



POSTGRADUATE COURSES IN LAW

DEGREE COURSES

DEGREE OF MASTER OF LAWS (LLM)
DEGREE OF DOCTOR OF PHILOSOPHY (PHD)
DEGREE OF DOCTOR OF LAWS (LLD)

DIPLOMA COURSES

DIPLOMA IN ARBITRATION (DIP.ARB)
DIPLOMA IN INTERNATIONAL ARBITRATION (DIP.INT.ARB)
DIPLOMA IN FINANCIAL SERVICES LAW (DIP.FSL)
DIPLOMA IN EMPLOYMENT LAW (DIP.EMP.LAW)

INTERDISCIPLINARY COURSES

DEGREE OF MASTER OF EQUALITY STUDIES
HIGHER DIPLOMA IN EQUALITY STUDIES
DEGREE OF MASTER OF ECONOMIC SCIENCE
IN EUROPEAN ECONOMIC AND PUBLIC AFFAIRS

UCD LAW FACULTY

The Faculty of Law was established in 1908 when University College Dublin became a constituent college (now a constituent university) of the National University of Ireland. It has 30 full-time teaching staff and a number of part-time lecturers and tutors. The student body consists of some 800 undergraduates and over 100 postgraduates.

The UCD Law Faculty – the largest in the State – has a flourishing postgraduate programme which attracts students from Ireland, other EU member states, and from further afield. The postgraduate degree programme embraces:

- (a) research-based degrees, i.e. the LLM, Ph.D and LL.D
- (b) taught courses, i.e. the LLM in Commercial Law and the LLM in European Law

ROEBUCK CASTLE

Though it has several later accretions, the core of Roebuck Castle situated in the grounds of University College Dublin, Belfield, dates back to the fifteenth century. Until 1856 it belonged to the successive lords Trimleston, whose surname “Barnewall” is famous in early Irish legal history. In 1423 Christopher Barnewall is recorded as ‘the King’s Serjeant at Law in Ireland’. His Great-grandson John (son of the first Lord Trimleston) appears as ‘King’s Attorney’ in 1504, thus beginning an official career which led to a judgeship and, finally, the office of chancellor in 1534. In that same year John’s nephew Patrick became king’s serjeant; he was to play an important role in the political sphere and contrived to enhance his family’s fortunes during the dissolution of the Irish monasteries. He became Master of the Rolls in 1550.

In 1856 the Castle was sold to the Westby family, which has left its traces in the nineteenth and twentieth century Irish law reports.

It was purchased by a religious order in 1943. University College Dublin acquired the property in 1986 and in 1990 Roebuck Castle became the permanent home of the Faculty of Law.

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Postgraduate Staff involved in Taught Programmes

James P. Casey, LLB (QUB), MA(Dub), PhD(Dub), LLD(NUI) –
Course Director of the LLM European Law

Robert Clark, BA(Northumbria), LLM(Lond), PhD(NUI), BL –
Course Director of the LLM Commercial Law

James Bergeron, BA, MA, JD(Syracuse), LLM(Lond) –
Director of Postgraduate Studies

Brian Hutchinson, BCL, LLM(NUI), DAL, ACI Arb, BL - **Associate Dean**

Leila Anglade, MBA(Lyon), DESS(Sorbonne), DEA(Sorbonne), LLM(Harv),
Member of the Paris Bar

Gavin Barrett, LLB, PhD, (Dub), BL, M.C.I.Arb

John A. Breslin, BA(Mod) (Dub), LLM(Cantab), PhD(Cantab), BL

Dermot Cahill, BCL, LLM(NUI), DipAELS(Bruges), Solr.

Blanaid Clarke, BCL, MBS(NUI), BL

Sara A. Dillon, BA(Verm), MS(Wisc), PhD(Stanford), JD(Columbia), Attorney(New York)

Suzanne J Egan, BCL(NUI), LLM(York), BL

Vivion Gill, LLB(QUB)

Mary Catherine Lucey, BCL, LLM(NUI), BL

Barbara Maguire, LLB(Dub), LLM(Cantab), Solr.

Declan Murphy, BCL(NUI), BL

POSTGRADUATE STUDY AND RESEARCH IN LAW

ADMISSION REQUIREMENTS

MASTER OF LAWS (LLM) DEGREE BY EXAMINATION

Applications for the taught LLM Degrees will be considered from those who:

- (a) Hold at least a Second Class Honours (Grade I) university degree in law or an interdisciplinary degree which has a substantial law component. Overseas applicants must demonstrate equivalent qualifications.
- (b) Hold at least a Second Class Honours or equivalent university degree in law, or a Second Class Honours degree in a discipline other than law, and possess a relevant professional qualification and have experience of appropriate law related practice.

In the case of applicants who hold a university degree and possess a relevant professional qualification, a degree result which fails to meet the standard required may be compensated for by performance in professional examinations, by the range and depth of expertise gained in practice, and by such other factors as the Faculty considers relevant.

- (c) In exceptional circumstances, LLM applicants without professional qualifications who have obtained a Second Class Honours (Grade II) or equivalent university degree in law may be considered.

MASTER OF LAWS (LLM) DEGREE BY RESEARCH

Applications will be considered from those who hold, or expect to obtain by the term of entry, at least a Second Class Honours (Grade I) or equivalent university degree in law, or a Master of Laws degree. Applicants from jurisdictions where the primary law degree is a postgraduate degree and holding an honours degree in law may be considered.

Candidates who hold, or expect to obtain by the term of entry, a Second Class Honours (Grade I) or equivalent university interdisciplinary degree, including a substantial law component, may be considered for admission at the discretion of the Faculty if that degree is directly related to the candidate's research proposal.

In exceptional circumstances, candidates who have obtained a Second Class Honours (Grade II) or equivalent university degree in law, may be considered for admission if such students can demonstrate other appropriate academic accomplishments evidencing a capacity for graduate research.

DOCTOR OF PHILOSOPHY (PhD)

To be eligible to enter on a course of study and research for the Degree of PhD in University College Dublin a candidate must have reached a high honours standard at the examination for the Primary Degree and have demonstrated a capacity for research or presented such other evidence as will satisfy the Professor, or, where appropriate, the Head of Department and the Faculty of his/her fitness.

The application of a graduate of UCD or of another university or of a student of advanced standing who proposes to enter on a course of study and research for the degree of PhD shall be considered by a Faculty or Department in UCD on the recommendation of the Dean/Head of Department in which the course is to be pursued. Acceptance of students for the degree of PhD is a matter for UCD acting within the terms of these regulations.

The candidate's application, if approved by the Faculty, shall be submitted to the Academic Council. The title of the thesis or a short description outlining the nature of the work must be provided to the College and University Bodies when the student is being recommended for acceptance as a candidate for the PhD degree, if the student's application is approved by the Academic Council he/she must register as a PhD candidate.

Candidates are reminded that the Academic Council is empowered to withdraw the acceptance of any candidate on the recommendation of the Academic Council concerned.

LANGUAGE REQUIREMENTS

All Faculty courses are conducted in English. Applicants from non-English speaking countries must submit with their application evidence of oral and written proficiency in English adequate to meet the demands of their course. For this purpose, the following will be considered: (a) IELTS (administered by the British Council) scores 7.0, (b) TOEFL overall score 6.50, (c) Cambridge Examination: a pass is required in the 1st examination .

APPLICATION PROCEDURE

Applicants must complete and submit an application form together with an official transcript of previous degrees (including those in progress), satisfactory evidence of written and spoken English (if applicable) and two letters of reference from university lecturers (each letter to be delivered to the candidate in a sealed envelope). UCD law graduates need not submit transcripts or letters of reference. Please note that incomplete applications will not be considered. Successful applicants will be required to lodge a non-refundable IR€75 deposit when accepting the offer of a place.

SCHOLARSHIPS AND FINANCIAL AID

The Faculty of Law offers up to 6 postgraduate scholarships for the LLM in Commercial Law and the LLM in European Law Degree programmes. The normal value of these scholarships is €3,000. The scholarships will be awarded on the basis of outstanding academic merit and are open to graduates of University College Dublin and other universities.

The Faculty also offers two Open Postgraduate Scholarships to support research-based postgraduate work. The normal value of these scholarships is €2,000 each. Application forms are available from the Postgraduate Studies Office, Library Building, Belfield, Dublin 4. They are tenable for one year. These scholarships will be awarded on the basis of academic merit and are open to graduates of University College Dublin and other universities. Registered postgraduate students may have the opportunity of tutoring (on an hourly paid basis) at the discretion of the Dean.

FURTHER INFORMATION

Further information and application forms for all programmes described herein are available from the Faculty of Law Office, University College Dublin, Roebuck Castle, Belfield, Dublin 4. 01-706 8745 01-706 8342

A. DEGREE OF MASTER OF LAWS BY EXAMINATION

The Degree of Master of Laws allows suitably qualified students to pursue postgraduate studies in areas of particular interest. The Faculty offers three taught Master of Laws (LLM) degree programmes:

- Master of Laws
- Master of Laws in Commercial Law
- Master of Laws in European Law

GENERAL REGULATIONS

Except with the special permission of the Faculty, every candidate entering as a full-time student must spend not less than three terms in a course of full-time study. Candidates entering as part-time students must spend not less than six terms in a course of part-time study.

All LLM Degree candidates are required to attend the prescribed courses in the Faculty of Law, in accordance with the requirements of each course. Permission to enter for the final examination is conditional upon satisfactory completion of the course requirements. In courses where marks are awarded for written work, entry into the final examinations is conditional on the submission of such work.

Examinations for LLM candidates will be held in August. All subjects must be passed. In exceptional circumstances, a candidate who fails in a single subject may, at the discretion of the Faculty, resit that subject. Otherwise, a candidate will be required to petition the Faculty for permission to resit the examination in all subjects. A student who is registered to complete the course over two years and fails one subject only at the first sitting may proceed into second year carrying that failed subject.

All examination resits will be held at the next LLM examination sitting.

MASTER OF LAWS (LLM)

This course will not be offered in the session 2000/2001

MASTER OF LAWS IN COMMERCIAL LAW (LLM)

The Faculty of Law offers a one year, full-time course or a two year, part-time course leading to the award of the Degree of Master of Laws in Commercial Law (LLM).

Full-time candidates are required to take four full subjects or three full subjects and two half subjects. Part-time candidates are required to take either two full subjects or one full subject and two half subjects in each academic year. With the permission of the Faculty candidates may substitute one full subject with a minor dissertation.

The available subjects include:

<i>Law P001</i>	Commercial Arbitration
<i>Law P002</i>	Corporate Finance Law
<i>Law P103</i>	European & International Competition Law
<i>Law P003</i>	Information Technology Law
<i>Law P010</i>	Insolvency Law
<i>Law P004</i>	Intellectual Property Law
<i>Law P005</i>	Law of Credit and Security
<i>Law P006</i>	Private International Law

Half subjects:

<i>Law P007</i>	Banking Law
<i>Law P008</i>	Competition Law
<i>Law P009</i>	Environmental Law
<i>Law P013</i>	European Merger Control Law
<i>Law P015</i>	Insolvency Law
<i>Law P011</i>	International Commercial Transactions
<i>Law P012</i>	International Trade Law
<i>Law P014</i>	Regulation of Financial Intermediaries

Such other subjects as the Faculty may from time to time approve.

MASTER OF LAWS IN EUROPEAN LAW (LLM)

The Faculty of Law offers a one year, full-time course leading to the award of the Degree of Master of Laws in European Law (LLM).

Candidates are required to take *four* full subjects or three full subjects and two half subjects from the following list:

<i>Law P101</i>	The Commercial and Social Law of the European Union
<i>Law P102</i>	The Constitutional and Administrative Law of the European Union
<i>Law P104</i>	European Human Rights Law
<i>Law P103</i>	European and International Competition Law
<i>Law P006</i>	Private International Law

Half-subjects:

<i>Law P105</i>	State and Public Sector Competition Law
<i>Law P009</i>	Environmental Law
<i>Law P013</i>	European Merger Control Law
<i>Law P011</i>	International Commercial Transactions
<i>Law P012</i>	International Trade Law
<i>Law P106</i>	The Sociology of European Union Law *

* This subject will not be available in the academic year 2000-2001

Such other subjects as the Faculty may from time to time approve.

DESCRIPTION OF TAUGHT LLM SUBJECTS

MASTER OF LAWS IN COMMERCIAL LAW

Law P001 Commercial Arbitration

A study of the domestic and international law and practice of commercial arbitration.

The course will cover: The Arbitration Agreement: form; scope and effect; the proper law of the arbitration agreement; giving effect to the agreement to arbitrate; litigating the subject matter of an agreement to arbitrate; staying litigation pending arbitration; frustration, repudiation and abandonment of arbitration agreements. The Arbitrator: appointment, replacement, removal; duties and powers; immunity from suit; ethical obligations and considerations. The Arbitral Proceedings: procedure and evidence; the *ICC* and other institutional rules of procedure; the proper law of the proceedings; the proper law of the dispute; separability and arbitrability of disputes; equity clauses and the *lex mercatoria*. The award: formal and substantive requirements; reliefs and remedies; costs and interest. Challenges to an arbitral award: domestic and foreign awards; the *Geneva* and *New York Conventions*. Arbitration of international investment disputes; the *ICSID* system and rules. State involvement in arbitration. The *UNICTRAL* model law and the reform of arbitration law.

Law P002 Corporate Finance Law

This course examines the law relating to corporate finance transactions in Ireland, with particular emphasis on corporate governance, quoted sources of finance and mergers and takeovers. Comparisons will be made with the legal regulation of corporate finance in the rest of Europe and the United States.

Topics covered in this course include: The separation of ownership and control; corporate governance; listed securities; regulation of Stock Exchanges, member firms and advisors; prospectuses and listing particulars; obtaining a listing; securities frauds; the regulation of mergers and takeovers; and the acquisition of public and private companies.

Law P103 European & International Competition Law

This course examines the development of European Union competition law and policy in its international context, and in comparison with United States antitrust law. Extensive use will be made of cases and regulatory decisions from EU, US and WTO, as well as other competition law jurisdictions. Topics will include: Introduction to antitrust economics; market definition; jurisdiction and extraterritoriality: cartel operations; oligopolistic dominance; antitrust problems relating to trade and professional associations; joint ventures; competition aspects of intellectual property licensing; monopoly and abusive dominance; dominance in after-markets; collective dominance; refusals to deal; tying arrangements; predatory pricing; price discrimination; vertical restraints; including: exclusive territories; exclusive purchasing requirements; selective distribution agreements and franchising; US-EU antitrust enforcement co-operation; harmonisation of substantive antitrust law at the international and WTO level and WTO initiatives for a global competition policy regime. The course will also hold Three special classes on

international airline strategic alliances, antitrust in high tech markets (Microsoft and Intel) and competition issues in the telecommunications industry.

Law P003 Information Technology Law

This course examines the way in which Irish law facilitates the use and development of Information Technology in the modern legal and business environment. Particular attention is paid to the influence of European Union and Council of Europe initiatives, specifically the European Union objective of creating a Single Information Market across the Union. Specific topics covered include privacy, both on-line and off-line, issues of criminal and civil liability for information and information products, intellectual property issues (including domain names), contract formation via e-commerce. International e-commerce legal texts (EU E-Commerce Directive, UNICITRAL, etc.) are studied extensively to provide students with up-to-date knowledge of the wider legal environment.

Law P010 Insolvency Law

An analysis of insolvency procedures from presentation of the petition to completion of the insolvency process. Emphasis will be placed on the following topics: Corporate and personal insolvency, the role and function of the insolvency practitioner, arrangements with creditors, avoidance of transactions, fraudulent and reckless trading, proof of debts, ranking of creditors according to priority, and distribution of assets.

Note: where the half course is offered during an academic year this full course will not be available, and vice versa. Students may not register for both the full course and half course options (e.g. over a two year period).

Law P004 Intellectual Property Law

An examination of the law relating to intellectual property in Ireland. The impact of European Union law on substantive Irish law will be emphasised. Subject matter will include: Copyright and neighbouring rights, trade mark protection and the law of passing off, patent law, and *sui generis* protection such as plant breeders' rights in relation to new discoveries.

Law P005 Law of Credit and Security

A study of the legal relationships arising from credit operations and the factors influencing the choice of security instruments.

Topics covered in this course will include: credit, loans and borrowing; credit, lender credit, vendor credit; the loan contract; legal constraints on lending; Consumer Credit Act; transactions and arrangements between companies and connected persons. Classification of security interests; classes of real security; mortgage; pledge; possessory lien; charge, equitable lien and hypothecation; personal securities; guarantee and indemnity; comfort letters; performance bonds; set-off; contractual set-off and combination of accounts; debt subordination and senior-creditor trusts; negative pledges, real securities - attachment and perfection; incidents of real securities; reservation of title; attachment at law and in equity; perfection of security interests; possession, registration and notice. Debentures. Fixed and floating charges: subject matter of the charge; inventory and receivables; choses in action, bank accounts, insurance policies; purchase money security interests. Invalidating events. Principles of priorities: priorities where debtor is solvent; priorities in insolvency; the rule in *Dearle v. Hall*.

Law P006 Private International Law

A study of the rules of private international law as applicable in the commercial law of the states of the European Union. Topics will include: The Brussels Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (The "Full Faith and Credit" Convention), the Rome Convention on the Law applicable to Contractual Obligations, mutual recognition of secured interests in international commercial transactions; and the Draft Convention on Bankruptcy, Winding-up, Arrangements, Compositions and similar proceedings.

Law P007 Banking Law (Half subject)

This course examines Banking Law in Ireland, with emphasis on the bank-customer relationship, the modern law of bills of exchange, banks and third party orders, and electronic funds transfer. Topics under the heading of the bank-customer relationship will include banks' liability to their customers in contract, tort, under trust law both as professional trustee and constructive trustee, banks and white collar crime, types of account, banks' remedies against customers, customer liabilities and statutes of limitation.

Topics under the heading of the modern law of bills of exchange will include the law relating to documentary credits and international agreements on uniform commercial practice. Topics under the heading of banks and third party orders will include banks and tracing remedies, banks and conflicts of jurisdiction and defences to third party orders. Topics under the heading of electronic funds transfers will include the cheque clearing system, CHAPS, SWIFT and EFTPOS, and confidentiality and privacy issues.

Law P008 Competition Law (Half Subject)

Substantive and procedural aspects of domestic policy will be examined. In particular, emphasis will be placed on the following topics: The economic and political context and rationale of the Competition Act, 1991 and the Competition (Amendment) Act, 1996, the institutional framework and enforcement mechanisms, profit maximising market strategies pursued by undertakings and economic analysis of markets.

Law P009 Environmental Law (Half Subject)

The historical development of environmental law and its origins, both domestically and at a European level; discussion of the five European environmental action programmes and their impact on environmental law in Ireland; consideration of the policies underpinning environmental law and their origins; analysis of a number of these policies and their application in practice domestically, in the European Union and world-wide.

Textbooks:

Planning and Environmental Law, Scannell, Roundhall Press, 1994.

Casebook on European Environmental Law, Kramer, Sweet and Maxwell, 1993.

Focus on European Environmental Law, Kramer, Sweet and Maxwell, 1992.

The Environmental Policy of the European Communities, Johnson and Corcelle, Graham and Trotman, 1989.

Law P013 European Merger Control Law (Half Subject)

This course will examine the developing area of EU Merger Control Law. Topics will include: The relationship, interaction and division of jurisdiction between EU and National Merger Control Law (in particular Irish Merger Control), the general principles as expressed in European Court of Justice judgments and European Commission Decisions, the history of EU Merger Control Law and Policy and perceived jurisprudential difficulties in the Treaty of Rome, the significance of the disapplication of Article 85 EC by the Merger Regulation, the legal and economic criteria to be satisfied in order for the Merger Task Force to establish jurisdiction (thereby removing mergers from the ambit of national merger control authority); an examination of cases where a 'Community dimension' was found to exist, Merger Task Force procedures, and how the merger Regulation extends to control of oligopolies. Several controversial decisions of the Merger Control Task Force will be considered in detail. The provisions of the EC Merger Control Regulation are considered in detail as well as the relevant implementing regulations and also the EC Commission Notices which assist in the interpretation of the EC Merger Regulation.

Law P015 Insolvency Law (Half Subject)

Topics examined during this course are drawn from the course description set out above in the syllabus for the full course. [Note: where the full course is offered during an academic year this half course will not be available, and vice versa. Students may not register for both the full course and half course options (e.g. over a two year period)].

Law P011 International Commercial Transactions (Half Subject)

An analysis of the legal framework of business transactions as developed in an international context. Topics will include: A study of the formation of international commercial agreements; an analysis of the main types of international commercial transactions such as contracts of international sales of goods, distribution agreements, transfer of technology agreements (including *inter alia* international licensing agreements and transfer to know-how agreements), counter-trade agreements; an examination of various means of protection and possible remedies in case of breach or non-performance of international commercial agreements (an emphasis will be placed on *force majeure* and hardship clauses as used in international practice and on other remedies against contractual risks in an international environment such as export insurance, documentary credit, international bank guaranties, limitations of contractual liability and liquidated damage clauses).

Law P012 International Trade Law (Half Subject)

This course will examine the public law aspects of international trade law. Specifically, the course covers: the development of the GATT from a tariff-reducing forum of comparatively limited objectives, through the expansion of GATT concerns during the later Tokyo and Uruguay negotiating rounds. Topics include: the move towards stronger GATT dispute-resolution mechanisms; the permissible limits to anti-dumping and anti-subsidy retaliatory measures; the issues of free trade in services, investment and agriculture, and the recent creation of the World Trade Organisation, successor to the GATT. The specific legislative and policy responses to the GATT by the EU, the US and Japan will be studied.

Law P014 Regulation of Financial Intermediaries (Half Subject)

A critical review of the Irish regulation of financial intermediaries, with particular emphasis on banks and insurance companies. The course includes a detailed exposition of the relevant law and an introduction to the range of theoretical tools with which the Irish law may critically be evaluated. Subject matter will include:

- (a) Banks, insurance companies, building societies, unit trusts, UCITS, sources of law, regulatory authorities, licensing, capitalisation, reserve requirements, depositor /investor insurance or guarantee schemes, disclosure and reporting requirements, prejudicial and operational standards. Particular attention will be paid to central banks and insurance legislation.

Regulation of Financial Intermediaries (Contd.)

- (b) Regulatory alternatives: Self-regulation vs. governmental regulation. The British example; reform.
- (c) The objectives and possibilities of financial regulation: what objectives are being and should be pursued; what is and can be achieved. The internationalisation of financial markets: how it affects the efficacy of national regulation. The international regulatory response.

MASTER OF LAWS IN EUROPEAN LAW

Law P101 The Commercial and Social Law of the European Union

This course provides a comprehensive analysis of the free movement of goods, persons and services in Community law. It examines the principal internal and external trade aspects of the Community and assesses the development of its social policy.

Topics include: The customs union and commercial policy; free movement of goods, workers, services and established persons; the development of vocational training policy; and Community action in the area of employment equality.

Law P102 The Constitutional and Administrative Law of the European Union

An indepth study of the development of EU constitutional law. Topics will include: EU institutional-legal relationships, judicial review, the development of direct effect, the question of primacy, standing, tortious liability, sources of law, impact of international economic law, Political Union Treaty reforms and social policy.

Law P104 European Human Rights Law

This course involves an in-depth study of the protection under international law of human rights in Europe. Particular emphasis is placed on the European Convention on Human Rights, drafted under the auspices of the Council of Europe. The course critically examines the practice and procedure involved in processing an individual application under the petition system created by the convention. It also critically analyses the jurisprudence of the European Court of Human Rights in relation to selected substantive rights guaranteed under the Convention. In addition, the course also considers the recent development of the European Social Charter by the Council of Europe. For comparative purposes, the final part of the course entails an examination of prominent international human rights law instruments established under the auspices of the United Nations, to which all European States are parties.

Law P103 European & International Competition Law

This course examines the development of European Union competition law and policy in its international context, and in comparison with United States antitrust law. Extensive use will be made of cases and regulatory decisions from EU, US and WTO, as well as other competition law jurisdictions. Topics will include: Introduction to antitrust economics; market definition; jurisdiction and extraterritoriality; cartel operations; oligopolistic dominance; antitrust problems relating to trade and professional associations; joint ventures; competition aspects of intellectual property licensing; monopoly and abusive dominance; dominance in after-markets; collective dominance; refusals to deal; tying arrangements; predatory pricing; price discrimination; vertical restraints; including: exclusive territories; exclusive purchasing requirements; selective distribution agreements and franchising; US-EU antitrust enforcement co-operation; harmonisation of substantive antitrust law at the international and WTO level and WTO initiatives for a global competition policy regime. The course will also hold Three special classes on

international airline strategic alliances, antitrust in high tech markets (Microsoft and Intel) and competition issues in the telecommunications industry.

Law P006 Private International Law

A study of the rules of private international law as applicable in the commercial law of the states of the European Union. Topics will include: The Brussels Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (The "Full Faith and Credit" Convention), the Rome Convention on the Law applicable to Contractual Obligations, mutual recognition of secured interests in international commercial transactions; and the Draft Convention on Bankruptcy, Winding-up, Arrangements, Compositions and similar proceedings.

Law P105 State and Public Sector Competition Law (Half Subject)

This course examines the influence of EU Competition Law on the activities of member states and their public enterprises. Topics will include the general restraints placed on member states not to undermine competitive conditions in the internal market, the specific rules governing the grant of state aids to domestic industry and the control of public sector monopolies. Special emphasis will be placed on the effect of Treaty provisions and of legislation in the telecommunications and utilities sector. The peculiar aspects of Competition Law in the transport and agricultural sectors will also be examined.

Law P009 Environmental Law (Half Subject)

The historical development of environmental law and its origins, both domestically and at a European level; discussion of the five European environmental action programmes and their impact on environmental law in Ireland; consideration of the policies underpinning environmental law and their origins; analysis of a number of these policies and their application in practice domestically, in the European Union and world-wide.

Textbooks:

Planning and Environmental Law, Scannell, Roundhall Press, 1994.

Casebook on European Environmental Law, Kramer, Sweet and Maxwell, 1993.

Focus on European Environmental Law, Kramer, Sweet and Maxwell, 1992.

The Environmental Policy of the European Communities, Johnson and Corcelle, Graham and Trotman, 1989.

P013 European Merger Control Law (Half Subject)

This course will examine the developing area of EU Merger Control Law. Topics will include: The relationship, interaction and division of jurisdiction between EU and National Merger Control Law (in particular Irish Merger Control), the general principles as expressed in European Court of Justice judgments and European Commission Decisions, the history of EU Merger Control Law and Policy and perceived jurisprudential difficulties in the Treaty of Rome, the significance of the disapplication of Article 85 EC by the Merger Regulation, the legal and economic criteria to be satisfied in order for the Merger Task Force to establish jurisdiction (thereby removing mergers from the ambit of national merger control authority); an examination of cases where a 'Community dimension' was found to exist, Merger Task Force procedures, and how the merger Regulation extends to control of oligopolies. Several controversial decisions of the Merger Control Task Force

will be considered in detail. The provisions of the EC Merger Control Regulation are considered in detail as well as the relevant implementing regulations and also the EC Commission Notices which assist in the interpretation of the EC Merger Regulation.

Law P011 International Commercial Transactions (Half Subject)

An analysis of the legal framework of business transactions as developed in an international context. Topics will include: A study of the formation of international commercial agreements; an analysis of the main types of international commercial transactions such as contracts of international sales of goods, distribution agreements, transfer of technology agreements (including *inter alia* international licensing agreements and transfer to know-how agreements), counter-trade agreements; an examination of various means of protection and possible remedies in case of breach or non-performance of international commercial agreements (an emphasis will be placed on *force majeure* and hardship clauses as used in international practice and on other remedies against contractual risks in an international environment such as export insurance, documentary credit, international bank guaranties, limitations of contractual liability and liquidated damage clauses).

Law P012 International Trade Law (Half Subject)

This course will examine the public law aspects of international trade law. Specifically, the course covers: the development of the GATT from a tariff-reducing forum of comparatively limited objectives, through the expansion of GATT concerns during the later Tokyo and Uruguay negotiating rounds. Topics include: the move towards stronger GATT dispute-resolution mechanisms; the permissible limits to anti-dumping and anti-subsidy retaliatory measures; the issues of free trade in services, investment and agriculture, and the recent creation of the World Trade Organisation, successor to the GATT. The specific legislative and policy responses to the GATT by the EU, the US and Japan will be studied.

Law P106 The Sociology of European Union Law (Half Subject)

This course will focus on the emerging sociology of the law of European integration. The orientation of the course will consist of (1) the application of classical and recent work in the sociology of law and in critical theory to the study of EU law, and (2) a survey of the substantial body of critical and sociological work on EU law which has recently emerged.

Specific topics include: Introduction to social and critical theory; theories of the sociology of the state, state construction, and social integration as they relate to the project of European integration; legal pluralism in the European Union; autopoietic and systems-theory critiques of EU law; the role of law in the creation of national and European identity; the debate over the EU's modernity or postmodernity; the emergence of a transnational legal profession and the social construction of markets; the emergence of symbolic economies and commodification of national cultures; the transformation of the public and private law distinction.

Class will be taught as a seminar. A reading list and extensive bibliography will be provided. Students should prepare the assigned readings prior to each class. The final examination will count for 100% of the course marks.

B. DEGREE OF MASTER OF LAWS (LLM) BY RESEARCH

The Faculty welcomes applications from qualified students interested in reading for the research degree of LLM. The Faculty represents a broad range of academic interests and expertise, and is especially interested in promoting research in the areas of commercial law, company law, comparative law, constitutional law, criminal law and criminology, the legal protection of cultural heritage, environmental law, equity, European Union law, evidence, family law, human rights, information technology law, intellectual property law, international trade law, international commercial transactions, jurisprudence, labour law, land law, legal anthropology, legal history, planning law, public and private international law, social welfare law and taxation and insolvency.

The LLM by research may be presented no less than three terms after entry into the course of research. Most students, however, require up to six terms to complete all degree requirements. Candidates will be allowed three years from the date of registration in which to complete their degree. If they have not done so within that period, they must apply to the Faculty for an extension. At the end of the course, the candidates submit a thesis, comprising either a record of original investigation or an ordered and critical exposition of existing knowledge.

No formal programme of study is prescribed by the Faculty for the LLM by research other than the Research Methods Seminar. Each student is assigned a supervisor to oversee the research. While no formal programme of study is prescribed, research may be supplemented by the submission of short papers and attendance at recommended lectures or seminars.

It is emphasised that reading for the LLM by research is an onerous commitment which is normally regarded as incompatible with outside employment, participation in full-time courses or professional legal education. In this regard, prospective applicants should consult the Faculty before submitting a formal application.

Research Seminar

The Faculty's Research Seminar is designed to foster the creation of a graduate research community; to introduce graduate research methods and improve writing skills; and to provide a forum for the presentation of research and discussion of common interests by postgraduates, staff and visiting speakers.

DEGREE OF DOCTOR OF PHILOSOPHY (PhD)

The Faculty welcomes applications from qualified students interested in reading for the research degree of PhD. The doctorate is to be taken not less than six terms after registration. Candidates for the degree will be allowed six years from the date of registration in which to complete their degree. If they have not done so within that period, they must re-apply for registration.

The thesis must normally be prepared under the supervision of the relevant Professor but the Faculty may, on the recommendation of the Professor, assign another member of the staff to supervise the candidate's research, under the Professor's general direction. The thesis must be prepared in the University unless permission is given to the candidate to work elsewhere under the Professor's general direction. Such permission will normally be granted only after a significant period of PhD research at the University.

Candidates may enter for examination in January of the year in which their work is to be examined; the time of examination to be arranged as may be convenient to the candidate and the examiners. If the thesis is not presented before the 1st February following, the candidate must re-enter.

Candidates may be required to take an oral examination on the subject matter of their thesis. The degree will not be awarded unless the examiners report that the thesis is worthy of publication, as a whole or in part, as forming a distinct contribution to the knowledge of the subject and affording evidence of originality.

DEGREE OF DOCTOR OF LAWS (LLD)

Under the provisions of the university statutes, a candidate shall be eligible to obtain the Degree of Doctor of Laws fifteen terms after obtaining the Degree of Bachelor of Civil Law. He/she shall not be eligible to obtain the Degree of Doctor of Laws unless he/she shall present an original work by himself/herself and in addition, pass such examination as may satisfy the General Board of Studies that he/she is worthy to have the degree conferred on him/her;

Provided that the General Board of Studies and the Senate acting upon the advice of examiners appointed by the Senate on the recommendation of the General Board of Studies, who may or may not be members of the Faculty in the subjects of which the Degree of Doctor is sought, may, in view of the excellence of the original work presented by the candidate, dispense, wholly or in part, with any such further examination.

The work to be presented by a candidate for the Degree of Doctor of Laws must be a contribution to the advancement of the study of Law or of the science of Law which, in the judgement of the examiners, is worthy of recognition of such degree. No candidate is eligible for this degree under the above provisions unless he/she has obtained his/her primary degree in the university, after pursuing an approved course of study and passing the examinations prescribed for such primary degree.

DIPLOMA IN ARBITRATION (DIP.ARB)

Course Description

The Faculty offers a one semester (12 weeks) course of studies leading to the award of a Diploma in Arbitration. The topics covered will be of particular interest to all professionals coming into contact with arbitration.

Course Structure, commencement and duration

The Diploma in Arbitration is taught by means of lectures and seminars over the course of twelve weeks. Lectures are held once a week on **Thursday evenings** and are supplemented by evening and weekend seminars from practising arbitrators and arbitration experts. Lectures in the *Irish Law and Legal Procedure* component for non-lawyers are held on one additional evening per week i.e. **Wednesday evenings** over the duration of the course.

Admission Requirements

Students will be expected to have either a legal qualification or a qualification and/or experience in a professional practice such as accountancy, architecture, engineering, surveying, etc. where arbitration is frequently encountered.

Applications will be considered from:

- (a) Practising barristers or solicitors;
- (b) Barristers or solicitors actively engaged in legally connected employment;
- (c) Graduates holding an approved university law degree or law-based Interdisciplinary university degree;
- (a) Persons with other academic and/or professional qualifications and/or such experience as would satisfy the Faculty that they are able to participate in the course.

Course Syllabus

The syllabus is designed to provide students with a detailed knowledge of Irish law and procedure relating to arbitrations. A special feature of the course is the *Award Writing* component which gives a grounding in the construction and analysis of reasoned arbitral awards.

The course comprises of two parts as follows:

Part A: *Law P201* **Arbitration Law and Procedure**

The Law of Arbitration
Arbitration Practice and Procedure
Duties of Witnesses of Opinion (Expert Witnesses)

Part B: *Law P202* **Award Writing**

Legal Analysis of Matters Leading to the Publishing of an Award
Writing an Enforceable, Reasoned Award

Law Component for non-lawyers:

Law P203 **Irish Law and Legal Procedure**

Students who do not have a recognised Law degree or professional legal qualification will be offered an additional component on *Irish Law and Legal Procedure* covering the necessary fundamentals of Irish law and procedure as follows:

General Consents and Principles of Law
Law of Contract
Law of Tort
Law of Evidence

Application Procedure

Completed application forms, (available from the Faculty of Law Office), including a passport size photograph, a self-addressed postcard, and evidence of competence in written and spoken English (applicants from non-English speaking countries only), should be sent to:

Postgraduate Admissions
Faculty of Law
University College
Roebuck Castle
Belfield
Dublin 4. Email: Diane.Sadler@ucd.ie

By 30 July of the year of entry.

DIPLOMA IN INTERNATIONAL ARBITRATION (DIP.INT.ARB)

Course Description

The Faculty offers a one semester (12 weeks) course of studies leading to the award of a Diploma in International Arbitration. The course is designed to acquaint students with the process of international arbitration and the way in which it is regulated with a view to preparing them for participation in international arbitrations in Ireland and elsewhere.

The topics covered by the Diploma in International Arbitration will be of particular interest to barristers, solicitors and all professionals involved in international contracts and trade or in international dispute resolution.

Course Structure

The Diploma in International Arbitration is taught by means of lectures and seminars over the course of twelve weeks. Lectures are held once a week on **Thursday evenings** and are supplemented by a number of intensive weekend seminars or workshops from practising international arbitrators and international arbitration experts.

Admission Requirements

The course assumes a detailed knowledge and understanding of Irish arbitration law and procedure. To that end applicants *will be expected to hold an approved university Law Degree, or a Diploma in Arbitration* (or equivalent qualification). This requirement may exceptionally be waived in the case of applicants who satisfy the Faculty of their knowledge and/or experience of domestic arbitration law and procedure.

Course Syllabus

The syllabus is designed to provide students with a detailed knowledge of Irish law and procedure relating to arbitrations. A special feature of the course is the *Award Writing* component which gives a grounding in the construction and analysis of reasoned arbitral awards.

The syllabus is divided into five parts as follows:

Law P301 **International Arbitration: Law and Procedure**

Part A: *General Features of International Arbitration*

- International Arbitration and Alternative Dispute Resolution
- Sources and Conventions of International Arbitration
- Leading International Arbitration Institutions and their Rules

Part B: *The Arbitration Agreement*

- Validity
- Arbitrability of Disputes
- Enforcement of the Agreement

Part C: *Arbitration between States, State Entities and State enterprises and Private Parties*

- Capacity and Consent
- Sovereign Immunities
- *The International Centre for the Settlement of Investment Disputes*
- Enforcement and Recognition

Part D: *The International Arbitral Process*

- The Arbitral Tribunal
- Initiation of the Process
- Conduct of the Process

Part E: *The Arbitral Award and its Enforcement*

- The Award
- *Recognition and Enforcement*

Application Procedure

Completed application forms, (available from the Faculty of Law Office), including a passport size photograph, a self-addressed postcard, and evidence of competence in written and spoken English (applicants from non-English speaking countries only), should be sent to:

Postgraduate Admissions
Faculty of Law
University College
Roebuck Castle
Belfield
Dublin 4

By 1 December of the year of entry.

DIPLOMA IN EMPLOYMENT LAW (DIP. EMP LAW)

Course Description

The Diploma in Employment law is designed to meet the need for a specialist, intensive course in the law of employment. The Diploma will be suitable, both for professional lawyers, and also for those non-lawyers whose work requires a close knowledge of employment law. The Diploma will offer a detailed account of the entire body of the statute and common law which regulates modern employment relations.

Course Structure

The Diploma will be taught over one semester, from September to December, with three hours tuition per week. The Diploma will be awarded to those who pass an examination in the topics taught.

Admission Requirements

Applications will be considered from:

- (a) Practising barristers or solicitors;
- (b) Barristers or solicitors actively engaged in legally connected employment;
- (c) Graduates holding an approved university law degree or law-based interdisciplinary university degree;
- (d) Persons with other academic and/or professional qualifications and/or such experience as would satisfy the Faculty that they are able to participate in the course.

Course Syllabus

Law P601 Employment Law

1. **The Contract of Employment**
Identifying a contract of employment; the formation of a contract of employment; the content of a contract of employment; collective agreements; terms unexpressed but implied.
2. **The Employer's Common Law Duties**
The duties to pay wages, and the Payment of Wages Act, 1991; the duty to respect trust and confidence; the duty not to exercise contractual entitlements unreasonably; the duty to provide information; duties relating to the physical and mental health of employees.

3. **Miscellaneous Statutory Duties**
The Health and Safety at Work Act, 1989; the Organisation of Working Time Act, 1997; the Maternity Act, 1994; Terms of Employment (Information) Act, 1994; Adoptive Leave Act, 1995.

The Common Law Duties of the Employee

The duty of fidelity; the duty of confidentiality; the duty to observe instructions; the duty of technological adaptation.
4. **The Law Relating to Dismissal**
 - I **The common law regime**
The right to dismiss on reasonable notice; summary dismissal; grounds of summary dismissal and fair procedures; remedies: damages and remedies by way of specific performance.
 - II **The Unfair Dismissals Acts, 1977 – 1993**
The conditions for entitlement to the statutory right.
5. **The Unfair Dismissals Act, 1977 – 1993**
Fair grounds of dismissal; unfair grounds for dismissal; procedural and substantive standards regulating dismissal; the calculation of unfair dismissal compensation ; reinstatement and re-engagement.
6. **Equality: the Fundamentals**
Sex discrimination; the Equal Treatment Directive (Directive 76/204 EEC) and Article 119 of the TEU; the Employment Equality Act 1998; direct discrimination; indirect discrimination; discrimination in relation to access to employment; discrimination and the employment interview.
7. **Discrimination in Relation to Conditions of Employment**
Sexual harassment; derogation from the principle against discrimination; positive discrimination; a victim's remedies where discrimination is established; discrimination on the grounds of disability; discrimination on the grounds of age.
8. **Equal Pay**
The right to equal pay; Article 119 and the Employment Equality Act, 1998; the meaning of "like work"; the meaning of remuneration; conditions necessary to establish the right to equal remuneration; the "grounds other than the gender ground" defence.
9. **The Law Relating to Employment Re-organisation**
The employee's duty of flexibility; the variation of contractual terms; the conditions necessary to establish redundancy; procedural rules regulating the administration of redundancy; Redundancy Payments Acts 1967-1991.

- 10. The Law Relating to Industrial Action (I)**
The torts committed by persons engaged in industrial action; the employers' remedies; damages and the labour injunction; the strikers' defence; Section 19 of the Industrial Relations Act, 1990.
- 11. The Law Relating to Industrial Action (II)**
The employer's right to damages for industrial action; the liability of a trade union; the law relating to picketing; the conditions for a legally protected picket; wages and industrial action.
- 12. Employees' Rights in the case of a Transfer of Undertaking**
The Acquired Rights Directive (Directive 77/187); the Transfer of Undertakings Regulations 1980; the meaning of an undertaking; the case law on transfer and contracting out; determining whether an employee is assigned to the transferred undertaking; the duty to inform; "an economic, technical, or organisational reason entailing a change in the workforce".

Application Procedure

Completed application forms, (available from the Faculty of Law Office), including a passport size photograph, a self-addressed postcard, and evidence of competence in written and spoken English (applicants from non-English speaking countries only), should be sent to:

Postgraduate Admissions
Faculty of Law
University College
Roebuck Castle
Belfield
Dublin 4 Email: Diane.Sadler@ucd.ie

By 30 July of the year of entry.

DIPLOMA IN FINANCIAL SERVICES LAW (DipFSL)

Course Description

The Faculty of Law offers a one-semester course (twelve weeks) in Financial Services leading to the award of a Diploma in Financial Services Law. Lectures are held one evening a week for two hours.

Admission Requirements

Applicants will be considered from:

- (a) practising solicitors or barristers;
- (b) solicitors or barristers actively engaged in employment in the financial services industry;
- (c) accountants or actuaries;
- (d) graduates holding an approved university law degree or law based interdisciplinary degree;
- (e) the holders of other academic and/or professional qualifications and/or expertise and experience as satisfies the Faculty that they are able to participate fully in the course.

Course Syllabus

Law P401 Financial Services Law

1. *Funds*
 - Types of mutual funds.
 - Legal forms of mutual funds.
 - Types of fund structures.
 - Specialised retail funds.
 - Retail products: life assurance, pensions, tracker bonds.
 - Regulatory requirements for promoters, operators and others.
 - Duties and liabilities of custodians and sub-custodians (and their directors).

1. *Taxation and the IFSC*
The tax environment and the IFSC and future developments.
Double Taxation Treaties.
Tax treatment of funds in the IFSC.
3. *Derivatives*
Legal nature of futures, options and contracts for differences (including repos).
The derivatives markets: exchange-based and Over the Counter.
Clearing, and settlement of derivatives transactions on exchange.
Accounting and Capital Adequacy considerations.
ISDA/SDA documentation.
4. *Securities Issues*
The regulatory background.
Bond issues in the IFSC.
Listing of Funds.
Securitisation.
Practical Aspects of Securities Issues.
5. *Stock Exchange and Retail Service Providers*
Regulation of Stock Exchange member firms and investment intermediaries.
Applicable Codes of Conduct.
Protection of client money and other assets.
CREST - dematerialised shares and debentures.
Global clearing, Euroclear and Cedel.
6. *International Financial Services in other Jurisdictions - Current Developments*
The distinction between onshore and offshore treatment.
Impact of tax harmonisation in the EU.
Specific jurisdictions.

Examinations

One three hour examination will be held at the end of the course. The pass mark is 50%. There are no further categories other than Pass/Fail. There will be no provision for repeat examinations.

Application Procedure

Application forms are available from the Faculty of Law Office, University College Dublin, Roebuck Castle, Belfield, Dublin 4. The closing date for submission of completed application forms is **30 July of the year of entry**.

INTERDISCIPLINARY DEGREES

The Faculty of Law contributes to the inter-faculty master's degree and higher diploma programmes of Equality Studies and to the Master of Arts/Master of Economic Science (European Economic and Public Affairs) programmes.

DEGREE OF MASTER OF EQUALITY STUDIES AND HIGHER DIPLOMA IN EQUALITY STUDIES
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Course Description

University College Dublin offers a Master's Degree and a Higher Diploma in Equality Studies. This is an inter-faculty programme taught by staff from the Faculties of Arts, Law and Philosophy and Sociology. It is designed to cultivate a pluridisciplinary appreciation of equality issues of both national and international significance and to explore their interrelationship. Courses commence in September of each year and may be taken on either a full-time or part-time basis.

Admission Requirements

Applicants for the Master's Degree will normally be required to have a Second Class Honours degree, Grade II or equivalent. For admission to the postgraduate Diploma, applicants will normally be required to have a primary degree or equivalent. It is desirable that candidates for both the Master's Degree and Diploma should have worked or studied in the fields of equality, social justice or human rights.

Application Procedure

Application forms and further information on these programmes can be obtained from:

The Equality Studies Centre,
University College Dublin,
Library Building,
Belfield,
Dublin 4. ☎ Tel 01-269 1963

Course Syllabus

There are four main areas of study:

1. Development and Global North/South Inequalities
2. Gender Inequalities
3. Class Structures and Equality
4. Minorities and Discrimination

**DEGREE OF MASTER OF ECONOMIC SCIENCE IN EUROPEAN
ECONOMIC AND PUBLIC AFFAIRS**

The Dublin European Institute – Jean Monnet Centre organises interdisciplinary MA and MEconSc programmes in European Economic and Public Affairs, designed to cater both for individuals with an executive background or orientation who need a thorough understanding of the European Union, and for those intending to pursue further study in Union Affairs or International Relations. Both degree programmes are thoroughly interdisciplinary, involving Business Studies, Economics, Law and Political Science. The degree programmes last one year (September to September). There is a regular visiting lecturer series that brings in current and former high-level officials of the European Union and decision-makers from the private and public sectors with direct European involvement. In addition, study visits are undertaken to Brussels and to the European University Institute in Florence, Italy.

The programmes are strongly policy-orientated, with particular attention being paid to internal and external policy issues; for example, in the current situation, issues such as dumping, public procurement, the rights and obligations of state monopolies, competition, the avoidance of a "Fortress Europe" approach in the international trading environment, economic and monetary union, political union, enlargement and the role of the Union in a rapidly changing wider Europe.

The Dublin European Institute – Jean Monnet Centre teaching staff is drawn from three faculties of the University (Arts, Commerce and Law). It also acts as a resource centre for research on European issues and publishes the series *Working Papers in European Economic and Public Affairs*. The full resources of the Centre are available to students on the programme.

Further details may be obtained from: Director, The Dublin European Institute – Jean Monnet Centre, University College Dublin, Belfield, Dublin 4 (Telephone No. 353-1-706 7634; Fax No: 353-1-269 2589).