

Law of Tort

Relationship with Programme Philosophy and Aims

The aim of the module is to explore aspects of the substantive law of the law of tort and to provide a sound basis for the understanding and application of the legal concepts and principles involved. In accordance with the ethos and aims of the LL.B programmes, the subject matter will be approached through a critical examination of the historical, political, economic and ethical background to the modern law and through an emphasis on how the law operates in context, including how it links with the law of contract.

Indicative content

1. Historical Overview
 2. Rights and interests
 3. Trespass Torts
 4. Negligence - duty, breach causation and remoteness of damage
 5. Defences
 6. Vicarious liability
 7. Private Nuisance
 8. Occupiers' Liability
 9. Defective Products
 10. Defamation
 11. Remedies
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Law of Contract

Relationship with Programme Philosophy and Aims

The aim of the module is to explore aspects of the substantive law of contract and to provide a sound basis for the understanding and application of the legal concepts and principles involved. In accordance with the ethos and aims of the LL.B programmes, the subject matter will be approached through a critical examination of the historical, political and economic background to the modern law and through an emphasis on how the law operates in context, including how it links with the law of tort and with restitution.

Indicative content

- 1 *Introduction*
 - (a) legal and other perspectives on contract; promise, reliance and expectation
 - (b) classical and other theories of contract
 - (c) contract and capitalism
 - (d) e-commerce
 - 2 Formation of contract
 - (a) agreement, objectivity and responsibility
 - (b) consideration and bargain
 - (c) intention to create legal relations
 - (d) capacity of minors
 - (e) form – guarantees and indemnities; contracts concerning land
 - 3 Contents of the contract: terms and representations; express and implied terms; standard-form contracts and exclusion clauses
 - 4 Contract boundaries: unconscionability; misrepresentation; third parties
 - 5 Ending the contract: discharge; remedies; restitution
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Criminal Law

Relationship with Programme Philosophy and Aims

The aim of the module is to explore aspects of the substantive criminal law and to provide a sound basis for the understanding and application of the legal concepts and principles involved. In accordance with the ethos and aims of the LL.B programmes, the subject matter will be approached through a critical examination of the historical, political and ethical background to the modern law and through an emphasis on how the criminal law operates in a social context.

Indicative content

- 1 Introduction to the basic principles of actus reus and mens rea;
 - 2 Bodily offences including homicide offences, non -fatal offences against the person and sexual offences;
 - 3 Property offences including criminal damage, theft, robbery and burglary;
 - 4 Inchoate and participatory offences;
 - 5 General defences including insanity, automatism, duress, necessity and self defence;
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Skills, Processes & Scholarship

Relationship with Programme Philosophy and Aims

The module aims to provide students with a basic knowledge of the principal features of the English Legal System as well as developing many of the practical lawyering, study and employability skills required by students throughout their legal education and into employment. The approach is very practical and designed to enable students to develop the required skills at their own speed. Personal development planning and self-reflection are important features of this module.

Indicative content

- 1) Features of the English legal system:
 - The nature of law;
 - Sources of law;
 - The European Convention on Human Rights;
 - Legal Personnel: judges, barristers, solicitors, magistrates, jurors;
 - The criminal justice system;
 - The civil justice system;
 - Tribunals;
 - Appeals

 - 2) Legal Research:
 - Using a law library;
 - Using electronic databases

 - 3) Analysis of legal texts:
 - The layout of legislation and law reports;
 - Statutory drafting;
 - Identifying policy and approaches to statutory interpretation;
 - Critical analysis

 - 4) Language and communication:
 - Mooting
 - Employment interviews
 - Negotiation

 - 5) Employability:
 - Personal development planning;
 - Planning for careers and work experience;
 - CV writing
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Public Law and Civil Rights

Relationship with Programme Philosophy and Aims

To explore key issues in the development of modern constitutions, to provide a general introduction to the British constitution, emphasising historical and political contexts, and to develop an understanding of the importance attached to obligations of accountability owed by government to both Parliament and the Courts (judicial review). The module also aims to examine critically the relationship between citizen and state from the perspective of fundamental civil rights.

Indicative content

CONSTITUTIONAL LAW

- The concept of the state; the nature and purpose of constitutions; comparisons between British and other constitutions; constitutional principles – separation of powers & the rule of law
- Modern history of the British constitution (from 17th century); devolution of powers.
- Monarchy and the royal prerogative; political and judicial scrutiny of ministerial prerogatives
- Constitutional conventions and their role in the British constitution.
- The legislative supremacy of Parliament - the English doctrine & its limitations, with particular reference to the European Union, human rights & devolution
- British central government - prime minister, cabinet departments, agencies & the civil service – principles of ministerial responsibility
- Parliamentary elections - the UK Parliament and regional Parliaments/assemblies.
- The legislative and scrutiny roles of the Common - structure and role of the Lords - relations between the two Houses.

ADMINISTRATIVE LAW & HUMAN RIGHTS

- Judicial review – origins, purposes and principles - the constitutional role of the judiciary
 - Judicial review - practice & procedures
 - Judicial review - common law grounds of review - judicial review under Human Rights Act 1998
 - Alternatives to judicial review - Ombudsmen and other grievance remedying mechanisms
 - The European Convention on Human Rights – principles and practices in the Strasbourg court
 - Common law protection of civil liberties – structure and effect of the Human Rights Act 1998
 - Personal liberty and police powers - particular reference to PACE 1984 and articles 5 & 6 of the Convention
 - Freedom of assembly - the right to protest - particular reference to the Public Order Acts & article 11 of the Convention
 - Freedom of expression - censorship of the media, state security and access to information - importance of article 10 of the Convention.
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Land Law

Relationship with Programme Philosophy and Aims

The aim of the module is to explore aspects of the substantive law of land law and to provide a sound basis for the understanding and application of the legal concepts and principles involved. In accordance with the ethos and aims of the programme, the subject matter will be approached through a critical examination of the historical, political, economic and ethical background to the modern law and through an emphasis on how the law operates in context, including how it links with the law of equity.

Indicative content

1. Introduction - what is land?
 2. Legal estates and interests in land
 3. Adverse possession
 4. Leasehold property and the lease / licence distinction
 5. Co-Ownership
 6. Easements
 7. Covenants – freehold and leasehold
 8. Mortgages
 9. Title – introduction to registered / unregistered conveyancing
 10. Personal Property
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European Union Law

Relationship with Programme Philosophy and Aims

This module will explore the constitutional and administrative law of the European Communities and European Union (EU), including the impact of EU Law on English Law through an examination of the principles of supremacy, direct and indirect effect, and state liability.

This will be followed by an exploration of the substantive law of the EU relating to the Single European Market (SEM).

In accordance with the ethos and aims of the LL.B programmes, the subject matter of this module relating to the EU's constitutional and administrative law will be approached through a critical examination of the EU's historical and political background as an organisation, its impact on EU citizens, and its relationship to the UK's constitutional system. The substantive law of the EU will be approached through a critical examination of the areas of EU law relating to the SEM, and examining how such areas of EU Law have impacted upon English Law.

Throughout the module there will be an emphasis on the further development of legal skills, in particular the skills of independent and group research, legal analysis and criticism. These skills are essential prerequisites to both essay-writing and problem-solving. Seminar discussion will be used to develop critical oral communication skills.

Indicative content

1. An examination of the constitutional structure of the European Communities and the European Union, focussing in particular on the decision-making and legislative processes and how these are affected by changes in Union competence and institutional roles.
 2. The role of the European Commission as Guardian of the Treaties under Article 226 EC Treaty.
 3. The role of the European Court of Justice as a court of first instance, a court of reference under Article 234 EC Treaty, and court of judicial review.
 4. The principles of EU Law supremacy, direct and indirect effect of Treaty provisions, regulations and directives, and the rules relating to Member State liability for breach of Union law.
 5. The rules relating to the free movement of goods, the nature and the extent of prohibited restrictions and measures having equivalent effect, the extent of their direct effect in the courts of Member States, and the extent of permitted derogation from such prohibitions.
 6. The free movement rights of persons (and workers in particular), and the extent of permitted derogation from such rights.
 7. The freedom of establishment (including the recognition of professional and other qualifications) and the freedom to provide and receive services.
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Equity & Trusts

Relationship with Programme Philosophy and Aims

The aim of this module is to explore aspects of the principles of equity and trusts. Students are introduced to the subject by means of a historical description and analysis of the origins of the subject. The remainder of the course explores the substantial law. In accordance with the ethos and aims of the LL.B programmes, the subject matter is examined against an economic and social background. The module develops competencies in the understanding, critical analysis and application of the principles and rules of equity and trusts.

Indicative content

1. History of equity and trusts.
 2. Nature and classification of a trust.
 3. The trust compared to other legal concepts.
 4. Essential requirements for a valid express trust.
 5. The beneficiary principle and exceptions to it.
 6. Statutory requirements for a valid express trust.
 7. Completely and Incompletely constituted trusts.
 8. Secret Trusts
 9. Resulting trusts.
 10. Constructive trusts.
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11. Imputed trusts and family breakdown.
 12. Trusts and Occupational Pension Schemes.
 13. Charitable trusts
 14. Flexibility of beneficial entitlement.
 16. Trustees and trusteeship.
 17. Management of trusts.
 18. Control of the trustees.
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