



# **Book of Modules 2018/2019**

**UNIVERSITY OF LIMERICK SCHOOL OF LAW  
SHANE KILCOMMINS, HEAD**

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## LA4001/LA4091 LEGAL SYSTEM & METHOD

### Module Leader

Angela

[Angelaliddy113@gmail.com](mailto:Angelaliddy113@gmail.com)

Liddy

### Hours Per Week

Lecture: 2 Tutorial: Start in week 4

Credits: 6

### Course Description

The aim of this module is to introduce students to the discipline of law, the operation of the Irish legal system, and to legal reasoning and methodology. The module will also provide a detailed understanding of foundational legal research and writing skills. Upon successful completion, students will have detailed knowledge of the legal process, including sources of law, the doctrine of precedent, the legal profession, court structure and procedure, and statutory interpretation.

### Syllabus

Topics to be covered include:

- Introduction to the Legal System
- The Doctrine of Precedent
- The Legal Profession
- The Court System
- The Legislative Process
- Interpretation of Legislation
- The Constitution
- International Law
- Remedies

Legal research and writing skills to be covered include:

- Legal Writing and Reasoning
- Citations and Referencing
- Working with Case Law
- Reading Legislation

### Learning Outcomes

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

- Describe the key legal and political institutions of the Irish legal system.

- Identify and explain the binding and persuasive sources of law in the Irish legal system.
- Evaluate the role of the courts within the constitutional separation of legal-political powers in Ireland.
- Examine and critique the operation of stare decisis or precedent in Irish adjudication.
- Evaluate the process of statutory interpretation in Irish adjudication.
- Undertake effective legal research and legal writing.

### **Lectures & Tutorials**

- There will be one two-hour lecture each week.
- Students will be required to read the recommended reading material for each lecture.
- Tutorials for the module will be held fortnightly, beginning in Week 4. The handout for each tutorial will be made available on SULIS prior to the tutorial. Students must have completed the recommended reading and exercises prior to the tutorial and be able to participate in discussion about the assigned tutorial questions. There will be four tutorials in the cycle: Tutorial 1 (Weeks 4&5); Tutorial 2 (Weeks 6&7); Tutorial 3 (Weeks 8&9); Tutorial 4 (Weeks 10&11). Students must attend one tutorial in each 2 week period.

### **Course Materials**

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.

### **Course Reading Materials**

#### **Core material**

Raymond Byrne and others, *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)

Jennifer Schweppe, Rónán Kennedy and Lawrence Donnelly, *How to think, write and cite: Key skills for Irish law students* (2nd edn, Roundhall 2016)

OSCOLA Ireland <http://legalcitation.ie/wp-content/uploads/2016/04/OSCOLA-Ireland-2016.pdf>

Constitution of Ireland/ Bunreacht na hÉireann (available at [www.irishstatutebook.ie](http://www.irishstatutebook.ie)).

Additional reading of legislation, case law, journal articles will be required during the course of the term.

**Semester – Year to be First Offered:** Autumn – 09/10

**Year Last Offered:** 2017/8

### **Assessment**

40% - Case note assignment.

60% - Essay assignment.

### **Repeat Assessment**

Where a student's cumulative grade for the case note and essay assignment is below the minimum academic performance standard, that student will be required to undertake a repeat assessment in the form of a 2 hour written examination at the annual repeats. The written examination will contain 4 essay-style questions. Students are required to answer any 2 questions. All questions carry equal marks. The repeat exam is worth 100% of the repeat grade.

### **Feedback**

Students will receive feedback on assignments submitted during the semester.



## LA4002 JURISPRUDENCE

### 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 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

Hope Davidson

[Hope.Davidson@ul.ie](mailto:Hope.Davidson@ul.ie)

### 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* (8<sup>th</sup> edn, Gill & MacMillan 2011)

Keenan A., *Essentials of Irish Business Law* (6<sup>th</sup> edn., Gill & MacMillan 2010)

Byrne R., McCutcheon J.P., Bruton C., & Coffey G., *The Irish Legal System* (6<sup>th</sup> 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

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

### Hours Per Week

Lecture: 2 Tutorial: 0

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 confidentiality 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 topics such as 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.
- Regulating reproduction.
- 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 & 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* (3<sup>rd</sup> edn, Bloomsbury 2016)

### **Other Texts**

Kenyon Mason and Graeme Laurie, *Mason and McCall Smith's Law and Medical Ethics* (9<sup>th</sup> edn, Oxford University Press 2013)

Jonathan Herring, *Medical Law and Ethics* (6<sup>th</sup> edn, Oxford University Press 2016)

Emily Jackson, *Medical Law: Text, Cases and Materials* (4<sup>th</sup> edn, Oxford University Press 2016)

### **Academic Instruments**

Essay

End of Semester Exam

Repeat Exam: (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 & PARTNERSHIP LAW

### Module Leader

Hope Davidson

[Hope.Davidson@ul.ie](mailto:Hope.Davidson@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* (5<sup>th</sup> 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* (4<sup>th</sup> edn Gill & Macmillan 2015)

Courtney, *The Laws of Companies* (4<sup>th</sup> edn Bloomsbury Professional 2016)

Ellis, *Modern Irish Company Law* (2<sup>nd</sup> edn Jordans 2004)

Keane, *Company Law* (5<sup>th</sup> 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

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

### 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* (2<sup>nd</sup> edn, Roundhall 2016)

### **Other Relevant Texts**

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

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

Autumn 2009

### **Academic Instruments**

- Original assessment
- Multiple choice quiz on Sulis
- Case note
- Final essay
- Repeat assessment
- Closed-book examination. Two hours, five questions, attempt three. All questions carry equal marks.

## LA4012 COMPARATIVE LEGAL SYSTEMS

### Module Leader

Hope Davidson

[Hope.Davidson@ul.ie](mailto:Hope.Davidson@ul.ie)

### 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
- 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* (3<sup>rd</sup> edn, Routledge: Cavendish 2008)  
Zweigert, K., & Kötz, H., *An Introduction to Comparative Law* (3<sup>rd</sup> edn, Oxford University Press 1998)

### **Other Relevant Texts**

Raymond Byrne et al, *Byrne and McCutcheon on the Irish Legal System* (6<sup>th</sup> edn, Bloomsbury 2014)

Cownie, Bradney, & Burton, *English Legal System in Context* (5<sup>th</sup> edn, Oxford University Press, 2010)

Craig and de Búrca, *EU Law: Text, Cases and Materials* (6<sup>th</sup> 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* (4<sup>th</sup> edn, Oxford University Press 2010)

Merryman and Pérez-Perdomo, *The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America* (3<sup>rd</sup> edn, Stanford University Press 2007)

Robinson, O., Fergus, T., and Gordon, W., *European Legal History* (3<sup>rd</sup> 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**

100% end of year examination.

**Semester & Year to be First Offered:** Spring 2010

## LA4013 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: 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 as 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*, 3<sup>rd</sup> edn, (Round Hall, 2011)

McGonagle, M. (2003) *Media Law*, 2<sup>nd</sup> 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*, 21<sup>st</sup> edn, (Oxford: Oxford University Press 2012).

Smart, *Media & Entertainment Law*, 2<sup>nd</sup> edn, (Oxon, Routledge, 2014).

**Semester & Year to be First Offered:** Autumn 2009

**Academic Instruments**

20% continuous assessment during term and 80% 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.



## LA4017 ADVANCED LAWYERING 1

### Module Leader

Jonathan McCarthy

[Jon.McCarthy@ul.ie](mailto:Jon.McCarthy@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 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.

### 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* (6<sup>th</sup> edn, Bloomsbury 2014)

Blake et al, *A Practical Approach to Alternative Dispute Resolution* (3<sup>rd</sup> edn, OUP 2014)

Boyle et al, *A Practical Guide to Lawyering Skills* (3<sup>rd</sup> edn, Cavendish Publishing 2005)

Dowling-Hussey et al, *Arbitration law* (2<sup>nd</sup> edn, Thomson Round Hall 2014)

**Semester - Year to be First Offered:** Autumn 2011

**Academic Instruments**

50% Essay Assignment; 50% End of year examination

For repeats, an examination will account for 100% of the final grade.

## LA4021 CHILD LAW

### Course Leader

Lydia Bracken

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

### 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 & 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*, 4<sup>th</sup> edn, Gill & Macmillan

Forde and Leonard (2013) *Constitutional Law of Ireland*, 3<sup>rd</sup> 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)

### 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*, 3<sup>rd</sup> edn (Tottel, Sussex, 2005)

White, F., *Commercial Law*, 2<sup>nd</sup> 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.

## LA4112 CRIMINAL PROCEDURE (ONLINE)

### Module Leader

Margaret Fitzgerald  
[Margaret.Fitzgerald-OReilly@ul.ie](mailto:Margaret.Fitzgerald-OReilly@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 & Legal Representation
- Initiating Court Proceedings
- Prosecutions & Trial Procedure
- Jury Trials
- Media perspectives on criminal justice processes
- 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

## LA4032 CRIMINAL PROCEDURE

### Module Leader

Dr Andrea Ryan  
andrea.ryan@ul.ie

### Hours Per Week

Lecture: 2  
Credits: 6

### Rationale & Purpose of the Module

This course 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 investigation, trial procedure, and the sentencing process will be considered in depth. By the end of the course students should have a strong, and critical, understanding of the how the criminal justice system operates.

### Syllabus

- Criminal Justice Models, Adversarial System, Due Process, Jury Trials, crime and the media: legislative responses to criminal justice 'in crisis'
- Classifications of Crime, An Garda Síochána, The Irish Courts
- Police Powers, Stop and Search, Arrest & Detention
- Questioning and Legal Representation
- Bail
- Prosecutions, Delay, Initiating Court Proceedings, Indictments, Arraignments and Pleas
- Trial Procedure, Evidence & the Jury, the Special Criminal Court; Role of the victim
- Principles of Sentencing, Sentencing Options
- Appeals
- Miscarriages of Justice

### 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 which 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 which the prosecution of an individual follows from arrest to conviction and sentencing and the possibility of appeal.
- 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 lectures where active discussion by students is encouraged.

### **Recommended General Texts**

Ashworth Sentencing and Criminal Justice, (Cambridge University Press, 2005)

Ashworth and Redmayne The Criminal Process, 3rd Edition (OUP, 2005)

Auld, R.E. Review of the Criminal Courts of England and Wales; Report. (2001)

Bacik and Heffernan Criminal Law and Procedure: Current Issues and Emerging Trends (Firstlaw, 2009)

Balance in the Criminal Law Review Group Final Report March 2007

Conway, Daly and Scheppe Irish Criminal Justice: Theory, Process and Procedure (Clarus Press, 2010)

Easton and Piper Sentencing and Punishment: The Quest for Justice, (OUP, 2005)

Fennell, C. Crime and Crisis in Ireland – Justice by Illusion Cork UP 1993

Heffernan, L. Evidence in criminal trials (Bloomsbury 2014)

Ligeti, K. Toward a prosecutor for the European Union a comparative analysis Volume 1 (Hart 2012) (Chapter on Ireland) (available as E-book)

O'Mahony Criminal Justice in Ireland, (IPA, 2002)

O'Malley Criminal Procedure (Round Hall, 2009)

O'Malley Sentencing Law and Practice 2nd edition, (Round Hall, 2006)

Sanders and Young Criminal Justice, 3rd Edition, (Butterworths, 2006)

Walsh, D. Walsh on Criminal Procedure, (Dublin, Round Hall, 2016)

(First edition available also in Library)

Other readings will be recommended for each topic. Some readings will be made available through Sulis.

**Semester & Year to be First Offered:** Spring 2015

**Academic Instruments:** 100% End of Semester Essay, Repeat Assessment 100% Essay

## LA4033 LAW OF THE EUROPEAN UNION 1

### 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 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, and the Court of Justice of the European Union).

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, and the General Court, 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* (11<sup>th</sup> edn), Essex: Pearson

Carolan, B. (2009) *EU Law for Students in Ireland* (2<sup>nd</sup> edn), Dublin: Gill & Macmillan

Chalmers, D., Monti, G., and Tomkins, A. (2010) *European Union Law* (2<sup>nd</sup> edn), Cambridge: Cambridge University Press

Craig, P. and De Búrca, G. (2015) *EU Law Text, Cases, and Materials*. (6<sup>th</sup> edn), Oxford: Oxford University Press

Kaczorowska-Ireland, A. (2016) *European Union Law* (4<sup>th</sup> 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* (12<sup>th</sup> edn), Oxford: Oxford University Press

Foster, N. (2014) *Foster on EU Law* (4<sup>th</sup> edn), Oxford: Oxford University Press

### **Other Relevant Texts**

Dashwood, A., Wyatt, D. (2011) *Wyatt and Dashwood's European Union Law* (6<sup>th</sup> 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* (11<sup>th</sup> 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**

65% End of Semester Written Exam; 30% Mid-Term Written Exam; 5% Sulis Multiple Choice Quiz

Repeat format: Where student has completed the in-term assessments, the repeat exam will be a 65% 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 Leaders

John Lombard

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

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

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 IP 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
- 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.
- Copyright
- Designs

### 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 & 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* (4<sup>th</sup> edn, Bloomsbury Professional 2016)

### **Other Texts**

Lionel Bently and Brad Sherman, *Intellectual Property Law* (4<sup>th</sup> edn, Oxford University Press 2014)

David Bainbridge, *Intellectual Property* (9<sup>th</sup> edn, Longman 2012)

### **Academic Instruments**

Essay:

End of Semester Exam:

Repeat Exam: (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*, 4<sup>th</sup> 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*, 4<sup>th</sup> 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* (3<sup>rd</sup> 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., *Evidence* (2<sup>nd</sup> 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* (2<sup>nd</sup> 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

Norah Burns  
norah.burns@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*, 4<sup>th</sup> 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**

End-of-term exam: 80%

Continuous Assessment: 20%

**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* (11<sup>th</sup> edn), Essex: Pearson

Carolan, B. (2009) *EU Law for Students in Ireland* (2<sup>nd</sup> edn), Dublin: Gill & Macmillan

Chalmers, D., Monti, G. and Tomkins, A. (2013) *European Union Law* (3<sup>rd</sup> edn), Cambridge: Cambridge University Press

Craig, P. and De Búrca, G. (2015) *EU Law Text, Cases, and Materials*. (6<sup>th</sup> edn), Oxford: Oxford University Press

Kaczorowska-Ireland, A. (2016) *European Union Law* (4<sup>th</sup> 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* (12<sup>th</sup> edn), Oxford: Oxford University Press

Foster, N. (2014) *Foster on EU Law* (4<sup>th</sup> ed.), Oxford: Oxford University Press

Horspool, M., Humphreys, M. (2014) *European Union Law* (8<sup>th</sup> edn) Oxford: Oxford University Press

### **Other Relevant Texts**

Barnard, C. (2013) *The Substantive Law of the European Union* (4<sup>th</sup> edn), Oxford: Oxford University Press

Barnard, C. (2012) *EU Employment Law* (4<sup>th</sup> edn), Oxford: Oxford University Press

Jones, A., Sufrin, B.E. (2014) *EU competition law: text, cases, and materials* (5<sup>th</sup> edn), Oxford: Oxford University Press

Oliver, P. (2010) *Oliver on free movement of goods in the European Union* (5<sup>th</sup> edn), Oxford: Hart

Ezrachi, A. (2014) *EU competition law: an analytical guide to the leading cases* (4<sup>th</sup> edn), Oxford: Hart Publishing

McNab, A., (ed.) (2013) *Bellamy & Child materials on European Union law of competition* (6<sup>th</sup> 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**

65% End of Semester Written Exam; 30% Mid-Term Written Exam; 5% Sulis Multiple Choice Quiz

Where student has completed the in-term assessments, the repeat exam will be a 65% written examination. Where the student has not completed the in-term assessments, the exam will be 100%.

## LA4048 ADVANCED LAWYERING 2

### **Module Leader**

Jonathan McCarthy

[Jon.McCarthy@ul.ie](mailto:Jon.McCarthy@ul.ie)

### **Hours per week**

Credits: 6

### **Rationale & Purpose of the Module**

The aim of this module is to allow 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**

The topics of group projects are chosen and run by members of the faculty as 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 their preferences for 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 and therefore 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 submissions and students will be allocated into each group. Alternatively, if a student does not want to participate 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.

### **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 & VICTIMOLOGY

### Module Leaders

Professor Shane Kilcommins

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

Dr Alan Cusack

[Alan.Cusack@ul.ie](mailto:Alan.Cusack@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 & 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* (2<sup>nd</sup> 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*, 2<sup>nd</sup> 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

MLHRCJTFA – 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)

### 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, *How to think, write and cite: Key skills for Irish law students* (2<sup>nd</sup> 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* (2<sup>nd</sup> edn, Oxford University Press, 2012)

Williams, G., *Glanville Williams Learning the Law* (Smith, A.T.H. Ed) (14<sup>th</sup> 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 & 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 & 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* (2<sup>nd</sup> 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.



## LA4073 INTRODUCTION TO CRIMINAL JUSTICE

### Module Leader

Jonathan McCarthy

[Jon.McCarthy@ul.ie](mailto:Jon.McCarthy@ul.ie)

### Hours Per Week

Lecture: 2 Private: 8

Credits: 6

### Rationale & Purpose of the Module

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. It is a study of major components of criminal justice in Ireland, which include concepts of law and crime, the criminal justice process, and overview of criminal justice agencies, current criminal justice issues, interactions and conflicts between criminal justice agencies. 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. Making of criminal justice policy
- 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
- Penal policy and rationales for sentencing
- Sentence management and the treatment of offenders
- The status of victims within the criminal justice procedures
- Emerging issues in criminal justice law and policy.

### Learning Outcomes

- Acquire an informed understanding of the basic components of criminal justice processes.
- Recognise the major sources of crime data, and their uses and limitations.
- Critically evaluate due process and crime control policies in the criminal justice system.
- Examine criminal court systems and adversarial concepts.

- Critique the purposes of punishment.
- Describe the sentencing process.
- Evaluate the utility of restorative justice.
- Understand the influences on criminal justice policy making.

### **Affective (Attitudes & Values)**

- Develop the student's analytical thinking capabilities through comparison and contrast in the application of theories and concepts.
- Enhance the student's literacy skills through readings, discussions, and assessment instruments.
- Preparation for more advanced study in criminal justice.

### **How the Module is Taught & the Students' Learning Experience**

This module will be taught through weekly lectures during which students will actively explore and discuss the concepts and theories in question. The module will be research-led, based on extensive doctrinal research and understanding of the contemporary issues emerging in criminal justice.

### **Primary Texts**

O'Malley (2009) *The Criminal Process*, Round Hall;

Conway, Daly and Schweppe (2010) *The Irish Criminal Justice System: Theory, Process and Procedure*, Clarus Press;

O'Mahony (2002) *Criminal Justice in Ireland*, Institute of Public Administration

### **Other Relevant Texts**

Kilcommins, O'Donnell, O'Sullivan and Vaughan (2005) *Crime, Punishment and the Search for Order in Ireland*, Institute of Public Administration;

O'Donnell and O'Sullivan (2001) *Crime Control in Ireland: The Politics of Intolerance*, Cork University Press;

O'Donnell and McAuley (eds.) (2003) *Criminal Justice History: Themes and Controversies from Pre-independence Ireland*, Four Courts Press;

Fennell (1993) *Crime and Crisis in Ireland: Justice by Illusion?* Cork University Press;

O'Mahony (1993) *Crime and Punishment in Ireland*, Round Hall;

O'Mahony (1996) *Criminal Chaos: Seven Crises in Irish Criminal Justice*, Round Hall;

O'Malley (2011) *Sentencing: Towards a Coherent System*, Round Hall;

O'Malley (2006) *Sentencing Law and Practice*, Round Hall;  
Rogan (2011) *Prison Policy in Ireland: Politics, Penal-Welfarism and Political Imprisonment*, Routledge;  
Walsh and McCutcheon (eds.) (2000) *Confiscation of Criminal Assets*, Round Hall;  
Ashworth and Redmane (2010) *The Criminal Process*, Oxford University Press;  
Gibson and Cavadino (2008) *The Criminal Justice System: An Introduction*, Waterside Press;  
Hucklesby and Wahidin (eds.) (2013) *Criminal Justice*, Oxford University Press;  
Sanders and Young (2010) *Criminal Justice*, Oxford University Press;  
Wahidin and Carr (2013) *Understanding Criminal Justice: A Critical Introduction*, Routledge.

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

BAARTSUDA - Arts

BAARTSUEA - Arts

BAARTSUFA - Arts

**Assessment Instruments:** 90% end-of-term examination; 10% continuous assessment.

## LA4082 LAW OF EVIDENCE

### Module Leader

Dr Andrea Ryan  
andrea.ryan@ul.ie

### Hours Per Week

Lecture: 2  
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., *Evidence* (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 2012

### **Academic Instruments**

100% End of Year Examination

Repeat Assessment 100% Examination

## LA4111/LA4191 CONTRACT LAW 1

### Module Leader

Jonathan McCarthy

[Jon.McCarthy@ul.ie](mailto:Jon.McCarthy@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*, 2<sup>nd</sup> edn, (Round Hall, 2000)

Clarke, *Contract Law in Ireland*, 8<sup>th</sup> edn, (Roundhall, 2016)

Enright, *Principles of Irish Contract Law*, (Clarus Press, 2007)

McDermott, *Contract Law*, 2<sup>nd</sup> edn, (Bloomsbury, 2017)

**Semester & Year to be First Offered:** Autumn 2009

**Academic Instruments**

100% closed-book end-of-term exam

Repeats: 100% closed-book end-of-term exam

## LA4122/LA4192 CONTRACT LAW 2 (EVENING)

### Module Leader

Jonathan McCarthy

[Jon.McCarthy@ul.ie](mailto:Jon.McCarthy@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*, 2<sup>nd</sup> edn, (Round Hall, 2000)

Clarke, *Contract Law in Ireland*, 8<sup>th</sup> edn, (Roundhall, 2016)

Enright, *Principles of Irish Contract Law*, (Clarus Press, 2007)



McDermott, *Contract Law*, 2<sup>nd</sup> edn, (Bloomsbury, 2017)

**Academic Instruments**

100% closed-book end-of-term exam

Repeats: 100% closed-book end-of-term exam

## LA4205 NURSING & MIDWIFERY & THE LAW

### Module Leader

Hope Davidson

Hope.Davidson@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 & 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*, 2<sup>nd</sup> edn, Dublin: Gill & Macmillan.

### **Other Texts**

Dimond, B. (2006) *The Legal Aspects of Midwifery*, 3<sup>rd</sup> 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*, 5<sup>th</sup> edn, Haywards Heath: Bloombury Professional

Casey, P. (2000) *Constitutional Law in Ireland*, 3<sup>rd</sup> edn, Dublin: Round Hall Sweet & Maxwell.

Casey, P.R. and Craven, C (2010) *Psychiatry and the Law*, 2<sup>nd</sup> edn, Dublin: Blackhall Publishing.

Doolan, B. (2011) *Principles of Irish Law*, 8<sup>th</sup> edn, Dublin: Gill & Macmillan

Dooley, D. and McCarthy, J. (2011) *Nursing Ethics: Irish Cases and Concerns*, 2<sup>nd</sup> 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*, 2<sup>nd</sup> 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*, 2<sup>nd</sup> 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

### Module Leader

Paul McCutcheon

Paul.McCutcheon@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.
- The elements of a crime.
- *Actus reus*: voluntary conduct; automatism; omissions.
- *Mens rea*: intention, recklessness, criminal negligence.
- *Mens rea* in penal statutes.
- Offences of strict liability; mens rea in penal structures.
- General defences: insanity, infancy, intoxication, mistake, necessity, duress, self-defence.
- Participation: principals and accessories, vicarious liability.

### Learning Outcomes

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

- Describe the 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.
- 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 & 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**

The module will be taught through a series of lectures. Students will be expected to have relevant material (e.g. chapter in a textbook) in advance. There will be five tutorials in which selected topics are analysed in detail: students will be required to have read assigned material (e.g. cases, statutes, articles) and to participate actively in tutorial sessions. Relevant material and discussion points will be posted on Sulis.

### **Primary Texts**

Hanly, *An Introduction to Irish Criminal Law* (3<sup>rd</sup> edn, Gill & Macmillan, 2015)

McAuley and McCutcheon, *Criminal Liability* (Round Hall, 2000)

### **Other Relevant Texts**

Coffey, *Criminal Law* (Round Hall, 2010).

McIntyre, McMullan, Ó Toghda, *Criminal Law* (Round Hall 2012).

Campbell, Kilcommins, and O'Sullivan, *Criminal Law in Ireland: Cases and Commentary* (Clarus Press, 2009).

Horder, Ashworth's *Principles of Criminal Law* (8<sup>th</sup> edition Oxford, 2016)

**Semester & Year to be First Offered:** Autumn 2009

### **Academic Instruments**

10% tutorial participation

90% end of semester examination. The repeat assessment will follow the same format.

## LA4222 CRIMINAL LAW 2

### Module Leader

Paul McCutcheon

[Paul.McCutcheon@ul.ie](mailto:Paul.McCutcheon@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 offences against the person. This module introduces students to the specific offences such as homicide, sexual offences, and property offences.

### Syllabus

- Homicide: murder & manslaughter: partial defences to murder
- 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. Students will be expected to have relevant material (e.g. chapter in a textbook) in advance. There will be five tutorials in which selected topics are analysed in detail: students will be required to have read assigned material (e.g. cases, statutes, articles) and to participate actively in tutorial sessions. Relevant material and discussion points will be posted on Sulis.

### **Primary Texts**

McAuley and McCutcheon, *Criminal Liability* (Round Hall, 2000)

Hanly, *An Introduction to Irish Criminal Law* 3<sup>rd</sup> edn (Dublin: Gill & Macmillan, 2015).

### **Other Relevant Texts**

McIntyre, McMullan & O'Toghda, *Criminal Law*, (Dublin: Round Hall, 2012).

Campbell, Kilcommins, O Sullivan, *Criminal Law in Ireland: Cases and Commentary* (Dublin: Clarus Press, 2010).

Coffey, G., *Criminal Law* (Dublin: Round Hall, 2010).

Holder, Ashworth's Principles of Criminal Law (8<sup>th</sup> edition, Oxford, 2016)

**Year to be First Offered:** Spring 2010

### **Academic Instruments**

10% tutorial participation

90% end of semester examination. The repeat assessment will follow the same format.

## LA4290 COMPANY LAW 1 (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

### 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*, 5<sup>th</sup> edn, Bloomsbury  
Callanan, *An Introduction to Irish company Law* 4<sup>th</sup> 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/LA4390 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*. 4<sup>th</sup> edn (Dublin: Gill & Macmillan, 2014)

McMahon & Binchy, *The Irish Law of Torts*. 4<sup>th</sup> 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/LA4392 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
- 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.
- Defamation
- Alternative compensation systems
- Trespass to the person, land & goods

### 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*. 4<sup>th</sup> edn (Dublin: Gill & Macmillan, 2014)

McMahon & Binchy, *The Irish Law of Torts*. 4<sup>th</sup> 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*. 4<sup>th</sup> edn (Dublin: Gill & Macmillan, 2014)

McMahon & Binchy, *The Irish Law of Torts*. 4<sup>th</sup> 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/LA4190 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*, 3<sup>rd</sup> edn, Dublin: Firstlaw

Hogan and Whyte (2003) *JM Kelly: The Irish Constitution*, 4<sup>th</sup> 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*, (4<sup>th</sup> 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*, (2<sup>nd</sup> edn., Dublin: Round Hall, 1990)

Gerard Hogan, *The Origins of the Irish Constitution 1928–1942*, (Dublin: RIA, 2012).

### **Academic Instruments**

Repeat assessment: formal written examination 100 marks

## LA4440/LA992 CONSTITUTIONAL LAW 2

### Module Leader

Norah Burns  
Norah.Burns@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*, 3<sup>rd</sup> edn, Dublin: Firstlaw

Hogan and Whyte (2003) *JM Kelly: The Irish Constitution*, 4<sup>th</sup> 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*, (4<sup>th</sup> 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*, (2<sup>nd</sup> 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 30 marks.

Repeat assessment: formal written examination 100 marks

## LA4062 CONSTITUTIONAL LAW 2 (EVENING)

### Module Leader

Norah Burns  
norah.burns@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.

### Primary Texts

Casey (2000) *Constitutional Law in Ireland*, Dublin: Round Hall Sweet and Maxwell  
Forde and Leonard (2013) *Constitutional Law*, 3<sup>rd</sup> edn, Dublin: Firstlaw  
Hogan and Whyte (2003) *JM Kelly: The Irish Constitution*, 4<sup>th</sup> 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*, (4<sup>th</sup> 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*, (2<sup>nd</sup> 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 30 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)

### 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*, 5<sup>th</sup> edn, Bloomsbury  
Callanan, *An Introduction to Irish company Law* 4<sup>th</sup> edn, Gill & McMillan  
Courtney, *The Law of Companies*, *Fourth edition*

**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*, 5<sup>th</sup> edn, Bloomsbury

Callanan, *An Introduction to Irish company Law* 4<sup>th</sup> edn, Gill & McMillan

Courtney, *The Law of Companies, Fourth edition*

**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/LA4690 LAND LAW 1

### Module Leader

Angela Liddy

**Hours per week:** Lecture 3

AngelaLiddy113@gmail.com

### Rationale & Purpose of the Module

To examine the fundamental aspects of legal control over real property, including the legal evolution of title.

### Syllabus

- The nature of land law and its historical evolution, the concept of estates and tenure.
- Freehold estates, fee farm grants, fee simples, fee tails, life estates, pyramid titles, future interests, incorporeal hereditaments.
- Co-ownership.
- Registration of interests in real property.
- Extinction of interests, adverse possession, merger.
- Disabilities.

### Learning Outcomes

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

- Identify the various estates and interests in land
- Define the limits of land ownership and the rules which govern finding disputes.
- Differentiate between legal and equitable interests in land.
- Explain how estates and interests in land are created, transferred and lost.
- 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.

### Prime Texts

Principles of Irish Property Law Fiona De Londras Clarus Press

**Semester – Year to be First Offered:** Autumn – 09/10

**Year Last Offered:** 2014/5

**Assessment**

100% written examination, comprising of problem and essay-style questions. Students are required to answer any three questions.

**Repeat Assessment:** 100% written examination to be completed in the Autumn.

## LA4692 LAND LAW 2

### Module Leader

Angela Liddy

[AngelaLiddy113@gmail.com](mailto:AngelaLiddy113@gmail.com)

**Hours per week:** Lecture 3

**Credits:** 6

### Rationale & Purpose of the Module

To familiarise the student with a detailed knowledge of the regulatory aspects of the use of real property, including landlord and tenant law and the law of succession.

### Syllabus

- The laws relating to succession, statutory control of the right to devolve property upon death, wills and intestacies.
- Landlord and Tenant Law, nature and creation of the relationship, determination of the relationship, statutory control of tenancies, public welfare codes.
- Lesser interests in real property including licences and covenants.
- The distinction between leases and licences.
- Mortgages.

### Learning Outcomes

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

- Outline the key principles of the law governing strict settlements, succession, the landlord and tenant relationship, mortgages and registration of title.
- Specify the requirements for a valid will and the rules which 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.

### Prime Texts

Principles of Irish Property Law Fiona De Londras Clarus Press

**Semester - Year to be First Offered:** Spring - 09/10

**Year Last Offered:** 2014/5

## LA4810 EQUITY & 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 & 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* 6<sup>th</sup> edn (Round Hall, 2016)

Keane, *Equity and the Law of Trusts in Ireland* 2<sup>nd</sup> edn (Bloomsbury Professional, 2017)

Courtney, *Mareva Injunctions and Related Interlocutory Orders* (Butterworths, 1998)



Farrell, *Irish Law of Specific Performance* (Butterworths, 1994)

Hanbury and Martin, *Modern Equity* 20<sup>th</sup> edn (Sweet & Maxwell, 2015)

**Semester & Year to be First Offered:** Autumn 2009

**Academic Instruments**

Original assessment: 30% in-term assignment; 70% exam (mix of essay and problem questions)

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

## LA4828 EQUITY & 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 & 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 3rd edn (Haywards Heath: Bloomsbury, 2017)

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 PRINCIPLES OF LAW

### Module Leader

Hope Davidson

Hope.Davidson@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, European Union law, 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 that 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, criminal, tort, and European Law.
- 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* (6<sup>th</sup> edn Hayward Heath Bloomsbury Professional 2014)

Doolan, B, *Principles of Irish Law*, 8<sup>th</sup> edn, (Dublin: Gill & Macmillan, 2011).

### **Assessment Instruments**

The examination is a 100% end of year examination.

**Semester & Year to be First Offered:** Autumn 2009

## LA4101 LAW OF EVIDENCE (Online)

### Module Leaders

Shane Kilcommins

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

Dr 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 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* (3<sup>rd</sup> 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., *Evidence* (2<sup>nd</sup> 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* (2<sup>nd</sup> 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

(100% end of year examination for repeat students)

## 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 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*, 5<sup>th</sup> edn, Bloomsbury  
Callanan, *An Introduction to Irish company Law* 4<sup>th</sup> 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 & THE LAW

### Module Leader

Laura Donnellan

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 on the governance of sport on both a domestic and international level, it will then examine 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. The issues surrounding eligibility will be examined including the IAAF rules on hyperandrogenism and the rights of transgender athletes. Child Protection in sport with a focus on the legal and non-legal protections will be analysed. 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* (2<sup>nd</sup> edn), Kluwer

L. (2018/19) *Sport and the Law*: (2<sup>nd</sup> edn,) Dublin: Clarus Press

Anderson, J. (2010) *Modern Sports Law*, London: Hart

Gardiner, S. et al. (2012) *Sports Law* (4<sup>th</sup> edn,), London: Cavendish,

Cox, N., Schuster, A. (2004) *Sport and the Law*, Dublin: Firstlaw

James, M. (2017) *Sports Law* (3<sup>rd</sup> edn,), London: Palgrave MacMillan

### **Other Relevant Texts**

Barnes, J. *Sports and the law in Canada* (3<sup>rd</sup> edn, Toronto: Butterworths, 1996)

Beloff, M. (2012) *Sports law* (2<sup>nd</sup> 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* (2<sup>nd</sup> edn,), Melbourne, Oxford University Press

Healey, D. (2009) *Sport and the Law* (4<sup>th</sup> 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% factsheet/brochure (if a student decides not to do the factsheet/brochure 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 & REDRESS: GENDER, SEXUALITY & 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 LGBT 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 CIS normativity.
- 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 & 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 lectures 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 21<sup>st</sup> 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 & 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* 4<sup>th</sup> edn (Oxford University Press, 2012)

Regan M. (Ed), *Employment Law*, (Tottel, 2009)

### **Other Texts**

Blanpain, *European Labour Law* 13<sup>th</sup> rev. edn (Kluwer, 2012)

Daly and Doherty, *Principles of Irish Employment Law* (Clarus Press, 2010)

Forde and Byrne, *Employment Law* 3<sup>rd</sup> 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* 2<sup>nd</sup> 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*, 2<sup>nd</sup> edn, (Firstlaw, 2008)

Redmond, *Dismissal Law in Ireland* 2<sup>nd</sup> 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 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.

### 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 as 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 broken 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 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. 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 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**

20% continuous assessment during term and 80% 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 has been completed, the repeat examination will account for 100% of the grade.

## LA5121 COMPARATIVE LAW OF REAL PROPERTY

### Module Leader

Una Woods

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

### 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* 2<sup>nd</sup> 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* 2<sup>nd</sup> edn, (Clarus Press, 2011)
- Jourdan S and Radley-Gardner O, *Adverse possession* 2<sup>nd</sup> edn, (Bloomsbury Professional, 2011)
- Lyall A, *Land Law in Ireland* 3<sup>rd</sup> 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* 4<sup>th</sup> edn (Butterworths, 1997)
- Wylie JCW, *Irish Land Law* 5<sup>th</sup> edn (Bloomsbury Professional, 2013)
- Wylie JCW, *Landlord and Tenant Law* 2<sup>nd</sup> edn (Butterworths, 1998)
- Zweigert K and & Kotz H, *An Introduction to Comparative Law* 3<sup>rd</sup> 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 & 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)

### 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.

- Cross-border mergers and acquisitions, including national control over corporate ownership in protected sectors.

## **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*, 2<sup>nd</sup> 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 & 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*, 3<sup>rd</sup> edn, Cambridge University Press.

Klabbers, J. (2009) *An Introduction to International Institutional Law*, 2<sup>nd</sup> edn, Cambridge University Press.

Lester, S. and Mercurio, B. (2012) *World Trade Law: Text, Materials and Commentary*, 2<sup>nd</sup> 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*, 9<sup>th</sup> 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*, 3<sup>rd</sup> 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, 9<sup>th</sup> edn.

*EC Law, Text, Cases and Materials*, Craig and de Búrca, 5<sup>th</sup> 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, 3<sup>rd</sup> 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, 5<sup>th</sup> 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 *Competition 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.

## 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 & 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*, 4<sup>th</sup> edn, Oxford University Press.

Regan (Ed), (2009) *Employment Law*, Tottel, Hayward's Heath.

### **Other Texts**

Blanpain, R. (2012) *European Labour Law* 13<sup>th</sup> 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 & 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.

### **Primary Texts**

Liebling et al (Eds) (2017) *The Oxford Handbook of Criminology*, 6<sup>th</sup> 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*, 6<sup>th</sup> 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*, 3<sup>rd</sup> edn, Open University Press

Williams (2012) *Textbook on Criminology*, 7<sup>th</sup> edn, Oxford University Press

**Semester & Year to be First Offered:** Spring 2016

### **Academic Instruments**

100% continuous assessment.

## LA6062 COMPARATIVE & 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 than 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 & 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 & 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* 2<sup>nd</sup> edn (OUP, 2010)

P Cane, *Atiyah's Accidents, Compensation and the Law*, 8<sup>th</sup> 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*, 2<sup>nd</sup> 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 & 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* (3<sup>rd</sup> edn, Bloomsbury Professional 2014)

Crowley 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* (5<sup>th</sup> 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).

## LA6092 COMMERCIAL & CORPORATE LAW

### Module Leader

Angela Liddy  
[Angela.liddy@ul.ie](mailto:Angela.liddy@ul.ie)

### Hours Per Week

Lecture: 2 Private: 7  
Credits: 6

### Rationale & Purpose of the Module

To familiarise the student with the legal issues around commercial transactions and the essential principles of company law.

### Syllabus

- Contracts entered into by companies generally, contracts for the sale of goods and consumer protection issues, as well as legal issues arising under Employment law, unfair dismissal procedures as well as Data Protection.
- Commercial contracts of agency.
- Company law duties and Directors duties.
- Enforcement of and compliance with Company law.
- Remedies at Law and Equity, alternative mechanisms for dispute resolution, mediation, arbitration, private courts, negotiation.
- Corporate rescue and compliance.

### Learning Outcomes

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

- Describe the essential terms of a contract
- Identify those terms unique to consumer and other contracts
- Outline the principles of law involved in corporate contracts
- Describe the legal issues surrounding corporate contracts
- Describe the fundamentals of employment law in Ireland
- Explain the legal rights attaching to two different forms of intellectual property

*Affective (Attitudes and Values)*

Increase awareness of duties and responsibilities.

Enhance ability to identify legal issues and need for legal advice Increase awareness of importance of legal compliance

### How the Module will be taught & the Learning Experiences

The module will be delivered by lecture, on block release, with a significant amount of student work taking place between blocks. Graduate attributes will be developed in the following ways: Knowledgeable: Students will gain a deep knowledge of law through practical examples, coursework and in-class work; Proactive: Students are expected to be proactive in their own learning through independent study and self-directed learning; Responsible: Students will develop a sense of responsibility through class discussions on various legal issues; Collaborative: Students will be required to participate in class discussions and group work; Articulate: Students will become articulate in expressing advice through the use of in-class discussions, presentations and written coursework, in-class discussions, presentations and written coursework.

### **Prime Texts**

Callanan (2015) *an Introduction to Irish Company Law*, G & M

Forde (2005) *Commercial Law*, Tottel

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

MBBACOTBA - Master of Business Administration (Corporate)

### **Assessment**

50 % - Essay assignment

50% - Essay assignment.

### **Repeat Assessment**

Where a student's cumulative grade for the essay assignment's is below the minimum academic performance standard, that student will be required to undertake a repeat assessment in the form of a 2 hour written examination at the annual repeats. The written examination will contain 4 essay-style questions. Students are required to answer any 2 questions. All questions carry equal marks. The repeat exam is worth 100% of the repeat grade.

## LA6102 LAW OF CREDIT & 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 & 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* (3<sup>rd</sup> 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](http://www.lawreform.ie)

Law Reform Commission of Ireland, *Report on Sentencing* (LRC 53, Dublin, 1996) - full text available at [www.lawreform.ie](http://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](http://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](http://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](http://www.lawreform.ie)

Law Reform Commission, *Report on Prosecution Appeals and Pre-Trial Hearings* (LRC 81-2006) - full text available at [www.lawreform.ie](http://www.lawreform.ie)

Law Reform Commission of Ireland, *Consultation Paper on Mandatory Sentences* (LRC CP 66-2011) - full text available at [www.lawreform.ie](http://www.lawreform.ie)

Law Reform Commission of Ireland, *Report on Mandatory Sentences* (LRC 108-2013) - full text available at [www.lawreform.ie](http://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* (3<sup>rd</sup> 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* (4<sup>th</sup> edn, Oxford University Press, 2010)

Ashworth, von Hirsh and Roberts, *Principled Sentencing: Readings on Theory and Policy* (3<sup>rd</sup> edn, Hart, 2009)

Ashworth, *Sentencing and Criminal Justice* (5<sup>th</sup> edn, Cambridge University Press, 2010)

Easton and Piper, *Sentencing and Punishment: The Quest for Justice* (2<sup>nd</sup> 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*. (3<sup>rd</sup> 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)

### 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* (4<sup>th</sup> edn, Cambridge University Press, 2011).

### **Other Relevant Texts**

Bantekas, *International Criminal Law* (4<sup>th</sup> 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

MLLAGETFFA – (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 & HUMAN RIGHTS

### 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

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)* (2<sup>nd</sup> 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)* (2<sup>nd</sup> 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](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 & RIGHTS-BASED PERSPECTIVES

## Module Leaders

Lydia Bracken

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

Susan Leahy

[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 & 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.

## LA4131 JURISPRUDENCE (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 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 2018

### **Assessment Instruments**

20% Discussion Board

30% Continuous Assessment

50% end of year examination

(100% examination for repeats)

## LA4061 CRIME & CRIMINAL JUSTICE (online)

### Module Leader

Ger Coffey

[Ger.Coffey@ul.ie](mailto:Ger.Coffey@ul.ie)

### Hours Per Week

Lecture: 2 Tutorial: 1

Credits: 6

### Rationale & Purpose of the Module

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 and crime control. Criminal justice values and policies. Human rights and the criminal justice system. Criminal justice policymaking. 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. The adoption of civil mechanisms in the criminal justice system: seizure of criminal assets and other proceeds of crime; anti-social behaviour order.

### 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, and 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.



- Gather, retrieve and synthesise information from several different sources 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.
- Analyse critically the media's role in representing crime and criminal justice.
- Demonstrate knowledge pertaining to the key agents in the criminal justice system.
- Demonstrate the ability for accurate reading and clear written communication.
- Show self-reliance and the ability to manage time and work to deadlines.

### **How the Module is Taught & the Students' Learning Experience**

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

### **Primary Texts**

O'Mahony, *Criminal Justice in Ireland* (Institute of Public Administration, 2002)

Kilcommins, O'Donnell, O'Sullivan and Vaughan, *Crime, Punishment and the Search for Order in Ireland* (Institute of Public Administration, 2005)

Schwepe, Conway, and Daly, *Irish Criminal Justice: Theory, Process and Procedure* (Clarus Press, 2010)

### **Other Relevant Texts**

Gibson and Cavadino, *The Criminal Justice System: An Introduction* (3<sup>rd</sup> edn, Waterside Press, 2008)

Joyce, *Criminal Justice: An Introduction to Crime and the Criminal Justice System* (2<sup>nd</sup> edn, Routledge, 2012)

Ashworth and Redmayne, *The Criminal Process* (4<sup>th</sup> edn, Oxford University Press, 2010)

**Semester & Year to Be First Offered:** Autumn 2017

### **Academic Instruments**

20% Discussion Board

20% Mid-Semester Assignment

60% End of Semester Examination

## LA4081 FAMILY LAW (ONLINE)

### Module Leader

Dr Susan Leahy

[susan.leahy@ul.ie](mailto:susan.leahy@ul.ie)

### Rationale & Purpose of the Module

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

### Syllabus

- The Family in the Irish Constitution
- Guardianship, Custody and Access Disputes
- The Voice of the Child
- Domestic Abuse
- Non-marital cohabitation
- Formalities for Marriage
- Legal Responses to Marital Breakdown: Nullity, Judicial Separation and Divorce
- Ancillary relief on marital breakdown

### Learning Outcomes

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

ILO 1: Identify the differing concepts of the family unit both at constitutional and legislative levels.

ILO 2: Specify the criteria for creating the marital relationship and the necessary consents and mental elements and the protections and obligations owed within the marriage relationship.

ILO 3: Outline the key ways in which a marriage may be dissolved or terminated and the consequences of such dissolution or termination.

ILO 4: Differentiate between the rights of married and unmarried parents and their children.

ILO 5: Distinguish remedies available during a subsisting marriage compared with those arising on the dissolution or termination of such a marriage.

ILO 6: Critique the treatments of the family unit with Irish legal system.

ILO 7: Evaluate civil and criminal law responses to domestic abuse.

ILO 8: Appreciate the ways in which Irish law and court processes can operate to protect the institution of the family in the event of relationship breakdowns and family disputes.

### **Primary Texts**

Crowley, *Family Law*, (Dublin: Round Hall, 2013)

Nestor, *An Introduction to Irish Family Law*, 4<sup>th</sup> edition, (Dublin: Gill and MacMillan, 2011).

### **How the Module Is Taught**

The module will be taught through online lectures together with weekly online activities (primarily participation in discussion boards).

### **Academic Instruments**

Participation in discussion boards: 20%

Reflective blog: 20%

End-of-term exam: 60%

# LA6061 CONTEMPORARY CHALLENGES IN MEDICAL LAW & ETHICS

## Module Leader

John Lombard

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

## Hours Per Week

Lecture: 2 Private: 13

Credits: 9

## Rationale & Purpose of the Module

The aim of this module is to enable students to engage in critical analysis of contemporary challenges which lie at the intersection of law, ethics, and medicine. This module is designed to provide an appropriate introduction to the subject for students with no previous familiarity with medical law, while by way of recommended reading and further study, allowing students who have already been introduced to the relevant areas of law, to enhance their knowledge and understanding.

## Syllabus

The module will enable students to recognise and analyse the legal and ethical challenges arising in medical law. It will equip students with an understanding of what the law currently is and what legal principles arise in day-to-day clinical practice. The student will critically engage with literature on topics such as organ transplantation, euthanasia, and the duty of confidentiality. Furthermore, there is a significant comparative law element in this module. This comparative element ensures that the student appreciates the range of legal and ethical approaches which can ultimately influence and shape the legal framework for medical law in any given jurisdiction.

## Learning Outcomes

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

- Critically analyse legal and ethical issues in medical law, using comparative study of legal authority where relevant.
- Locate the role and impact of human rights in the context of medical law and ethics.
- Critically analyse the principal source materials of medical law and ethics, including national statutes, European and international law reports, treaties, directives and other relevant materials as appropriate.

- Evaluate the arguments made by policy makers and academic commentators about the relevant law.
- Apply bioethical theories to legally and ethically challenging scenarios in healthcare.
- Analyse decision-making in different contexts including the beginning and end-of-life.
- Examine the conflict between medical paternalism and the right of autonomy.
- Outline the meaning and role of 'competence' as it applies to adults and children.
- Assess the implications of the applicable law for the provision of healthcare.
- Develop a rounded knowledge of the legal framework for contemporary challenges in healthcare.

### **Affective Learning Outcomes:**

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

- Understand the impact of the law on patients, practitioners, and society.
- Appreciate the relevant, social, philosophical, ethical, and cultural context within which healthcare decision-making and the law operates.
- Employ relevant legal terminology, both orally and in writing, to explain and convey technical legal information at a sufficiently advanced level.
- Formulate clear and coherent arguments on complex legal and ethical issues in healthcare.

### **Primary Texts**

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

Emily Jackson (2016) *Medical Law: Text, Cases and Materials*, (4th edn, OUP).

### **Other Relevant Texts**

M Brazier, *Medicine, Patients and the Law* (5<sup>th</sup> edn, Penguin 2011)

E Jackson, *Medical Law: Text, Cases, and Materials* (3<sup>rd</sup> edn, Oxford University Press 2013)

J Herring, *Medical Law and Ethics* (5<sup>th</sup> edn, Oxford University Press 2014)

K Mason and G Laurie, *Mason and McCall Smith's Law and Medical Ethics* (9th edn, Oxford University Press 2013)

S Mills and A Mulligan, *Medical Law in Ireland* (3<sup>rd</sup> edn, Bloomsbury Professional 2017)

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

MLICLATFA – International Commercial Law

MLICLATPA – International Commercial Law

MLLAGETFFA – (General)

MLLAGETPA – (General)

**Semester & Year to be First Offered:** Spring 2017

**Academic Instruments**

Mid-semester research assignment

End of semester research assignment

# LA5153 COMPARATIVE INTERNATIONAL PROTECTION OF HUMAN RIGHTS LAW

## Module Leader

Michelle Stevenson

[michelle.stevenson@ul.ie](mailto:michelle.stevenson@ul.ie)

## Hours Per Week

Lecture: one 2-hour lecture per week

Credits: 6

## Rationale & Purpose of the Module

To explore the principal elements of international human rights law.

## Syllabus

- Public international law
- The origins of the human rights movement
- The United Nations system for the protection of human rights
- Civil and political rights
- Economic, social and political rights
- Regional human rights mechanisms
- Transitional justice
- Armed conflict and humanitarian law
- Remedies for violations of international human rights law

## Learning Outcomes

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

- Identify the main sources, systems and foundations of international human rights law
- Specify general concepts of public international law and the way in which they related to the field of human rights
- Assess the merits of the regional human rights systems
- Evaluate the current practice for the protection of international human rights, with particular reference to the United Nations system.

## Primary Texts

Steiner, Alston and Goodman: International Human Rights in Context: Law, Politics, Morals (3rd edn Oxford OUP 2008), 341.48/STE

Smith, Rhona, International Human Rights (3rd edn, Oxford, 2007), 341.48/SMI

Alston, Goodman, International Human Rights (Oxford 2013), 341.48/ALS

De Schutter, Olivier, *International Human Rights Law*, (Cambridge University Press, 2010), 341.48/SCH (also available as an e-book through the library catalogue).

**Semester & Year to be First Offered:** Autumn 2009

**Academic Instruments**

50% of this module will be assessed by a 4,000-word essay

40% by a presentation

10% by class attendance and participation

Repeats comprise a 100% repeat examination.



## LA4051 CRIMINAL LAW 1 (ONLINE)

### Module Leader

Margaret Fitzgerald-O'Reilly

[Margaret.Fitzgerald-OReilly@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.

### How the Module is Taught & the Students' Learning Experience

This module is taught online through video lectures and discussion groups.

### **Primary Texts**

Hanly, *An Introduction to Irish Criminal Law* (3<sup>rd</sup> edn, Gill & Macmillan, 2013)

McIntyre, McMullan, Ó Toghda, *Criminal Law* (Round Hall 2012).

Campbell, Kilcommmins, 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 2018

### **Academic 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

## LA4072 CRIMINAL LAW 2 (ONLINE)

### Module Leader

Margaret Fitzgerald-O'Reilly

[Margaret.Fitzgerald-OReilly@ul.ie](mailto:Margaret.Fitzgerald-OReilly@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* 3<sup>rd</sup> 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 2019

### **Academic 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

## LA4132 HUMAN RIGHTS LAW (ONLINE)

### Module Leader

Margaret Fitzgerald-O'Reilly

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

### Hours Per Week

Lecture: 2 Tutorial: 1

Credits: 6

### Rationale & Purpose of the Module

The aim of this module is to introduce students to the study of international human rights law.

### Syllabus

The syllabus will focus extensively on the Council of Europe structures for human rights protection and the United Nations treaty system with emphasis on the impact that the international system has on Irish law. Rights and Freedoms under the Convention will be examined, as will the jurisprudence of the European Court of Human Rights. Students will be expected to critically explore the development and expansion of this emerging field of law.

### Learning Outcomes

- On successful completion of this module, a student will be able to:
- Examine the concept of human rights;
- Outline the different human rights norms and mechanisms which are part of international and domestic law;
- Demonstrate a clear understanding of the human rights mechanisms provided by the United Nations and the European Convention on Human Rights systems;
- Critique a range of discrete contemporary human rights issues within a legal framework;
- Appraise the efficacy of human rights law across several jurisdictions through focussing on pertinent case law;
- Assess the role and future of human rights in the international legal landscape.

### How the Module Will Be Taught & Learning Experiences

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

**Prime Texts**

Jacobs, White and Overy. *The European Convention on Human Rights*, Oxford: Oxford University Press, 2017

Moriarty and Massa. Law Society of Ireland, *Human Rights Law*. 4th Ed. Oxford

Dewhurst, Higgins and Watkins, *Principles of Irish Human Rights Law* (Clarus Press, 2012)

**Additional Texts**

Egan, *International Human Rights: Perspectives from Ireland* (Bloomsbury, 2015)

**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. The assessment instruments are as follows:

20% Discussion Boards

20% for Report/Case Analysis

60% End of Year Examination

## LA4058 HUMAN RIGHTS LAW

### Module Leader

Margaret Fitzgerald-O'Reilly

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

### Hours Per Week

Lecture: 2 Tutorial: 1

Credits: 6

### Rationale & Purpose of the Module

The aim of this module is to introduce students to the study of international human rights law.

### Syllabus

The syllabus will focus extensively on the Council of Europe structures for human rights protection and the United Nations treaty system with emphasis on the impact that the international system has on Irish law. Rights and Freedoms under the Convention will be examined, as will the jurisprudence of the European Court of Human Rights. Students will be expected to critically explore the development and expansion of this emerging field of law.

### Learning Outcomes

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

- Examine the concept of human rights;
- Outline the different human rights norms and mechanisms which are part of international and domestic law;
- Demonstrate a clear understanding of the human rights mechanisms provided by the United Nations and the European Convention on Human Rights systems;
- Critique a range of discrete contemporary human rights issues within a legal framework;
- Appraise the efficacy of human rights law across several jurisdictions through focussing on pertinent case law;
- Assess the role and future of human rights in the international legal landscape.

### Prime Texts

Jacobs, White and Overy. *The European Convention on Human Rights*, Oxford: Oxford University Press, 2017

Moriarty and Massa. Law Society of Ireland, *Human Rights Law*. 4th Ed. Oxford

Dewhurst, Higgins and Watkins, *Principles of Irish Human Rights Law* (Clarus Press, 2012)

**Additional Texts**

Egan, *International Human Rights: Perspectives from Ireland* (Bloomsbury, 2015)

**Semester in which this Module is Offered:** Spring

**Assessment Instruments**

Two in-term assessments each worth 50% (Each 2500 words in length). Repeat assessment by way of a 4,500-word essay at the end of the semester, worth 100%.



## LA6182 USING EVIDENCE TO IMPROVE SOCIETAL OUTCOMES IN THE REAL WORLD (NEW MODULE)

### Module Leader

Dr Sean Redmond

[sean.redmond@ul.ie](mailto:sean.redmond@ul.ie)

Dr John Bamber (external)

### Hours Per Week

Lecture: 2    Private Study: 13

Credits: 9

### Rationale & Purpose of the Module

This module considers what it means for professionals who serve society (e.g. public officials, non-governmental organisations etc) to be evidence-informed, what the value is for citizens, and the practicalities of such an approach. In exploring the role of evidence, identifying and addressing complex social problems and issues, it will introduce participants to debates about the nature of evidence, and invite critical reflection on the theoretical, conceptual and practical tools for developing evidence-informed strategies for change.

### Syllabus

#### Part 1 - The meaning of evidence (introducing the key concepts)

Duration 4 weeks

- Introduction: 'Evidence-informed policy' – what does this mean?
- Key epistemological and theoretical ideas
- Historical development of evidence as a concept and practice
- Understandings of evidence across different disciplines
- Sources of evidence [strengths and weaknesses]
- The discourse of evidence {e.g. search for proof versus creeping enlightenment}
- The place of values and ideology in approaches to evidence
- Paradigms of knowledge building [trial and error processes, contribution versus impact, improving versus proving]
- Evidence and the realpolitik of public administration

#### Part 2 - Evidence in Practice (What It Means to Be Evidence-informed)

Duration 4 weeks

- How does successful use of evidence improve outcomes for citizens? (Case examples of evidence-based and evidence-informed policy, programmes and practice)
- The 'purveyors' of evidence and influence in different policy spheres (Case examples of evidence-based and evidence-informed policy, programmes and practice)
- The role and place of evaluation
- Identifying programme impact: Randomised Control Trials, other experimental and Quasi-experimental methods (Case examples of evidence-based and evidence-informed policy, programmes and practice)
- Identifying programme 'contribution' to better outcomes, realist approaches to evaluation
- Engineering concept of evidence-informed design (Case examples of evidence-based and evidence-informed policy, programmes and practice)
- The emergence of implementation science (Case examples of evidence-based and evidence-informed policy, programmes and practice)
- Dealing with real-world evidence inadequacy and making informed judgments (Case Scenarios)

### **Part 3 – Evidence-informed Practice (Dealing With Real-world Problems)**

Duration 4 weeks

Participants will be divided into smaller teams and will follow a case study through the four weeks. Route 1 participants will be presented with real 'brownfield' problems and will be tasked with a) the challenge of conceptualising realistic improvement, b) designing a programme outline, c) an implementation strategy and d) evaluation framework. Route 2 participants will follow the same process while working on issues in their own setting. The sessions will be punctuated with short inputs by external expert speakers who have been involved in evidence-informed change. Importantly these inputs will be honest accounts of the craft of bringing about change, leadership qualities, incremental gains and pitfalls.

- External speaker 1 – (case) the role of data and programme monitoring in bringing about change (followed by workshop on conceptualising improvement)
- External speaker 2 – (case) the role of good programme design in bringing about change (followed by workshop on programme design)
- External speaker 3 – (case) implementing new approaches (followed by workshop on designing an implementation strategy)

- External speaker 4 – (case) the role of evaluation and change ((followed by workshop on evaluation design)
- Group presentations and summary session

### **Learning Outcomes (Cognitive)**

- Demonstrate understanding of key theoretical debates and concepts relating to the nature and uses of evidence in social policy
- Use appropriate concepts and theoretical frameworks to critically interpret social problems and consider potential solutions
- Make informed judgements about the practical application of evidence in day-to-day public administration and other settings
- Articulate the qualities and competencies required to be ‘evidence-informed’ in the task of public administration
- Explain how they could employ an evidence-informed approach in their own organisation, or in the work setting more generally.

### **(Affective)**

- Display an understanding of the real-life challenges of incorporating evidence into policy, programme and practice arenas
- Acknowledge the impact of evidence-informed planning on stakeholders in the implementation process
- Make better judgments in interpreting evidence, dealing with experts and commissioning services

### **How the Module is Taught**

Lectures will provide theoretical inputs and a range of resources and materials, including case studies, to stimulate group discussion and encourage critical reflection and debate. Participants will be encouraged to draw from their own experience and that of others. Support for self-study will be provided through access to the learning facilities in the School’s library and computer labs. Systematic use will be made of journals and websites for up to date discussions of issues. A comprehensive course reader will be provided ensuring access to an extensive range of training materials and resources.

**Semester & Year to be First Offered:** Spring 2019

### **Academic Instruments**

Continuous assessment and end of year assignment.

## **Primary Resources**

Prime Sources:

Axford, N., Berry, V., Blower, S., Little, M., Hobbs, T. and Sodh, S (2013) Design & Refine - Developing effective interventions for children and young people, Dartington: Social Research Unit.

Buchanan, A. and Lara Montero, A (2015) Evidence-based Social Services: Toolkit for planning and evaluating social services, European Social Network, Brighton.

Coote, J., Allen, J. Woodhead, D. (2004) Finding Out WhatWorks Building knowledge about complex, community-based initiative., London: King's Fund Publications.

Burton, P., Goodlad, R., Croft, J., Abbott, J., Hastings, A., Macdonald, G. and Slater, T. (2004) What works in community involvement in area-based initiatives? A systematic review of the literature, University of Bristol and University of Glasgow. London: Research Development and Statistics Directorate, Home Office.

Hammersley, M. (2005) 'The Myth of Research-based Practice: The Critical Case of Educational Inquiry', International Journal of Social Research Methodology. Vol (8)4: 317-330.

Kania, J. and Kramer, M. (2013) Embracing Emergence: How Collective Impact Addresses Complexity Collective impact efforts are upending conventional wisdom about the manner in which we achieve social progress, Stanford Social Innovation Review.

Marston, G. and Watts, R (2003) Tampering With the Evidence: a critical appraisal of evidence-based policy making., The Drawing Board: An Australian Review of Public Affairs. Vol (3)3: 143-163.

Nutley, S., Walter, I. and Davies, H.T.O. (2003) From Knowing to Doing A Framework for Understanding the Evidence-Into-Practice Agenda, Evaluation. Vol 9(2): 125-148.

Nutley, S., Walter, I. and Davies, H.T.O. (2007) Using Evidence - How Research Can Inform Public Services, Bristol: Policy Press at the University of Bristol.

Picho K., Maggio L.A. and Artino A.R. Jr (2016) Science: the slow march of accumulating evidence., Perspect Med Educ. Vol 5:350-353.

Simons, H. (2003) 'Evidence-based practice: panacea or over promise? Research Papers in Education. Vol (18)4: 303-31.

Sullivan H. and Stewart, M (2006) Who Owns the Theory of Change? Evaluation. Vol 12(2):179-199.

## LA6202 YOUTH CRIME (NEW MODULE)

### Module Leader

Dr Sean Redmond

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Eoin O Meara Daly

[eoin.omearadaly@ul.ie](mailto:eoin.omearadaly@ul.ie)

### Hours Per Week

Lecture: 2    Private Study: 13

Credits: 9

### Rationale & Purpose of the Module

This cross-disciplinary offering will blend legal\policy\social science perspectives on youth crime and offer the distinctive element of dealing with real-world issues. Students will be equipped with the knowledge to critically examine youth crime in an Irish context from a legal, policy and sociological perspective with human rights as a core focus. The module will build on prior learning for law and sociology students and be applied in a specific youth crime context. Students will be encouraged to bring the experiences of their differing disciplines to bear on the module. Students from the various intakes will be encouraged to expose theoretical positions to practical realities. It is envisaged that the module will initially serve as an elective within the LLM/MA Criminal Justice and Human Rights programme, the LLM General and the MA Sociology (Youth, Community & Social Regeneration).

### Syllabus

The aim of this module is to engage in a critical analysis of contemporary challenges facing those attempting to tackle youth crime. Students will evaluate various criminological and theoretical perspectives shaping the Irish youth justice system and explore topics such as the development and operation of the Irish youth justice system; restorative justice; diversion from prosecution; community penalties; youth detention in Ireland and the social construction of crime.

### Learning Outcomes (Cognitive)

On successful completion of this module, students should be able to understand the complexity of youth crime in Ireland and:

- Describe the operation of the Irish youth justice system at a practical level.
- Understand the language and theoretical underpinnings of youth crime and justice in Ireland.
- Analyse the legislative and policy levers that influence youth crime and justice in Ireland.
- Understand the historical events that shaped and defined youth crime and justice in Ireland.
- Critically evaluate the distinctive features of the Irish youth justice system.
- Critically evaluate real-world youth crime problems and ways of developing solutions.

### **(Affective)**

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

- Appreciate the multi-faceted causes of crime and how the Irish criminal justice system might respond more effectively to them.
- Appreciate the rights of children and victims in the Irish youth justice system and how these rights are applied.
- Appreciate the impact of exposure to the system on children in Ireland and how this shapes their futures.
- Understand the complex interplay between societal factors and criminal behaviour in Ireland.

### **How the Module is Taught**

- Lectures will be followed by practical workshop sessions with thematic discussions, debate and group interaction;
- More in-depth descriptive inputs will be delivered by practitioners and experts in their field delivering guest lecture;
- There will be an emphasis on critical engagement and problem solving in later sessions.

### **Primary Texts**

Farrington, D. P. Welsh, B. C. 2008. *Saving Children from a Life of Crime: Early Risk Factors and Effective intervention*. Oxford University Press, UK.

Goldson, B. Muncie, J. and Contributors. 2015. *Youth Crime & Justice*. Sage, London.

Haines, K. Case, S. 2015. *Positive Youth Justice: Children First, Offenders Second*. Policy Press, Bristol.

Kilkelly, U. 2006. *Youth justice in Ireland: Tough lives, rough justice*. Irish Academic Press.

Sparrow, M. 2008. *The Character of Harms, Operational Challenges in Control*. Cambridge University Press.

**Semester & Year to be First Offered:** Spring 2019

**Academic Instruments**

Continuous assessment and end of year assignment.