

**Undergraduate Book of Modules 2020/2021**

**University of limerick school of law**

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# LA4001/LA4091 Legal System & Method

**Module leader**

Paul McCutcheon

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**Hours per week**

Lecture: 2 Tutorial: Start in week 3

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 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 2. The assignment for each tutorial will be made available on SULIS prior to the tutorial. Students must have completed the recommended reading (prior to the tutorial and be able to participate in the discussion about the assigned tutorial questions). Students must attend one tutorial in each two-week period.

**Course materials**

PowerPoint slides and other relevant & material will be made available on SULIS.

**Course reading materials**

**Core material**

Raymond Byrne and others, *Byrne and McCutcheon on the Irish Legal System* (7th edn, Bloomsbury 2020) – in press, due to be out mid-semester,

Tanya Ní Mhuirthile, Catherine O’Sullivan and Liam Thornton, *Fundamentals of the Irish Legal System* (Round Hall 2016)

Jennifer Schweppe, Rónán Kennedy and Lawrence Donnelly*, How to Think, Write and Cite: Key Skills for Irish Law Students* (2nd edn, Round Hall 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 the legislation, case law, and journal articles will be required during the term.

**Semester & Year to be First Offered**: Autumn 2009/2010

**Assessment**

Tutorial Participation: 10%

Case note assignment: 40%

End-of-semester assignment: 50%

**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 written examination at the annual repeats.

**Feedback**

Students will receive feedback on assignments submitted during the semester.

# LA4002 Jurisprudence

**Module leader**

Shane Kilcommins

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**Hours per week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

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

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

**How the module is taught & the students’ learning experience**

The module will be taught through a series of lectures. The lecture notes are available on SULIS for students, allowing each topic to be discussed in class in an interactive manner. Students will also be expected to conduct their 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**

Continuous assessment: 30%

End-of-year examination: 70%

(repeats examination: 100%)

# LA4005 Legal Environment Of Business

**Module leader**

Luke Danagher

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**Hours per week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

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

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

**Primary texts**

Thuillier A. & MacDaid C., *Business Law in Ireland* (Clarus Press 2015)

Doolan B., *Principles of Irish Law* (8th edn, Gill & MacMillan 2011)

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

Byrne R., McCutcheon J.P., Bruton C., & Coffey G., *The Irish Legal System* (6th edn Hayward Heath Bloomsbury Professional 2014)

**How the module is taught & the students’ learning experience**

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

**Assessment instruments**

Continuous assessment (40%) and an end-of-term exam (60%)

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

# LA4006 Medical Law

**Module leader**

John Lombard

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**Hours per week**

Lecture: 2 Tutorial: 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 confidentially and access to medical records, an increasing awareness of the need to recognise and respect the autonomy of patients has raised new concerns that the legal system must address. This module seeks to introduce students to the challenges posed in the legal regulation of medical practice by introducing them to the law relating to 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 both patients and healthcare practitioners.

**How the module is taught & the students’ learning experience**

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

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

**Primary texts**

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

**Other texts**

Kenyon Mason and Graeme Laurie, *Mason and McCall Smith’s Law and Medical Ethics* (9th edn, Oxford University Press 2013)

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

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

**Academic instruments**

Essay

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**

Luke Danagher

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**Hours per week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

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

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

**Primary texts**

Forde and Kennedy, *Company Law* (5th edn Round Hall Sweet and Maxwell 2017)

Thuillier, *Company Law in Ireland* (Clarus Press 2013)

**Other relevant texts**

Callanan, *An Introduction to Irish Company Law* (4th edn Gill & Macmillan 2015)

Courtney, *The Laws of Companies* (4th edn Bloomsbury Professional 2016)

Ellis, *Modern Irish Company Law* (2nd edn Jordans 2004)

Keane, *Company Law* (5th edn Tottel Publishing 2016)

MacCann, *A Casebook on Company Law* (Butterworth 1991)

McGrath, *Company Law* (Round Hall 2003)

Murphy, *Business and Company Law: For Irish Students* (Gill & Macmillan 2004)

Twomey, *Partnership Law* (Butterworth 2000)

**Academic instruments**

This module will be assessed through continuous assessment (40%) and an end-of-term examination (60%).

# LA4011 Introduction To Lawyering 1

**Module leader**

Dr John Lombard

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**Hours per week**

Lecture: 1 Lab: 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.

**Delivery of Module**

Lectures

The presentation of the course will consist of one weekly lecture. PowerPoint lecture slides and other course materials will be made available through SULIS.

Labs

Labs consist of the practical element of the module. The first lab will run in week 1 to coincide with face-to-face teaching. The second lab will run in week 4 and a full schedule will be provided at the start of the module. During on-campus weeks the labs will be delivered face-to-face and will be replicated online. For all off campus weeks the labs will run on the LA4011 SULIS site. The aim of the labs is to develop your legal research and writing skills. To prepare for labs, students are expected to engage in a significant amount of self-directed study and research.

**Primary texts**

Raymond Byrne, J. Paul McCutcheon, Claire Bruton, and Gerard Coffey, *Byrne and McCutcheon on the Irish Legal System* (6th edn, Bloomsbury Professional 2014)

Tanya Ní Mhuirthile, Catherine O’Sullivan, and Liam Thornton, *Fundamentals of the Irish Legal System: Law, Policy and Politics* (Round Hall 2016)

Jennifer Schweppe, Rónán Kennedy, and Larry Donnelly, *How to Think, Write and Cite: Key Skills for Irish Law Students* (2nd edn, Round Hall 2016)

**Other relevant texts**

Holland, J. and Webb, J., *Learning Legal Rules* (10th edn, Oxford University Press 2019)

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

**Academic instruments**

Original assessment

* Multiple-choice quiz on SULIS
* Case note
* Final essay assignment

Repeat assessment

* Closed-book examination. Two hours, four questions, attempt two. All questions carry equal marks. 100% if no in-term assessments completed. If parts have been completed, the overall mark for the final exam will be adjusted accordingly.

# LA4012 Comparative Legal Systems

**Module leader**

Caroline Sweeney

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**Hours per week**

Lecture: 2 Tutorials: TBC

Credits: 6

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

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

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

**How the module is taught & the students’ learning experience**

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

**Primary Texts**

De Cruz, P., *Comparative Law in a Changing World* (3rd edn, Routledge: Cavendish 2008)

Zweigert, K., & Kotz, H., *An Introduction to Comparative Law* (3rd edn, Oxford University Press 1998)

**Other Relevant Texts**

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

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

Craig and de Búrca, *EU Law: Text, Cases and Materials* (6th edn, Oxford University Press 2015)

Fairhurst, J., *Law of the European Union*, (available as an e-book on the library website)

Foster and Sule, *German Legal System and Laws* (4th edn, Oxford University Press 2010)

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

Robinson, O., Fergus, T., and Gordon, W., *European Legal History* (3rd edn, Oxford University Press 2000)

Steiner, E., *French Legal Method* (Oxford University Press 2002)

Van der Merwe and Du Plessis, *Introduction to the Law of South Africa* (Kluwer Law International, 2004)

**Assessment Instruments**

Original Assessment

In-term assessment: 30%

End-of-year examination: 70%

Repeat Examination

The repeat exam will be a two-hour written examination. The written examination will contain 5 questions. Students will be required to answer any 3 questions. All questions will carry equal marks. 100%

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

# LA4013 Media Law

**Module leader**

Dr Susan Leahy

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**Hours per week**

Lecture: 2 Tutorial: 1 (per fortnight)

Credits: 9

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

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

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

**How the module is taught & the students’ learning experience**

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

**Primary texts**

Carolan, E & O Neill, A., *Media Law in Ireland,* 2nd ed, (Bloomsbury, 2019).

Murphy & McGuinness, Journalists and the Law, 3rd ed, (Round Hall, 2011)

McGonagle, M. (2003) *Media Law 2nd ed.*, Dublin: Round Hall 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**

This module is assessed by 100% continuous assessment.

Repeat: 100% Exam.

# LA4017 Advanced Lawyering 1

**Module leader**

Stephen Healy

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**HourspPerwWeek**

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* (6th edn, Bloomsbury 2014)

Blake et al., *A Practical Approach to Alternative Dispute Resolution* (3rd edn, OUP 2014)

Boyle et al., *A Practical Guide to Lawyering Skills* (3rd edn, Cavendish Publishing 2005)

Dowling-Hussey et al., *Arbitration law* (2nd edn, Thomson Round Hall 2014)

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

**Academic instruments**

Essay assignment: 50%

End-of-year examination: 50%

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

# LA4021 Child Law

**Course leader**

Lydia Bracken

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
* Adoption and education
* Abduction

**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, the 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 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 the 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**

Bracken (2018) *Child Law in Ireland*, Clarus Press

Crowley (2013) *Family Law*, Round Hall

**Other relevant texts**

Kilkelly (2008) *Children’s Rights in Ireland: Law, Policy and Practice*, Tottel Publishing

Shannon (2005) *Child Law*, Thomson Round Hall

Shannon (2011) *Adoption Law*, Round Hall

Shannon (2011) *Child Care Law*, Round Hall

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

**Academic instruments**

Continuous assessment during term (10%) and end-of-term examination (students will be required to answer two out of four questions, 90%).

Where a student’s cumulative grade for the in-term assignment and exam is below the minimum academic performance standard, that student will be required to undertake a repeat assessment in the form of a written examination at the annual repeats. The repeat examination will contain 4 questions. Students will be required to answer any 2 questions. Where a student has completed the in-term assignment, that grade will count for the repeat examination, and the examination will account for 90% 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

**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 to 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 private research, using all available sources, to further their knowledge of the relevant issues.

**Primary texts**

Forde, M., *Commercial Law*, 3rd edn (Tottel, Sussex, 2005)

White, F., *Commercial Law*, 2nd edn (Thomson Round Hall, Dublin, 2012)

**Other relevant texts**

Legal databases such as Lexis, Justis, Westlaw.ie, etc.

Commercial Law Practitioner (CLP)

Irish Business Law Quarterly (IBLQ)

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

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

**Academic instruments**

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

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

# LA4032 Criminal Procedure

**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 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, the 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 Edn (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 Schweppe, *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 Edn, (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**

Dr Laura Donnellan

LAura.Donnellan@ul.ie

**HourspPerwWeek**

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.

**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 principles of direct effect and supremacy will be considered.

**Learning outcomes**

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

**Primary Texts**

Fairhurst, J. (2016) *Law of the European Union* (11th edn), Essex: Pearson

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

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

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

Kaczorowska-Ireland, A. (2016) *European Union Law* (4th edn), Abingdon: Routledge

Barnard, C., Peers, S., (2014) (Eds) *European Union Law*. Oxford: Oxford University Press

Berry, E., et al. (2013) *Complete EU Law: text, cases, and materials*. Oxford: OUP

Steiner, J. and Woods, L. (2014) *Steiner & Woods EU Law* (12th edn), Oxford: Oxford University Press

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

**Other Relevant Texts**

Dashwood, A., Wyatt, D. (2011) *Wyatt and Dashwood’s European Union Law* (6th edn), Oxford: Hart

Schmidt, S.K., Kelemen, R.D. (2013) *The Power of the European Court of Justice*, London: Routledge

Craig, P. (2013) *The Lisbon Treaty: law, politics, and treaty reform*, Oxford: Oxford University Press

Weatherill, S. (2014) *Cases and Materials on EU Law* (11th ed.), Oxford: Oxford University Press

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

LM029 Law Plus

LM020 Law and Accounting

LM049 Graduate Entry LLB

LM040 European Studies

LM043 International Insurance and European Studies

**Academic instruments**

* A multiple-choice quiz on SULIS in week 4 and week 10: 5% each (10%)
* Midterm SULIS Test on the Institutions in Week 6: 30%
* End-of-semester Written Exam: 60%

Repeat format: Where the student has not completed the in-term assessments, the exam will be 100% and reduced where all or some aspects of the continuous assessment were completed

# LA4035 Labour Law

**Module leader**

Eddie Keane

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.

**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 blended format of online discussion and on-campus seminars. Each week, pre-recorded material will be made available online, which will subsequently be discussed in a live online/on-campus seminar. Students are also expected to conduct their own private study in advance of the seminars.

**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 module will be assessed through two in-term assignments – allocated 50% of the grade each. **Personal feedback on the first in-term assignment will be provided to each student in a timely manner.**

For students that are unsuccessful in the semester assessments, the annual repeat examination will be a timed 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

Alan Cusack

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

**Learning outcomes**

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

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

**Affective (attitudes & 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 both creators and users of ideas.

**How the module is taught & the students’ learning experience**

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

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

**Primary texts**

Eva Nagle, *Intellectual Property Law* (Round Hall 2012)

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

**Other texts**

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

David Bainbridge, *Intellectual Property* (9th edn, Longman 2012)

**Academic instruments**

Essay:

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

**Hours per week**

Lecture: 2

Credits: 6

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

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

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

**Primary texts**

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

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

**Other texts**

Kilkelly, *Children’s Rights in Ireland: Law Policy and Practice*, (Dublin: Tottel Publishing, 2008).

Shannon, *Child Law*, (Dublin: Thomson Round Hall, 2005).

Shatter, *Shatter’s Family Law*, 4th edn, (Dublin: Tottel Publishing, 1997).

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

**Academic instruments**

In-term continuous assessment accounts for 30% of the marks for this module. The exam accounts for 70% of the marks. The exam is 1.5 hours long. Students have 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

**Hours per week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

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

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

**How the module is taught & the students’ learning experience**

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

**Primary texts**

Fennell, C., *The Law of Evidence in Ireland* (3rd edn, Haywards Heath 2008)

Healy, J., *Irish Laws of Evidence* (Thompson Round Hall 2004)

Heffernan, L. and Ní Raifeartaigh, U., *Evidence in Criminal Trials* (Bloomsbury 2013)

McGrath, D., E*vidence* (2nd edn,Thompson Round Hall 2014)

**Other relevant texts**

Roberts, P., and Zuckerman, A., *Criminal Evidence* (Oxford University Press 2004)

Spencer, J., *Evidence of Bad Character* (2nd edn, Hart 2009)

Spencer, J., *Hearsay Evidence in Criminal Proceedings* (Hart 2008)

**Semester & Year to Be First Offered:** Spring 2018

**Academic instruments**

Discussion Board: 20%

Case Analysis: 20%

End-of-year Examination: 60%

# LA4042 Administrative Law/ LA4938 (Evening)

**Module Leader**

Laura Cahillane

laura.cahillane@ul.ie

**Hours Per Week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning Outcomes**

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

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

**How the module is taught & the students’ learning experience**

Lectures and Tutorials

Research findings incorporated into 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, Round Hall)

Hogan & Morgan, *Administrative Law in Ireland*, (2010, Round Hall)

Delaney, *Judicial Review of Administrative Action* (2013, Round Hall)

Coffey, *Administrative Law*, (2010, Round Hall)

De Blacam, *Judicial Review*, (2009, Bloomsbury)

Hogan & Whyte, *Kelly’s Irish Constitution*, 4th edn (2003, Dublin; Butterworths)

**Other Relevant Texts**

Bradley, *Judicial Review* (Thomson, Round Hall)

Craig, *Administrative Law*, (Sweet and Maxwell)

Wade: *Administrative Law*, (Oxford University Press)

Barnett, *Constitutional and Administrative Law* (London: Cavendish)

De Smith, Woolf and Jowell’s *Principles of Judicial Review* (OUP)

Leyland and Anthony, *Textbook on Administrative Law*, (OUP)

**Academic Instrument**

End-of-term exam: 60%

Continuous assessment: 40%

Repeat exam: 100%

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

# LA4044 Law Of The European Union 2

**Module leader**

Dr Laura Donnellan

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

**Learning outcomes**

Upon completion of this module students should be able to:

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

**Primary texts**

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

**Other relevant texts**

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

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

LM029 Law Plus

LM020 Law and Accounting

LM049 Graduate Entry LLB

LM040 European Studies

**Academic instruments**

1. Two MCQs on SULIS: 5% each (10%)
2. Midterm SULIS Test on the Free Movement of Goods: 30%
3. End-of-semester Written Exam: 60%

Repeat format: Where the student has not completed the in-term assessments, the exam will be 100% and reduced where all or some aspects of the continuous assessment were completed.

# LA4046 Law And Criminology

**Module leaders Hours per week**

Norah Burns and Michelle Stevenson Lecture: 2

norah.burns@ul.ie

michelle.stevenson@ul.ie Credits: 6

**Rationale and Purpose of the Module:**

The objective of this module is to introduce students to the core ideas and theories of criminology, demonstrating how Irish criminal justice laws and policies are, or should be, informed by criminological ideas and research. Students will study about key strands of criminological thought such as positivism, labelling, strain theory, control theory, while learning how to apply these theories in an Irish context. The module thus offers both an introduction to the discipline of criminology and a different perspective on Irish criminal law and policy to that which is offered in traditional law modules.

**Academic objectives**

**Syllabus**

This module covers: An introduction to criminology; An examination of Irish crime trends and statistics; Gender and criminality; Youth offending; Poverty, social exclusion and crim; Addiction, mental health and criminalisation; Crime prevention; Organised crime; Desistance and re-integration of offenders.

**Learning Outcomes**

**Cognitive**

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

* Describe the key schools of criminological theory.
* Identify areas of Irish criminal law and policy relevant to the study of the theories examined the module.
* Describe how Irish criminal justice law and policy has been or should be influenced by relevant criminological research.
* Evaluate whether Irish criminal justice law and policy is appropriately evidence-based and reflects best practice in tackling the causes of crime.
* Apply criminological theories and research findings to contemporary challenges within the Irish criminal justice system.

**Affective**

**On completion of this module, students should:**

• Understand the multi-faceted and complex causes of crime in Ireland and the challenges posed in effectively reducing crime in this jurisdiction.

• Appreciate the ways in which criminological research can inform best practice in Irish laws and policies on criminal justice.

**How the Module is Taught**

The module is taught through lectures and tutorials which introduce students to the core theories of criminology and identifies their relevance for Irish criminal law and policy. 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 criminology and helping them to discover ways in which the study of criminology can enrich and strengthen their understanding of criminal law and the causes of crime, the module aims to help students in development of the UL graduate attributes. Students will become more articulate and knowledgeable by learning about the relevance of criminological theories for understanding the challenges of criminal justice as well as enhancing their collaborative skills through developing an understanding of the complex causes of crime and learning how Irish criminal law and policy can best respond.

Recent developments in the area of criminological thought, along with research findings are incorporated into the module via the recommended reading, outlined in the study resources.

**Study resources**

**Prime Sources:**

Healy, et al (eds), *The Routledge Handbook of Irish Criminology*, (Oxon: Routledge, 2016)

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

**Supplementary sources:**

Cullen & Wilcox (eds), *The Oxford Handbook of Criminological Theory*, (Oxford: Oxford University Press, 2013).

Hale et al (eds), *Criminology*, 3rd ed, (Oxford: Oxford University Press, 2013)

Hopkins Burke, *An Introduction to Criminological Theory*, 5th ed, (Routledge, 2018).

Jones, *Criminology*, 6th ed, (Oxford: Oxford University Press, 2017)

Newburn, *Criminology*, 3rd ed, (Routledge, 2017).

**Academic instruments**

100% continuous assessment

# LA4048 Advanced Lawyering 2

**Module leader**

Stephen Healy

stephen.healy@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

**Academic instruments**

Students are graded out of 100% on their group project or research article. This may be subject to change in light of Covid-19 social distancing requirements.

# LA4051 Criminal Law 1 (Online)

**Module leader**

Angela Liddy

Angela.liddy@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* (3rd edn, Gill & Macmillan, 2013)

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

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

**Other relevant texts**

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

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

**Semester & Year to be First Offered:** Autumn 2018

**Academic 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

The repeat assessment will be a 100% repeat examination.

# LA4052 Introduction To Lawyering 2

**Module leader**

Caroline Sweeney

Caroline.Sweeney@ul.ie

**HourspPerwWeek**

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**

Hill, J., *A Practical Guide to Mooting* (Palgrave Macmillan 2009)

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

Richardson, E,. *A Guide to Mooting in Ireland* (Clarus Press Ltd, 2019)

Snape and Watt, *How to Moot: A Student Guide to Mooting* (2nd edn, Oxford University Press, 2012)

Williams, G., *Glanville Williams Learning the Law* (Smith, A.T.H. Ed) (14th edn. London: Sweet and Maxwell 2010)

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

**Academic Instruments**

Original Assessment

In-term assessment – oral moot presentation: 50%

End-of-term assessment – written moot presentation: 50%

Repeat Assessment

Where a student’s cumulative grade for the original assessment is below the minimum academic performance standard, that student will be required to undertake a repeat assessment in the form of a 1.5 hour written examination at the annual repeats. The repeat examination will contain 4 questions. Students will be required to answer any 2 questions. The repeat examination is worth 100% of the repeat grade.

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# LA4058 Human Rights Law

**Module leader**

Margaret Fitzgerald-O’Reilly

.Margaret.FitzgeraldOReilly@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 & Overy. *The European Convention on Human Right*s, Oxford: OUP, 2017

Harris, O’Boyle & Warbrick. *Law of the European Convention on Human Rights*. OUP 2014

Moriarty & Massa. Law Society of Ireland, *Human Rights Law*. 4th Ed. OUP

**Additional Texts**

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

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

**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 during the repeat season, worth 100%.

# LA4061 Crime & Criminal Justice (Online)

**Module leader**

Ger Coffey

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 medias 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).

Schweppe, 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* (3rd edn, Waterside Press, 2008).

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

Campbell, Ashworth and Redmayne, *The Criminal Process* (5th edn Oxford University Press, 2019).

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

**Academic instruments**

**Academic instruments**

Online Discussion Forums Participation: 20%

Mid-Semester Assignment: 30%

End-of-Semester Examination: 50%

# LA4068 Crime & Criminal Justice

**Module leader**

Caroline Sweeney

Caroline.Sweeney@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 Irish criminal 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
* Accommodating victims in the criminal justice process
* International criminal justice

**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**

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

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

Healy, Hamilton, Daly and Butler, *The Routledge Handbook of Irish Criminology* (Routledge 2016)

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

**Other relevant texts**

Ashe and Reid, *Money Laundering* (Round Hall, 2000)

Bacik and O’Connell, *Crime and Poverty in Ireland* (Round Hall, 1998)

Brewer, Lockhart and Rodgers, *Crime in Ireland 1945–95* (Clarendon Press, 1997)

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

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

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

Kilkelly, *Youth Justice in Ireland: Tough Lives, Rough Justice* (Irish Academic Press, 2006)

McCullagh, *Crime in Ireland: A Sociological Introduction* (Cork University Press, 1996)

McDermott, *Prison Law* (Round Hall, 2000)

Murphy, *Rethinking the War on Drugs in Ireland* (Cork University Press, 1996)

O’Donnell, O’Sullivan and Healy (Eds), *Crime and Punishment in Ireland 1922 to 2003: A Statistical Sourcebook* (Institute of Public Administration, 2006)

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

O’Donnell and McAuley (Eds), *Criminal Justice History: Themes and Controversies from Pre-independence Ireland* (Four Courts Press, Dublin, 2003)

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

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

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

O’Mahony, *Prison Policy in Ireland: Criminal Justice versus Social Justice* (Cork University Press, 2000)

O’Malley, *Sentencing: Towards a Coherent System* (Round Hall, 2011).

O’Malley, *Sentencing Law and Practice* (2nd edn, Round Hall, 2006)

O’Malley, *The Criminal Process* (Round Hall, 2010)

Rogan, *Prison Policy in Ireland: Politics, Penal-Welfarism and Political Imprisonment* (Routledge, 2011)

Seymour, *Youth Justice in Context: Community, Compliance and Young People* (Routledge, 2014)

Walsh and McCutcheon (Eds), *Confiscation of Criminal Assets* (Round Hall, 2000)

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

**How the module is taught & the students’ learning experience**

The module will be taught through a series of lectures. Slides to accompany lectures will be available on SULIS for students. There will be accompanying 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.

# LA4072 Criminal Law 2 (Online)

**Module leader**

Margaret Fitzgerald-O’Reilly

Margaret.FitzgeraldOReilly@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**

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

**Primary texts**

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

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

**Other relevant texts**

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

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

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

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

**Academic 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:

Discussion Boards: 20%

Report/Case Analysis: 20%

End-of-year examination: 60%

The repeat assessment will be a 100% repeat examination.

# LA4073 Introduction To Criminal Justice

**Module leader**

Jonathan McCarthy

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**

End-of-term examination: 90%

Continuous assessment: 10%

# LA4081 Family Law (Online)

**Module leader**

Dr Susan Leahy

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*, 4th 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%

# LA4082 Law Of Evidence

**Module leader**

Dr Andrea Ryan

Andrea.Ryan@ul.ie

**HourspPerwWeek**

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**

End-of-year examination: 100%

Repeat Assessment: 100% examination

# LA4093 Law Of The European Union 1 (Evening LLB)

**Module leader**

Dr Laura Donnellan

laura.donnellan@ul.ie

**Hours per week**

Lecture: 2

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* (11th edn), Essex: Pearson

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

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

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

Kaczorowska-Ireland, A. (2016) *European Union Law* (4th edn), Abingdon: Routledge

Barnard, C., Peers, S., (2014) (Eds) *European Union Law*. Oxford: Oxford University Press

Berry, E., et al. (2013) *Complete EU Law: text, cases, and materials*. Oxford: OUP

Steiner, J. and Woods, L. (2014) *Steiner & Woods EU Law* (12th edn), Oxford: Oxford University Press

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

**Other Relevant Texts**

Dashwood, A., Wyatt, D. (2011) *Wyatt and Dashwood’s European Union Law* (6th edn), Oxford: Hart

Schmidt, S.K., Kelemen, R.D. (2013) *The Power of the European Court of Justice*, London: Routledge

Craig, P. (2013) *The Lisbon Treaty: law, politics, and treaty reform*, Oxford: Oxford University Press

Weatherill, S. (2014) *Cases and Materials on EU Law* (11th ed.), Oxford: Oxford University Press

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

Evening LLB

**Academic instruments**

End-of-semester written exam: 60%

In-term assignment: 30% (Case note 20% and presentation 10%); two x 5% Sulis multiple-choice quiz

Repeat format: Where student has completed the in-term assessments, the repeat exam will be a 60% written examination. Where the student has not completed the in-term assessments, the exam will be 100%.

# LA4096 Law Of The European Union 2 (Evening)

**Module leader**

Dr Laura Donnellan

LAura.Donnellan@ul.ie

**Hours per week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

Upon completion of this module students should be able to:

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

**Primary texts**

Fairhurst, J. (2016) *Law of the European Union* (11th edn), Essex: Pearson

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

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

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

Kaczorowska-Ireland, A. (2016) *European Union Law* (4th edn), Abingdon: Routledge

Barnard, C, Peers, S. (2014) (Eds) *European Union Law*, Oxford: Oxford University Press

Berry, E., et al. (2013) *Complete EU law: text, cases, and materials*, Oxford: OUP

Steiner, J. and Woods, L. (2014) *Steiner & Woods EU Law* (12th edn), Oxford: Oxford University Press

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

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

**Other relevant texts**

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

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

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

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

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

McNab, A., (ed.) (2013) *Bellamy & Child materials on European Union law of competition* (6th edn), Oxford: OUP

Nic Shuibhne, N. (2013) *The Coherence of EU Free Movement law: Constitutional Responsibility and the Court of Justice*, Oxford: Oxford University Press

Hatzopoulos, V. (2012) *Regulating services in the European Union*, Oxford: Oxford University Press

Nazzini, R. (2011) *The foundations of European Union competition law: the objective and principles of Article 102*, Oxford: Oxford University Press

Hindelang, S. (2009) *The free movement of capital and foreign direct investment: the scope of protection in EU law*, Oxford; New York: Oxford University Press

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

Evening LLB

**Academic instruments**

End-of-semester written exam: 65%

Midterm written exam: 30%

SULIS multiple-choice quiz: 5%

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%.

# LA4098 Sport And The Law Evening

**Module leader**

Dr Laura Donnellan

Laura.Donnellan@ul.ie

**Hours per week**

Lecture: 2, 1 Tutorial

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. Commercial issues including contract law will also be discussed. 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.) (2017), *Sports Law in Ireland* (2nd edn), Kluwer

Donnellan L. (2010) Sport and the Law (Dublin: Blackhall)

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

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

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

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

**Other Relevant Texts**

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

Beloff, M. (2012) *Sports law* (2nd edn), Oxford: Hart

Grayson, E. (2000) *Sport and the law*, London: Butterworths

Greenfield, S. and Osborn, G. (Eds) (2001) *Law and sport in contemporary society* London: F. Cass

Hartley, H. (2009) *Sport, Physical Recreation and the Law*, London: Routledge:

O’Leary, J. (2001) *Drugs in sports: socio-legal perspectives*, London: Cavendish

Thorpe, D., et al (2013) *Sports Law* (2nd edn,), Melbourne, Oxford University Press

Healey, D. (2009) *Sport and the Law* (4th edn,), Sydney, UNSW Press

Blackshaw, I. (2009) *Sport, mediation and arbitration*, The Hague: T.M.C. Asser Press

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

Evening LLB

**Academic instruments**

1. Case note and presentation on a seminal case: 30%
2. Midterm Problem Question: 30%
3. MCQ on Sulis: 2 x 5%
4. Essay submitted in Week 12: 30%

Where the student has not completed the in-term assessments, the exam will be 100% and reduced where all or some aspects of the continuous assessment were completed.

# LA4101 Law Of Evidence (Online)

**Module leaders**

Shane Kilcommins

Shane.Kilcommins@ul.ie

**Hours per week**

Lecture: 2 Tutorial: 1

Credits: 6

Dr Alan Cusack

Alan.Cusack@ul.ie

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

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

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

**How the module is taught & the students’ learning experience**

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

**Primary texts**

Fennell, C., *The Law of Evidence in Ireland* (3rd edn, Haywards Heath 2008)

Healy, J., *Irish Laws of Evidence* (Thompson Round Hall 2004)

Heffernan, L. and Ní Raifeartaigh, U., *Evidence in Criminal Trials* (Bloomsbury 2013)

McGrath, D., E*vidence* (2nd edn,Thompson Round Hall 2014)

**Other relevant texts**

Roberts, P., and Zuckerman, A., *Criminal Evidence* (Oxford University Press 2004)

Spencer, J., *Evidence of Bad Character* (2nd edn, Hart 2009)

Spencer, J., *Hearsay Evidence in Criminal Proceedings* (Hart 2008)

**Semester & Year to Be First Offered:** Spring 2018

**Academic instruments**

Discussion Board: 20%

Case Analysis: 20%

End-of-year Examination: 60%

(100% End-of-year examination for repeat students)

# LA4111/LA4191 Contract Law 1

**Module leader**

Stephen Healy

stephen.healy@ul.ie

**Hours per week**

Lecture: 2 Tutorial: 1

Credits: 6

**Rationale & Purpose of the Module**

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

**Syllabus**

Formation of contracts: offer and acceptance, intention, doctrine of consideration.

Formal and evidentiary requirements: void, voidable and unenforceable contracts.

Construction/interpretation of contracts, capacity and consideration will all be covered.

**Learning outcomes**

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

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

**Primary texts**

Friel, *The Law of Contract*, 2nd edn, (Round Hall, 2000)

Clarke, *Contract Law in Ireland*, 8th edn, (Round Hall, 2016)

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

McDermott, *Contract Law*, 2nd edn, (Bloomsbury, 2017)

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

**Academic instruments**

Midterm multiple-choice exam (week 7): 30%

End-of-term exam (week 12): 70%

Repeats: Online open-book end-of-term exam: 100%

# LA4112 Criminal Procedure (Online)

**Module leader**

Angela Liddy

Angela.Liddy@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, the 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* (Round Hall, 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. Assessments include:

Discussion boards: 20%

Report/case analysis: 20%

End-of-year examination: 60%

The repeat assessment will be a 100% repeat examination.

# LA4122 Contract Law 2

**Module leader**

Stephen Healy

stephen.healy@ul.ie

**Hours per week**

Lecture: 2 (online) Tutorial: 1 (mix of online and face to face).

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**

Exclusion Clauses, duress, undue influence, unconscionability, misrepresentation, mistake, performance and agreement, breach and frustration, damages and alternative remedies will all be covered.

**Learning outcomes**

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

* Understand the means by which liability can be excluded or limited through the use of certain contractual clauses.
* Differentiate the factors which vitiate the existence of a contract, such as misrepresentation, mistake, duress and undue influence.
* Distinguish the consequences of bringing a contractual relationship to an end, depending on the circumstances of the termination.
* Identify the remedies and sanctions available upon the breach of a contract, including damages and alternative remedies.

**Primary texts**

Friel, *The Law of Contract*, 2nd edn, (Round Hall, 2000)

Clarke, *Contract Law in Ireland*, 8th edn, (Round Hall, 2016)

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

McDermott, *Contract Law*, 2nd edn, (Bloomsbury, 2017)

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

**Academic instruments**

Online open-book end-of-term exam (week 12): 70%

Online multiple-choice exam (week 7): 30%

Repeats: Online open-book end-of-term exam: 100%

# LA4131 Jurisprudence (Online)

**Module leader**

Shane Kilcommins

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**

Discussion board: 20%

Continuous assessment: 30%

End-of-year examination: 50%

(100% examination for repeats)

# LA4132 Human Rights Law (Online)

**Module leader**

Angela Liddy

Angela.Liddy@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 European Convention on Human Rights 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 & Overy. *The European Convention on Human Rights*, Oxford: OUP, 2017

Harris, O’Boyle & Warbrick. *Law of the European Convention on Human Rights*. OUP 2014

Moriarty & Massa. Law Society of Ireland, *Human Rights Law*. 4th Ed. OUP

**Additional texts**

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

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

**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:

Discussion boards: 20%

Report/case analysis: 20%

End-of-year examination: 60%

The repeat assessment will be a 100% repeat examination.

# LA4141 Constitutional Law: Fundamental Rights (Online)

**Module leader**

Norah Burns

Norah.Burns@ul.ie

**Hours per week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Module Introduction and Rationale**

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. 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 and unenumerated rights; the right to life of the unborn; family rights and the rights of children; educational rights; religious freedom; property rights; socioeconomic rights; remedies for breaches of constitutional rights.

**Module learning outcomes**

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

1: Identify Demonstrate an understanding of fundamental rights in the Irish Constitution;

2:Examine the limitations placed on the exercise of rights and assess the legitimacy of these;

3: Reason by analogy and apply the law on fundamental rights to determine the likely outcome of a court action;

4: Critically evaluate the law on constitutional rights in Ireland;

5: Evaluate the need for constitutional change in order to meet the changing trends in society;

6: 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,* 3rd edn, Dublin: Firstlaw

Hogan and Whyte (2003) *JM Kelly: The Irish Constitution,* 4th edn, Dublin: Butterworths

Doyle (2008) *Constitutional Law: Text, Cases and Materials*, Dublin: Clarus Press

**Other relevant texts**

Laura Cahillane & Seán Ó Conaill, *Constitutional Law – Ireland* (Kluwer International Publishing forthcoming summer 2017)

Laura Cahillane, *Drafting the Irish Free State Constitution* (Manchester University Press 2016)

Laura Cahillane, James Gallen, and Tom Hickey (Eds), *Judges, Politics and the Irish Constitution* (Manchester University Press 2017)

Constitution Review Group, *Report of the Constitution Review Group* (Dublin: Stationery Office, 1996) also available on [www.constitution.ie](http://www.constitution.ie))

Eoin Carolan (Ed), *The Constitution of Ireland: Perspectives and Prospects* (Haywards Heath: Bloomsbury, 2012)

Eoin Carolan and Oran Doyle, *The Irish Constitution: Governance and Values* (Dublin: Thomson Round Hall, 2008)

Tim Murphy and Patrick Twomey (Eds), *Ireland’s Evolving Constitution* (Oxford: Hart Publishing, 1998)

Frank Litton (Ed), *The Constitution of Ireland 1937–1987* (Dublin: Institute of Public Administration, 1988)

Gerard Hogan and David Gwynn Morgan, *Administrative Law in Ireland*, (4th edn, Dublin: Round Hall Sweet & Maxwell, 2012)

Dermot Keogh and Andrew McCarthy, *The Making of the Irish Constitution 1937*, (Cork: Mercer Press, 2007)

David Gwynn Morgan, *The Separation of Powers in the Irish Constitution*, (Dublin: Round Hall, 1997)

David Gwynn Morgan, *Constitutional Law of Ireland: the law of the executive, legislature and judicature*, (2nd edn, Dublin: Round Hall, 1990)

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

**Academic instruments**

20% - Discussion forum posts

20% - midterm quiz

60% - exam

Repeat Exam: If the student has completed the 20% discussion forum posts then the repeat exam will be worth 80%. Is the student has completed the 20% midterm quiz then the repeat exam will be worth 80%. If the student has completed both the discussion forum posts and the midterm quiz then the repeat exam will be worth 60%. If the student has completed none of the continuous assessment then the repeat exam will be worth 100%.

(Law\_Book of Modules 2020-2021 **NB**)

# 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*, 2nd edn, Dublin: Gill & Macmillan

**Other texts**

Dimond, B. (2006) *The Legal Aspects of Midwifery,* 3rd ed, Edinburgh: Books for Midwives

Jenkins, R. and Jones, S.R. (2004) *The Law and the Midwife*, Oxford: Blackwell

Bogner, M.S., (2012) *Human Errors in Medicine*, CRC Press

Byrne, R. and McCutcheon, J.P. (2009) *The Irish Legal System,* 5th edn, Haywards Heath: Bloomsbury Professional

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

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

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

Dooley, D. and McCarthy, J. (2011) *Nursing Ethics: Irish Cases and Concerns,* 2nd edn, Dublin: Gill & Macmillan

Greene, B. (2005) *Understanding Medical Law*, London: Cavendish

Hockton, A. (2002) *The Law of Consent to Medical Treatment*, London: Sweet & Maxwell

Madden, D. (2011) *Medicine, Ethics and the Law,* 2nd edn*,* Dublin: Butterworths

Madden, D. (2011) Medicine, Ethics and the Law, 2nd ed., Dublin: Butterworths.

Merry, A. and McCall Smith, A. (2001) *Errors, Medicine and the Law,* Cambridge: Cambridge University Press

Mills, S. (2007) *Clinical Practice and the Law,* 2nd edn, Dublin: Tottel Publishing

Mills, S and Mulligan, A (2017) Medical Law in Ireland 3rd ed., Dublin: Bloomsbury 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* (3rd 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* (9th ed Oxford, 2019)

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

**Academic instruments**

Tutorial participation: 10%

End-of-semester examination: 90%

The repeat assessment will follow the same format.

# LA4222 Criminal Law 2

**Module leader**

Paul McCutcheon

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* 3rd 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)

Horder, *Ashworth’s Principles of Criminal Law* (9th edition, Oxford, 2019)

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

**Academic Instruments**

Tutorial participation: 10%

End-of-semester examination: 90%

The repeat assessment will follow the same format.

# LA4290 Company Law 1 (Evening)

**Module leader**

Angela Liddy

Angelaliddy113@gmail.com

**Hours per week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

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

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

**How the module is taught & the students’ learning experience**

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

**Primary texts**

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

G Brian Hutchinson (Ed) *Keane on Company Law*, 5th edn, Bloomsbury

Callanan, *An Introduction to Irish company Law* 4th edn, Gill & McMillan

Courtney, *Bloomsbury Professional’s guide to the Companies Act* 2014

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

**Academic instruments**

The assessment will be a 100% end-of-term, closed-book examination where students will be required to answer three questions within a period of 2 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 three questions. The questions are a mixture of problems and essays and all questions carry equal marks.

# LA4310 Law Of Torts 1

**Module leader**

Eoin Quill

Eoin.Quill@ul.ie

**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**

Asynchronous online lectures, one live online seminar per week (1 Hour max & this may be recorded and made available on SULIS) and the chat and forums functions on SULIS. Small group teaching will be by Moots instead of tutorials; these will involve both online and face-to-face classes on campus in accordance with the scheduled timetable (on-campus classes may be recorded and made available on SULIS). Students are expected to conduct their own private research, using available high-quality sources, to further their knowledge of the relevant issues.

**Primary Texts**

Quill, *Torts in Ireland*. 4th edn (Dublin: Gill & Macmillan, 2014)

McMahon & Binchy, *The Irish Law of Torts*. 4th edn (Dublin: Bloomsbury, 2013)

**Other Relevant Texts**

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

**Academic Instruments**

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

In-term essay (based on mooting): 50%

Repeat assessment: same format as original assessment (if a student completes one element, but not the other, only the missed element must be repeated; an option to repeat the completed element is available).

# LA4320 Law Of Torts 2

**Module leader**

Eoin Quill

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 tort law, particularly the assessment of damages.

**Syllabus**

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

**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**

Asynchronous online lectures, one live online seminar per week (1 Hour max & this may be recorded and made available on SULIS) and the chat and forums functions on SULIS. Small group teaching will be by Moots instead of tutorials; these will involve both online and face-to-face classes on campus in accordance with the scheduled timetable (on-campus classes may be recorded and made available on SULIS). Students are expected to conduct their own private research, using available high-quality sources, to further their knowledge of the relevant issues.

**Primary Texts**

Quill, *Torts in Ireland*. 4th edn (Dublin: Gill & Macmillan, 2014)

McMahon & Binchy, *The Irish Law of Torts*. 4th edn (Dublin: Bloomsbury, 2013)

**Other Relevant Texts**

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

**Academic Instruments**

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

In-term essay (based on mooting): 50%

Repeat assessment: same format as original assessment (if a student completes one element, but not the other, only the missed element must be repeated; an option to repeat the completed element is available).

# LA4430/LA4190 Constitutional Law 1

**Module Leader**

Laura Cahillane

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**

Hogan, Whyte, Kenny and Walsh (2018) *JM Kelly: The Irish Constitution,* 5th edn, Dublin: Bloomsbury

Doyle & Hickey (2019) *Constitutional Law: Text, Cases and Materials*, Dublin: Clarus Press

Casey (2000) *Constitutional Law in Ireland*, Dublin: Round Hall Sweet and Maxwell

Forde and Leonard (2013) *Constitutional Law*, 3rd edn, Dublin: Firstlaw

**Other Relevant Texts**

Laura Cahillane & Seán Ó Conaill, *Constitutional Law – Ireland* (Kluwer International, 2nd edn 2020)

Laura Cahillane, *Drafting the Irish Free State Constitution* (Manchester University Press 2016)

Laura Cahillane, James Gallen, & Tom Hickey (Eds), *Judges, Politics and the Irish Constitution* (Manchester University Press 2017)

Constitution Review Group, *Report of the Constitution Review Group* (Dublin: Stationery Office, 1996) also available on [www.constitution.ie](http://www.constitution.ie/))

Eoin Carolan (Ed), *The Constitution of Ireland: Perspectives and Prospects* (Haywards Heath: Bloomsbury, 2012)

Eoin Carolan & Oran Doyle, *The Irish Constitution: Governance and Values* (Dublin: Thomson Round Hall, 2008)

Tim Murphy & Patrick Twomey (Eds), *Ireland’s Evolving Constitution* (Oxford: Hart Publishing, 1998)

Frank Litton (Ed), *The Constitution of Ireland 1937–1987* (Dublin: Institute of Public Administration, 1988)

Gerard Hogan and David Gwynn Morgan, *Administrative Law in Ireland*, (4th edn, Dublin: Round Hall Sweet & Maxwell, 2012)

Dermot Keogh and Andrew McCarthy, *The Making of the Irish Constitution 1937*, (Cork: Mercer Press, 2007)

David Gwynn Morgan, *The Separation of Powers in the Irish Constitution*, (Dublin: Round Hall, 1997)

David Gwynn Morgan, *Constitutional Law of Ireland: the law of the executive, legislature and judicature*, (2nd edn., Dublin: Round Hall, 1990)

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

**Academic Instruments**

Total Marks 100: End of term examination 70 marks, continuous assessment 30 marks.

Repeat assessment: End of term examination 100 marks

#

# LA4440/LA992 Constitutional Law 2

**Module Leader**

Laura Cahillane

laura.cahillane@ul.ie

**Hours Per Week**

Lecture: 2 Tutorial: 1 (per fortnight)

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**

Hogan, Whyte, Kenny and Walsh (2018) *JM Kelly: The Irish Constitution,* 5th edn, Dublin: Bloomsbury

Doyle & Hickey (2019) *Constitutional Law: Text, Cases and Materials*, Dublin: Clarus Press

Casey (2000) *Constitutional Law in Ireland*, Dublin: Round Hall Sweet and Maxwell

Forde and Leonard (2013) *Constitutional Law*, 3rd edn, Dublin: Firstlaw

**Other Relevant Texts**

Laura Cahillane & Seán Ó Conaill, *Constitutional Law – Ireland* (Kluwer International 2nd edn, 2020)

Laura Cahillane, *Drafting the Irish Free State Constitution* (Manchester University Press 2016)

Laura Cahillane, James Gallen, and Tom Hickey (Eds), *Judges, Politics and the Irish Constitution* (Manchester University Press 2017)

Constitution Review Group, *Report of the Constitution Review Group* (Dublin: Stationery Office, 1996) also available on [www.constitution.ie](http://www.constitution.ie))

Eoin Carolan (Ed), *The Constitution of Ireland: Perspectives and Prospects* (Haywards Heath: Bloomsbury, 2012)

Eoin Carolan and Oran Doyle, *The Irish Constitution: Governance and Values* (Dublin: Thomson Round Hall, 2008)

Tim Murphy and Patrick Twomey (Eds), *Ireland’s Evolving Constitution* (Oxford: Hart Publishing, 1998)

Frank Litton (Ed), *The Constitution of Ireland 1937–1987* (Dublin: Institute of Public Administration, 1988)

Gerard Hogan and David Gwynn Morgan, *Administrative Law in Ireland*, (4th edn, Dublin: Round Hall Sweet & Maxwell, 2012)

Dermot Keogh and Andrew McCarthy, *The Making of the Irish Constitution 1937*, (Cork: Mercer Press, 2007)

David Gwynn Morgan, *The Separation of Powers in the Irish Constitution*, (Dublin: Round Hall, 1997)

David Gwynn Morgan, *Constitutional Law of Ireland: the law of the executive, legislature and judicature*, (2nd edn, Dublin: Round Hall, 1990)

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

**Academic Instruments**

Total Marks 100: End of term examination 70 marks, continuous assessment 30 marks.

Repeat assessment: End of term examination 100 marks

# LA4530 Company Law 1

**Module leader**

Sinead Eaton

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 an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues.

**Primary texts**

Additional reading on specific topics will be recommended during the lectures

G Brian Hutchinson (Ed) *Keane on Company Law*, 5th edn, Bloomsbury

Callanan, *An Introduction to Irish company Law* 4th edn, Gill & McMillan

Courtney, The Law of Companies*, Fourth edition*

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

**Academic instruments**

The assessment will comprise of two SULIS quizzes with a value of 20% of total marks and an end-of-term, examination where students will be required to answer two questions. 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 an 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 and that exam will account for 100%.

# LA4610 Land Law 1

**Module leader**

Una Woods

**Hours per week**: Lecture 2; Tutorial 1

Una.woods@ul.ie

**Rationale & Purpose of the Module**

To examine the fundamental aspects of legal control over real property.

**Syllabus**

* Classification of property; finding disputes.
* The nature of land law and its historical evolution, tenure and the concept of estates.
* Freehold estates, fee farm grants, fee simples, fee tails, life estates.
* The influence of Equity: the use and the doctrine of notice.
* Adverse possession.
* Co-ownership.
* Easements.

**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**

Fiona De Londras, *Principles of Irish Property Law*, Clarus Press

**Semester – Year to be First Offered**: Autumn 2009/2010

**Year Last Offered:** 2014/2015

**Assessment**

Two quizzes worth 20%.

80% written examination, comprising of problem and essay-style questions.

**Repeat Assessment:** 100% written examination.

# LA4620 Land Law 2

**Module leader**

Una Woods

Una.woods@ul.ie

**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**

Fiona De Londras, *Principles of Irish Property Law*, Clarus Press

**Semester & Year to be First Offered**: Spring 2009/2010

**Year Last Offered:** 2014/2015

# LA4692 Land Law 2

**Module leader**

Angela Liddy

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**

Fiona De Londras, *Principles of Irish Property Law*, Clarus Press

**Semester & Year to be First Offered**: Spring 2009/2010

**Year Last Offered:** 2014/2015

# LA4810 Equity & Trusts 1

**Module leader**

Norah Burns

Norah.Burns@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* 6th edn (Round Hall, 2016)

Keane, *Equity and the Law of Trusts in Ireland* 2nd 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* 20th edn (Sweet & Maxwell, 2015)

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

**Academic instruments**

Original assessment

In-term assignment: 30%

Exam (mix of essay and problem questions): 70%

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

# LA4828 Equity & Trusts 2

**Module leader**

Una Woods

Una.woods@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: Round Hall, 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**

Luke Danagher

Luke.Danagher@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* (6th edn Hayward Heath Bloomsbury Professional 2014)

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

**Assessment instruments**

The examination is a 100% end-of-year examination.

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

# LA4912 Company Law 2 (Evening)

**Module leader**

Angela Liddy

Angelaliddy113@gmail.com

**Hours per week**

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

**Prerequisite Modules:** LA4530 Company Law 1

**Rationale & Purpose of the Module**

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

**Syllabus**

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

**Learning outcomes**

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

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

**How the module is taught & the students’ learning experience**

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

**Primary texts**

Additional reading on specific topics will be recommended during the lectures

G Brian Hutchinson (Ed) *Keane on Company Law*, 5th edn, Bloomsbury

Callanan, *An Introduction to Irish company Law* 4th edn, Gill & McMillan

Courtney, *The Law of Companies, Fourth edition*

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

**Academic instruments**

The assessment will be a 100% end-of-term, closed-book examination where students will be required to answer three questions within a period of 2 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 three questions. The questions are a mixture of problems and essays and all questions carry equal marks.

# LA4922 Sport & The Law

**Module leader**

Dr Laura Donnellan

Laura.Donnellan@ul.ie

**Hours per week**

Lecture: 2, 1 Tutorial

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. Commercial issues including contract law will also be discussed. 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.) (2017), *Sports Law in Ireland* (2nd edn), Kluwer

Donnellan L. (2010) Sport and the Law (Dublin: Blackhall)

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

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

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

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

**Other Relevant Texts**

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

Beloff, M. (2012) *Sports law* (2nd edn), Oxford: Hart

Grayson, E. (2000) *Sport and the law*, London: Butterworths

Greenfield, S. and Osborn, G. (Eds) (2001) *Law and sport in contemporary society* London: F. Cass

Hartley, H. (2009) *Sport, Physical Recreation and the Law*, London: Routledge:

O’Leary, J. (2001) *Drugs in sports: socio-legal perspectives*, London: Cavendish

Thorpe, D., et al (2013) *Sports Law* (2nd edn,), Melbourne, Oxford University Press

Healey, D. (2009) *Sport and the Law* (4th edn,), Sydney, UNSW Press

Blackshaw, I. (2009) *Sport, mediation and arbitration*, The Hague: T.M.C. Asser Press

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

Law Plus, Erasmus, Study Abroad, Sports and Exercise Science

**Academic instruments**

1. Case note and presentation on a seminal case: 30%
2. Midterm Problem Question: 30%
3. MCQ on Sulis: 2 x 5%
4. Essay submitted in Week 12: 30%

Repeat Assessment: Where the student has not completed the in-term assessments, the exam will be 100% and reduced accordingly where all or some aspects of the continuous assessment were completed.

# LA4933 LGBT Rights, Resistance & Redress: Gender, Sexuality & The Law In Ireland

**Module leader**

Jennifer Schweppe

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 21st Century.* Dublin: O’Brien Press

Leane, M. and Kiely, E. (2014) *Sexualities and Irish Society: A Reader*. Dublin: Orphen Press

**Other relevant texts**

Buffington, R.M., E. Luibhéid, and D.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.

# LA6202 YOUTH CRIME

**Module Leaders**

Dr Sean Redmond

Eoin O’Meara Daly

Hours per Week

Lecture: 2 Private Study: 13

Credits: 9

eoin.omearadaly@ul.ie

**Rationale & Purpose of the Module**

This is an online cross-disciplinary offering that blends legal\policy\social science perspectives on youth crime and offers 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 builds on prior learning for law and sociology students and is applied in a specific youth crime context. Students are encouraged to bring the experiences of their differing disciplines to bear on the module. Students from the various intakes are also encouraged to expose theoretical positions to practical realities. This online module is 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 will be able to understand the complexity of youth crime in Ireland and:

* Understand the historical events that shaped and defined youth crime and justice in Ireland.
* 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.
* 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 will be able to:

* Appreciate the multi-faceted causes of youth 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.
* Understand the complexity of appropriate intervention.

**How the Module is Taught**

* Online sessions are delivered through a Moodle student portal with each student being able to access lecture content, readings, additional reading and discussion forums through an individual student log on.
* There will be at least one practical workshop per semester with thematic discussions, debate and group interaction.
* More in depth descriptive inputs will be delivered by practitioners and experts in their field through pre-recorded guest lectures or interview ‘Parkinson’ style sessions.
* 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. CUP

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

**Academic Instruments**

This module is assessed by Continuous Assessment only (CA) -

* Weekly online discussion forum submissions (1) 30%,
* End-of-year Assignment (1) 70%

Feedback on submitted work will be delivered online at later dates.