphasis on the permanent International Criminal Court. The module aims to develop the analytical skills of students in relation to the function, scope and operation of the international criminal justice system and its likely future development, as well as enabling students to apply the law to various situations. A good understanding of the central issues of international criminal law will therefore be promoted. A sound grasp of the relevant legal principles will be encouraged.

**Syllabus**

This module will explore the development and influence of international criminal law and critically engage with the established principles of international law as they relate to the protection of human rights. The emphasis will be on the practical elements such as the engagement of international criminal law in attempts to redress gross violations of human rights. Recent developments such as the establishment of the United Nations ad hoc tribunals and the International Criminal Court will be examined and assessed.

**Learning Outcomes**

On successful completion of this module, a student will be able to:

* Describe the development of international law.
* Assess the organisation and procedure of international criminal law mechanisms and institutions.
* Evaluate the extent to which these afford protection to basic human rights through examination of case law.
* Analyse the capacity of international criminal law to respond to gross violations of human rights.
* Critique the key debates as presented in case law, reports and academic writing.
* Locate the role and future of international criminal law in the area of human rights.

**Primary Texts**

* Schabas, *An Introduction to the International Criminal Court* (4th edn, Cambridge University Press, 2011).

**Other Relevant Texts**

* Bantekas, *International Criminal Law* (4th edn, Hart, 2010)
* Bassiouni, *Introduction to International Criminal Law* (Transnational Publishers, 2003)
* Cassese, *International Criminal Law* (2nd edn. Oxford University Press, 2004)
* Cassese and Gaeta (eds.), *Cassese’s International Criminal Law* (3rd edn, Oxford University Press, 2013).
* Cassese, Gaeta and Jones (eds.), *The Rome Statute of the International Criminal Court: A Commentary* (Oxford University Press, 2002)
* Cassese (eds.), *The Oxford Companion to International Criminal Justice* (Oxford University Press, 2009).
* Cryer, *An Introduction to International Criminal Law and Procedure* (Cambridge University Press, 2010).
* Dörmann, Doswald-Beck and Kolb, *Elements of War Crimes under the Rome Statute of the International Criminal Court: Sources and Commentary* (Cambridge University Press, 2003)
* Mettraux, *International Crimes and Ad Hoc Tribunals* (Oxford University Press, 2006).
* Ralph, *Defending the Society of States: Why America Opposes the International Criminal Court and Its Vision of World Society* (Oxford University Press, 2007)
* Romano, Nollkaemper and Kleffner, J., (eds), *Internationalized Criminal Courts and Tribunals: Sierra Leone, East Timor, Kosovo and Cambodia* (Oxford University Press, 2004)
* Sands, *From Nuremberg to the Hague: The Future of International Criminal Justice* (Cambridge University Press, 2003)
* Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge University Press, 2009).
* Schabas, *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone* (Cambridge University Press, 2009)
* Sriram, Martin-Ortega and Herman, *War, Conflict and Human Rights: Theory and Practice* (Routledge, 2010).
* Zahar and Sluiter*, International Criminal Law* (Oxford University Press, 2008)

**Programme(s) in which this Module is Offered**

MLHRCJTFA – Human Rights in Criminal Justice

MLHRCJTPA – Human Rights in Criminal Justice

MAHRCJTFA – Human Rights in Criminal Justice

MAHRCJTPA – Human Rights in Criminal Justice

MLLAGETFA – (General)

MLLAGETPA – (General)

**Semester & Year to be First Offered**

Autumn 2015

**Academic Instruments**

25% Mid-semester research assignment

75% End of semester research assignment

# LA6142 – POLICING AND HUMAN RIGHTS

**Module Leader**

Ger Coffey

[[ger.coffey@ul.ie](mailto:ger.coffey@ul.ie)](mailto:ger.coffey@ul.ie)

**Hours per Week**

Lecture: 2 Private: 13

Credits: 9

**Rationale & Purpose of the Module**

This module aims to teach students about the complex role of police in society and how that interacts with both the protection and abuse of human rights. By the end of the course students should be familiar with debates around the police function in society, police culture, police powers and accountability.

**Syllabus**

Unlike traditional course on policing, this course places human rights at the core of the issue. It works from the premise that at the heart of policing is the need to balance the rights of all members of society (as Patten said “policing is human rights”). Considering first the history of policing, questions as to the functions of the police, and thereby the role of human rights, will emerge. Three core issues will then be covered: police.

**Learning Outcomes**

On successful completion of this module, students will be able to:

* Recognise the role of policing in society.
* Outline the powers of the police and the legal or constitutional basis for those powers.
* Deduce the impact of police occupational sub-cultural on the use of those powers.
* Identify the human rights instruments and case law which interact with policing.
* Critique the academic debates relating to the role of human rights in policing.
* Apply these skills to domestic, European and international contexts.

**Primary Text**

* Walsh, *Human Rights and Policing in Ireland: Law, Policy and Practice* (Clarus Press, 2009).

**Other Relevant Texts**

* Orange, *Police Powers in Ireland* (Bloomsbury Professional, 2015)
* Conway, *Policing Twentieth Century Ireland: A History of An Garda Síochána* (Routledge, 2014)
* Conway, *The Blue Wall of Silence: The Morris Tribunal and Police Accountability in Ireland* (Irish Academic Press, 2010)
* Coen, *Garda Powers: Law and Practice* (Clarus Press, 2014)
* Goldsmith and Lewis (eds.), *Civilian Oversight of Policing: Governance, Democracy and Human Rights* (Hart, 2000).
* Pino and Wiatrowski (eds.), *Democratic Policing in Transitional and Developing Countries* (Ashgate, 2006).
* Lindholt, *Human Rights and the Police in Transitional Countries* (Kluwer Law International, 2003).
* Milne, Savage and Williamson (eds.), *International Developments in Investigative Interviewing* (Willan, 2008).
* Waddington, *Policing Citizens: Authority and Rights* (UCL Press, 1999).
* Neyroud and Beckley, *Policing, Ethics and Human Rights* (Willan, 2001).
* Punch, *Police Corruption: Deviance, Accountability and Reform in Policing* (Willan, 2009).
* Uildriks and van Reenen, *Policing Post-Communist Societies: Police-Public Violence, Democratic Policing and Human Rights* (Intersentia, 2003).
* Starmer, Michelle Strange, Quincy Whitaker, and Anthony Jennings, *Criminal Justice, Police Powers and Human Rights* (Blackstone’s Human Rights Series) (Blackstone Press, 2001).
* Kumar, *Human Rights Violations in Police Custody* (SBS Publishers (28 May 2009).
* Crawshaw, *Police and Human Rights: A Manual for Teachers and Resource Persons and for Participants in Human Rights Programmes: Second R (Raoul Wallenberg Institute Professional Guides to Human Rights)* (2nd ed., Martinus Nijhoff Publishers 2009).
* Crawshaw and Holmstrom, *Essential Texts on Human Rights for the Police: A Compilation of International Instruments (Raoul Wallenberg Institute Professional Guides to Human Rights)* (2nd ed., Brill, 2008).
* Lindholt, de Mesquita Neto, Titus, and Alemika, *Human Rights and the Police in Transitional Countries* (Brill, 2003).
* Neyroud and Beckley, *Policing, Ethics and Human Rights* (Willan Publishing, 2001).
* Crawshaw, *Police and Human Rights: A Manual for Teachers, Resource Persons and Participants in Human Rights Programmes* (Brill, 1999).
* Uildriks, *Police Reform and Human Rights: Opportunities and Impediments in Post-Communist Societies* (Intersentia, 2005).
* United Nations, *Human Rights Standards and Practice for the Police: Expanded Pocket Book on Human Rights for the Police* (United Nations, 2004). Available at: <http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>
* Irish Council for Civil Liberties, *Implementing Morris: An Agenda for Change: Placing Human Rights at the Core of Policing in Ireland* (November, 2006) - <http://www.iccl.ie/implementing-morris-an-agenda-for-change-placing-human-rights-at-the-core-of-policing-in-ireland-(november-2006)-.html>
* Mayberry, *Black Deaths in Police Custody and Human Rights: The Failure of the Stephen Lawrence Inquiry* (Hansib Publishing (Caribbean) Ltd., 2008).
* Walsh, *Criminal Procedure* (Round Hall, 2002).
* Villiers, *Police and Policing: An Introduction* (Waterside Press, 2009).
* Ebai, *The Role and Development of Human Rights-based Policing in the Transition from Dictatorship to Democracy in Cameroon* (Ph.D. Thesis, University of Limerick, 2007).

**Programme(s) in which this Module is Offered**

MLHRCJTFA – Human Rights in Criminal Justice

MLHRCJTPA – Human Rights in Criminal Justice

MAHRCJTFA – Human Rights in Criminal Justice

MAHRCJTPA – Human Rights in Criminal Justice

MLLAGETFA – (General)

MLLAGETPA – (General)

**Semester & Year to be First Offered**

Spring 2010

**Academic Instruments**

25% Mid-semester research assignment

75% End of semester research assignment

# LA6172 – ADVANCED FAMILY LAW: STANDPOINT AND RIGHTS-BASED PERSPECTIVES

**Module Leaders**

Lydia Bracken

[[Lydia.Bracken@ul.ie](mailto:Lydia.Bracken@ul.ie)](mailto:Lydia.Bracken@ul.ie)

Susan Leahy

[[Susan.Leahy@ul.ie](mailto:Susan.Leahy@ul.ie)](mailto:Susan.Leahy@ul.ie)

Kathryn O’Sullivan

[Kathryn.OSullivan@ul.ie](mailto:Kathryn.OSullivan@ul.ie)

**Hours per Week**

Lecture: 2 Private: 13

Credits: 9

**Rationale & Purpose of the Module**

The aim of this module is to engage students in a critical analysis of contemporary issues in family law by examining those issues through the theoretical perspectives of children’s rights, feminist theory, medical ethics and socio-legal theory. The module is designed to allow students to develop new perspectives on contemporary issues in family law and to encourage students to think more deeply about those issues to reflect upon their own perceptions (and sometimes prejudices) concerning the issues in question to understand the legal, social and cultural factors arising.

**Syllabus**

* Introduction to theoretical and rights-based perspectives: children’s rights, feminist theory, medical ethics, socio-legal theory
* Definitions of the family
* Marriage law in a multicultural society
* Family formation
* Parentage and parental responsibility
* The challenges posed by abuse and coercive relationships within the family
* Theoretical and gender-based analysis of contractual relationships in the family setting
* Emerging issues in family property law

**Learning Outcomes**

Upon successful completion of this module, students will be able to:

* Evaluate and critique contrasting legal constructions of the family and parentage.
* Demonstrate knowledge and critical understanding of issues arising in family formation.
* Understand the impact of relationship breakdown on families.
* Analyse the challenges posed by abuse within the family with reference to relevant theoretical and socio-legal perspectives.
* Examine the marriage contract and the process of contracting within intimate relationships with reference to relevant theoretical standpoints.
* Evaluate the need for law reform nationally and internationally in child and family law and demonstrate how reform might be achieved.

**Affective (Attitudes and Values)**

On completion of the module, students should be able to:

* Understand the different ways of defining and regulating the family.
* Appreciate the ways in which family law is shaped by social, moral and cultural factors.
* Adopt new perspectives on contemporary issues in family law which are grounded in children’s rights, feminist theory, medical ethics and socio-legal theory.

**Primary Texts**

* Bainham, *Children: The Modern Law*, (Family Law, 2005)
* Crowley, *Family Law*(Round Hall, 2013)
* Diduck and Kaganas, *Family Law, Gender and the State: Text, Cases and Materials* (Hart Publishing, 2012)
* Fortin, *Children’s Rights and the developing law*(Cambridge University Press, 2009)
* Smart, *The Ties that Bind: Law, Marriage and the Reproduction of Patriarchal Relations*(Routledge, 2014)
* Miles, *Marriage Rights and Rites*(Hart Publishing, 2015)

**Semester & Year to be First Offered**

Spring 2018

**Programme(s) in which this Module is Offered**

MLLAGETFA – (General)

MLLAGETPA – (General) P/T

MAHRCJTFA – Human Rights in Criminal Justice

MAHRCJTPA – Human Rights in Criminal Justice

MLHRCJTFA – Human Rights in Criminal Justice

MLHRCJTPA – Human Rights in Criminal Justice

**Academic Instruments**

Continuous assessment comprising of essay assignments and student presentations.

1. All modules include cognitive (knowledge, understanding, application, analysis, evaluation, synthesis) learning outcomes. [↑](#footnote-ref-1)