



UNIVERSITY COLLEGE DUBLIN

NATIONAL UNIVERSITY OF IRELAND, DUBLIN

LAW

SESSION 2001/2002

TIME-TABLES FOR BCL AND BBLs DEGREES

will be available at the commencement of the academic year.

First Year students should not buy books in advance. Books will be recommended at lectures.

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Postgraduate Degrees and Diplomas*

Degree of Master of Laws (LLM)
Degree of Doctor of Philosophy (PhD)
Degree of Doctor of Laws (LLD)

Diploma in Arbitration
Diploma in International Arbitration
Diploma in Employment Law
Diploma in Financial Services Law

Interdisciplinary Degrees:

Degree of Master of Equality Studies and Higher Diploma in Equality Studies
Degree of Master of Economic Science in European and Economic and Public Affairs

**See Faculty of Law Postgraduate Booklet for details*

For further information see: www.ucd.ie

DEGREES IN LAW

EXTRACT FROM STATUTES OF THE UNIVERSITY

The University may grant the following degrees to students who, under conditions laid down in the Statutes and Regulations, have completed approved courses of study and have passed the prescribed examinations of the University and fulfilled all other prescribed conditions:

In the Faculty of Law:

Bachelor of Civil Law (BCL)

Master of Laws (LLM)

Doctor of Philosophy (PhD)

Doctor of Laws (LLD)

In the Faculty of Law/Faculty of Commerce:

Bachelor of Business and Legal Studies (BBL)

**DATES OF ACADEMIC ADVISORY MEETINGS, FACULTY ENROLMENTS
AND REGISTRATION**

Advisory Meetings

All First Law (BCL) Students: **Friday, 14 September 2001, 12.00 noon**
Theatre 1, Roebuck Castle, Belfield

Level 1 BBLS Students: **Wednesday, 12 September 2001, 10 am**
Theatre Q, John Henry Newman Building
Belfield

Faculty Enrolments:

All First Law (BCL) Students: **Monday, 17 September 2001, 2.30 - 4.30 pm**
Room 027, Roebuck Castle

Level One BBLS Students: **Thursday, 20 September 2001, 2.30 - 4.30 pm**
Room 029, Roebuck Castle

Registration:

All First Law Students: **Friday, 14th September 2001, 3 - 4 pm**
Michael Tierney Building, Belfield

Level 1 BBLS Students: **Wednesday, 12th September 2001, 11.30 am -**
12.45 pm, Michael Tierney Building, Belfield

DATES OF ACADEMIC SESSION 2001/2002

First Semester (Michaelmas Term): 17th September - 7th December 2001

Second Semester (Hilary & Trinity Terms): 7th January - 9th March 2002
2nd April - 19th April 2002

Examinations: Summer 29th April 2002
Autumn 13th August 2002 (3 weeks)

All BCL, as well as Level 1 BBLs lectures, begin on Monday, 17th September 2001

Law lectures are held in Roebuck Castle

PROFESSIONAL QUALIFICATIONS

Solicitor. To qualify as a solicitor students must undertake a professional training course for solicitors provided by **The Law Society of Ireland**. To enter this course students must pass an examination covering certain 'core' subjects (*Company Law, Constitutional Law, Criminal Law, Law of Contract, Law of Tort, Equity, European Union Law and Real Property*) which are offered during the course of the Bachelor of Civil Law Degree and the Bachelor of Business and Legal Studies Degree. It is also necessary to pass an examination in Irish and to undergo a period of apprenticeship with an experienced solicitor. The training course and apprenticeship are normally completed in three years.

Further information may be obtained from the **Director of Education, The Law Society of Ireland, Blackhall Place, Dublin 7. Ph. (01)6710200.**

Barrister. To qualify as a barrister students must undertake a two-year professional course provided by the Honorable Society of King's Inns and leading to the award of the degree of Barrister-at-Law. Upon conferral, a barrister must then 'devil' for a period of one year with an experienced barrister. From the year **2002** the Honorable Society of King's Inns will have an entrance examination in the subjects *Company Law, Constitutional Law, Criminal Law, Law of Evidence and Jurisprudence*. In order to sit this examination it is necessary to have a degree in Irish law which includes the subjects *Land Law (including Law of Succession), Law of Contracts, Law of Torts, Law of Equity, and Law of the European Union*. The examination will be held in August. Both the entrance examination subjects and the 'core' subjects are offered in the Bachelor of Civil Law Degree and the Bachelor of Business and Legal Studies Degree.

Further information may be obtained from the **Director of Education, The Honorable Society of King's Inns, Henrietta Street, Dublin 1. Tel. (01)8744840.**

FACULTY OF LAW STAFF

Dean of the Faculty of Law
Associate Dean

Mr Paul A. O'Connor
Mr Brian Hutchinson

Professor of Law

James P. Casey, LLB (*QUB*), MA (*Dub*), PhD (*Dub*), LLD, MRIA

Professor of Jurisprudence
and Legal History

William N. Osborough, LLB (*QUB*), LLM (*Tulane*), MA (*Dub*)

Professor of the Law of Property
and Equity

.....

Associate Professor of Law

Robert Clark, BA (*Northumbria*), LLM (*Lond*),
PhD, Barrister-at-Law

Jean Monnet Associate Professor
of European Criminal Justice

Finbarr McAuley, BCL, LLB, MPhil (*Edin*), LLD

Lecturer in Law

John Breslin, BA (*Dub*), LLM (*Cantab*),
PhD (*Cantab*), Barrister-at-Law
Blanaid Clarke, BCL, MBS, Barrister-at-Law
A. Vivion Gill, LLB (*QUB*)
Anthony Kerr, MA (*Dub*), LLM (*LSE*),
Barrister-at-Law
Andrew B. Lyall, LLB (*Lond*), LLM (*Dar-es-
Salaam*) PhD, LLD (*Lond*), Barrister, Gray's Inn
Paul A. O'Connor, BCL, LLM (*Penn*), LLM,
Barrister-at-Law

College Lecturer

Leila Anglade, MBA (*ESC Lyon*), Licence en
Droit (*Paris I*), Maitrise en Droit (*Paris I*),
DEA (*Paris I*), DESS (*Paris I*), CAPA (*Bar of
Paris*), LLM (*Harvard*)

[Director, BCL [Law with French Law]

Gavin Barrett, LLB (*Dub*), PhD (*Dub*), MCI Arb,
Barrister-at-Law

James H. Bergeron, BA (*New York*), MA
(*Syracuse*), JD (*Syracuse*), LLM (*Lond*) (*leave
of absence 2001 - 2004*)
Oonagh Breen, BCL, LLM, Barrister-at-Law
Dermot Cahill, BCL, LLM, DipAELS (*Bruges*),
Solicitor
Thomas A.M. Cooney, BCL, LLM, Solr
Kevin Costello, BA (*Dub*), MLitt (*Dub*),
Barrister-at-Law
Arnaud Cras, Licence en Droit (*Paris*), DES
(*IHEI, Paris*)
Suzanne J. Egan, BCL, LLM (*Osgoode Hall*),
Barrister-at-Law
G. Brian Hutchinson, BCL, LLM, DipArb,
MCIArb, Barrister-at-Law
Mary Catherine Lucey, BCL, LLM, Barrister-at-
Law
Paul McDermott, BCL, LLM (*Cantab*), PhD,
Barrister-at-Law
Barbara Maguire, LLB (*Dub*), LLM (*Cantab*), Solr
Declan Murphy, BCL Barrister-at Law
John O'Dowd, BCL, Barrister-at-Law
Marie-Luce Pâris-Dobozy, DESS (*Paris II*), DEA
(*Paris II*), CAPA(Bar of Paris)
(*temporary appointment 2000-2003*)
Paul A. Ward, BCL, LLM, Barrister-at-Law
Peter Young BSc (*Lond*) MA (*Sheffield*) PhD
(*Edin*)

Faculty Administration:

Honóra Ní Chríogáin, BA Faculty Administrative
Officer
Liseanne Dean, IPAV Executive Assistant
Cliona Farrell, BA Senior Executive Assistant
Úna Furlong, Senior Executive Assistant
Karen Smith, Executive Assistant
Fiona Murphy, Senior Executive Assistant
Commercial Law Centre

LWBDF0001 DEGREE OF BACHELOR OF CIVIL LAW (BCL)

REGULATIONS

1. The Degree of Bachelor of Civil Law may be conferred either as a Pass Degree or as a Degree with Honours.
2. Candidates for the Degree must have fulfilled the matriculation requirements of the National University of Ireland by passing the Leaving Certificate Examination of the Department of Education in the following subjects:
 - (i) Irish;
 - (ii) English;
 - (iii) another recognised language
 - (iv), (v), (vi) three other recognised subjects not already selected.
3. Approved courses of study must be attended for at least nine terms.
4. Candidates must pass three examinations: The First University Examination in Law, the Second University Examination in Law and the Final University Examination for the Degree.
5. The First University Examination in Law must be passed within two years from the date of entering the course. The Second University Examination in Law must be passed within two years from the date of entering the second year course.
6. Candidates will not be allowed to enter the second year course until they have passed the First University Examination. They will not be allowed to enter the final year course until they have passed the Second University Examination.
7. Candidates must apply to the Faculty for permission to re-attend first year and second year.
8. Students who have successfully completed the First University Examination in Law [Law with French Law] may apply to the Admissions Office by the date specified to transfer to the BCL degree course. **The transfer is subject to the transfer regulations as published in the *Information for Applicants* booklet.**
9. **Course Work.** Marks for course work in the appropriate subject will be taken into account **only** on the occasion of the **first** sitting of the examination in that subject. This rule will not apply to students who have been given permission to register and repeat the year.

**SUMMARY OF COURSES FOR THE DEGREE OF BACHELOR OF
CIVIL LAW**

FIRST YEAR

<i>Law 1001</i>	Constitutional Law
<i>Law 1002</i>	Criminal Law and Procedure
<i>Law 1003</i>	Law of Contract
<i>Law 1004</i>	Law of Tort
<i>Law 1005</i>	Legal System and Methods

SECOND YEAR

A. Compulsory Subjects:

<i>Law 2013</i>	Land Law and Succession
<i>Law 2014</i>	Law of the European Union

B. Optional Subjects:

Any *three* from among the following:

<i>Law 2001</i>	Administrative Law
<i>Law 2002</i>	Banking Law
<i>Law 2003</i>	Company Law
<i>Law 2004</i>	Comparative Law
<i>Law 2005</i>	Environmental Law
<i>Law 2006</i>	Evidence
<i>Law 2007</i>	Family Law
<i>Law 2008</i>	Intellectual Property Law
<i>Law 2009</i>	International Commercial Transactions
<i>Law 2010</i>	International Human Rights Law
<i>Law 2011</i>	International Trade Law
<i>Law 2016</i>	Irish Legal History
<i>Law 2012</i>	Labour Law
<i>Law 2017</i>	Medical Law
<i>Law 2020</i>	Private International Law
<i>Law 2018</i>	Public International Law
<i>Law 2019</i>	Revenue Law

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

(Students are advised that staff exigencies may mean that in any one year a selection only of these optional subjects will be available. The Faculty reserves the right to impose a limit on the number of students taking any given option in second year law).

FINAL YEAR

A. Compulsory Subject:

Law 3004 Jurisprudence

B. Optional Subjects:

Any **four** subjects *not already taken* from the second year list, plus

Law 3001 Commercial Law
Law 3002 Criminology
Law 3003 Equity
Law 3005 Legal Anthropology
Law 3006 Media Law
Law 3007 Planning and Development Law

(Students are advised that staff exigencies may mean that in any one year a selection only of these optional subjects will be available).

Note: The following second and final year optional subjects are not currently available:

Advanced Public Law
Criminal Procedure
Law and Economics
Law and Political Theory
Roman Law
Social Welfare Law

EUROPEAN CREDIT TRANSFER SYSTEM (ECTS)

CREDIT SCHEME FOR DEGREE OF BACHELOR OF CIVIL LAW

FIRST YEAR

<i>Course Title:</i>	<i>Credits:</i>
Constitutional Law	12
Criminal Law and Procedure	12
Law of Contract	12
Law of Tort	12
Legal System and Methods	<u>12</u>
Total:	60

SECOND YEAR

<i>Course Title:</i>	<i>Credits:</i>
Land Law and Succession	12
Law of the European Union	12
Optional Subject	12
Optional Subject	12
Optional Subject	<u>12</u>
Total:	60

FINAL YEAR

<i>Course Title:</i>	<i>Credits:</i>
Jurisprudence	12
Optional Subject	<u>12</u>
Total:	60

**SYLLABUS OF COURSES FOR THE DEGREE OF BACHELOR OF
CIVIL LAW**

FIRST YEAR

Law 1001 Constitutional Law

The constitutional law of the Republic of Ireland as found in the Constitution of 1937 and case law. Reading will be indicated at the beginning of the session.

Law 1002 Criminal Law and Procedure

Historical introduction. The emergence of criminal justice. The evolution of the general principles of criminal liability. The concepts of malice and intention. The defences to a criminal charge. Homicide. Assault and cognate offences. Larceny and kindred offences. Reading will be indicated at the beginning of the session.

Law 1003 Law of Contract

The general principles of the law of contract as applied in Ireland. Textbooks and relevant periodical literature will be indicated on reading lists. Students will be expected to purchase a copy of cases and materials for use in tutorials. These will be available at the commencement of the session.

Law 1004 Law of Tort

The Law of Tort is private law, as opposed to criminal or public law, and concerns the legal relationship that creates and imposes responsibilities on individuals. Tort law provides a number of distinct legal actions to resolve disputes arising between private individuals, the most common and frequent example being road traffic accident compensation claims. Actions in Tort are either based upon Statute or Common Law rules as developed by judges. An action in Tort will involve the infringement of an individual's private rights in relation to a number of legally protected interests. These interests concern in general both the reputation and physical/mental well-being of the person, property and financial matters.

A course of lectures will cover most of the following topics. The aim, purpose and function of the Law of Tort. Negligence and the duty of care imposing liability for negligent acts, words and omissions. Liability for personal injury, psychiatric illness and economic loss. The liability of occupiers, builders, vendors and lessors. The liability of statutory bodies. The standard of care including professional negligence and in particular medical negligence. Causation and remoteness of damage. Environmental aspects of land use including liability for nuisance both private and public, the rule in *Rylands v. Fletcher*, trespass to land and unintended fire damage. Liability for animals. Products liability. Trespass to the person, including assault, battery and false imprisonment. Trespass to goods. Defamation. Defences.

A comprehensive course outline indicating relevant reading materials will be made available at the start of term.

Law 1005 Legal System and Methods

The structure and operation of the Irish legal system. The nature of legal reasoning. Reading will be indicated at the beginning of the session.

SECOND YEAR

A. COMPULSORY SUBJECTS

Law 2013 Land Law and Succession

(a) Land Law

Tenure. Estates and interests in land. Difference between leasehold and freehold. Fee simple, fee tail and life estates. Fee farm grants. Equitable estates and interests in land. The Statute of Uses. Future interests (in outline). Settled land. Co-ownership. Easements and profits. Restrictive covenants. Licences. Adverse possession. Landlord and tenant. Mortgages. Registration of Deeds and of Title.

Lyll: *Land Law in Ireland*.

Wylie: *Irish Land Law*.

Wylie: *A Casebook on Irish Land Law*.

(b) Succession

Nature of a Will, contracts to make wills; formalities and their avoidance; secret trusts, rule in *Strong v Bird*, proprietary estoppel, *donatio mortis causa*. Attestation. Alterations. Construction of wills: extrinsic evidence. Revocation and revival. Lapse and ademption. Intestate succession.

Brady: *Succession Law in Ireland* (Butterworths)

Law 2014 Law of the European Union

History of European integration; basic structure of the Union; incorporation of EU law into the Irish legal order; the institutional framework and acts of the EU institutions; legal principles and judicial remedies; the free movement of goods, persons, services, establishment and capital; Competition law; the effects of the Single European Act and future developments in the EU; policies of the EU.

B. OPTIONAL SUBJECTS

Law 2001 Administrative Law

Administrative Law deals with the constitution, powers and procedure of those bodies on which the law confers powers and duties of a public nature, such as Government

Departments, local authorities, tribunals and certain professional bodies. The course examines the procedural and formal requirements applicable to administrative action and the principles governing the legal nature of administrative powers, discretions and duties. In particular, the course deals with the distinct set of remedies dealing with public law questions - available in a single procedure, the application for judicial review. Issues covered include the extent to which the courts can control the exercise of discretionary powers by administrative authorities and the availability of remedies for unlawful administrative action.

The course also considers the impact of the Constitution and the effects of contact with European Union law on administrative law. Some stress is placed on the historical evolution of Irish administrative law.

Materials: Hogan & Morgan, *Administrative Law in Ireland*, 3rd ed., 1998.

Law 2002 Banking Law

An examination of the legal issues arising from the national and international operations of banks. Topics will include the regulation of credit institutions; the legal framework of the single market in banking; the bank-customer relationship with particular reference to bank liability for services provided; bank secrecy and money laundering; forms of finance encountered in banking transactions, including syndicated loans; transfer of loan assets by banks; bills of exchange with particular reference to cheques; banks and credit and security; legal considerations arising from customer insolvency and bank insolvency.

Breslin: *Banking Law in the Republic of Ireland*

O'Connor: *Law Relating to Cheques and Analogous Instruments in Ireland*

Paget's *Law of Banking*

Law 2003 Company Law

Unincorporated associations and bodies corporate, corporations sole and aggregate; charter companies; statutory companies; joint stock companies; limitation of liability; the Companies Acts 1862-1963; unlimited companies; guarantee companies; companies limited by shares. Formation of company, memorandum, articles of association, construction of memorandum; ultra vires; capital, classes of shares; alteration of rights; name of company; public and private companies, commencement of business; prospectus; share issues; allotment, transfer and transmission of shares; civil and criminal liability on prospectus borrowing, debentures and charges; management of business; meetings; resolutions; alterations of capital. Winding up; grounds and types of winding up; liquidators; secured, preferential and unsecured creditors; receivers. Auditors. Accounts. Meetings.

Gower: *Principles of Company Law*

Pennington: *Company Law*

Sealy and Cornish: *Case Book on Company Law*

Law 2004 Comparative Law

Definition of comparative law. Structure and sources of law in major legal systems with special reference to France, USA, UK and Ireland. Administration of justice, legal

professions. Separation of powers - judicial review. Law reform. Selected comparative topics from: Constitutional Law, Administrative Law, Criminal Procedure, Law of Tort.

Brown and Garner: *French Administrative Law*

David: *French Law, Sources, Structure, Methodology*

Merryman: *The Civil Law Tradition*

Tresolini and Shapiro: *American Constitutional Law*

Von Mehren: *The Civil Law System*

Gunther: *Cases and Materials in Constitutional Law*

Law 2005 Environmental Law

Environmental Law is intended to provide a comprehensive account of all major environmental concerns other than planning and development and the built environment. The course is divided into three components. The first deals with national and European protection of the environment; the second is a description of international environmental law; and the third, the protection of the cultural environment. The first section deals with national and European protection of the environment. Topics include the national regulatory framework; structure and powers of bodies having responsibility for the environment; the Environmental Protection Agency; integrated pollution control. Public participation and control; right to information; consultation procedures; appeals and judicial review. The enforcement of environmental law; the common law and environmental remedies; European environmental law. The second section deals with international environmental law; topics reviewed include the customary principles of international environmental law; the precautionary principle; the polluter pays principle; the common property principle; the law of the sea and marine pollution; hazardous waste; nuclear energy; endangered species; climate change; the implementation of the concept of sustainable development; multinational treaty law. The third section is the protection of the cultural environment: the protection of national and historic monuments, archaeological areas and sites, wrecks and underwater heritage areas. Books and pictures of cultural significance. Problems of the return of cultural artefacts.

Law 2006 Evidence

The law of Evidence is that system or body of rules which regulates the admission of proof in a court of law.

Rationale of proof and law of Evidence. Basic concepts. Relevance. Admissibility. Materiality. Receivability. Functions of judge and jury. Judicial discretion. Sources of law of Evidence. Types of Evidence. Burden of proof. Standard of proof. Presumptions. Judicial notice. Corroboration. Proof of law. Competence. Compellability. Examination of witnesses. Privileges. Exclusion associated with method of obtaining evidence. Confessional evidence. Evidence of disposition and character. Hearsay rule and its exceptions. Opinion evidence.

Law 2007 Family Law

This course provides a comprehensive and current treatment of all aspects of law concerning the family and family relationships in Ireland. Family Law in Ireland is

influenced by the interaction and impact of constitutional, public law, common law, criminal law, European law, European human rights law, international law and international and domestic statutory reforms of family law. It examines the rights and duties that arise from the existence of family relationships and deals with the procedures available to resolve such disputes. Family Law is one of the broadest and fastest expanding areas of law. The complexity of family relationships is mirrored in the study of the law governing those relationships providing a stimulating and interesting examination of current and controversial issues.

A course of lectures will be given on most of the following topics. Sociological aspects of the family. The family and the constitution. Formalities and the contract of marriage. Nullity of marriage, including the development of the void and voidable grounds. Resolution of marital breakdown covering legal separation, judicial separation and divorce. Consequences of marital breakdown, including maintenance, custody and access, financial and property relief. Domestic violence, spousal and cohabitee protection. International child abduction. Child abuse and care proceedings. Wardship. Adoption. Ownership of and disputes concerning family property. Recognition of foreign divorces. International maintenance. Abortion. The right to die.

A comprehensive course outline indicating relevant reading materials will be available at the start of term.

Law 2008 Intellectual Property Law

Intellectual Property Law is concerned with the creation and safeguarding of legal rights in matter produced through human intellectual creativity. The course covers:

- (1) the protection of registered and unregistered trade marks
- (2) the law in relation to character and event merchandising
- (3) the protection by copyright of literary, musical and artistic works; sound recordings, films, multimedia products, broadcasts, software and databases
- (4) the protection of performers' rights in their performances
- (5) the protection of inventions, including software and biotechnology, by patent law
- (6) the protection of industrial designs
- (7) the impact of European law on intellectual property rights

There are no formal tutorials in this course. An essay may be set. Evaluation is by examination.

Law 2009 International Commercial Transactions

An analysis of the legal framework of business transactions as developed in an international context. The course is divided into two parts. The first part provides an analysis of international commercial transactions and the second part is dedicated to dispute resolution in international commercial transactions. The following topics will be covered:

Part One: Analysis of International Commercial Transactions

Topics will include:

- A study of the law applicable to international commercial agreements and of the formation of international agreements.
- An overview of the main types of international commercial transactions such as:
 - international contracts (including contracts of international sales of goods, agency and distribution agreements, international transfer of technology and know-how agreements, counter-trade agreements);
 - international banking and financial law;
 - international tax law;
 - international company and bankruptcy law.
- The course will also focus on the protection and remedies available in case of breach or non-performance of international commercial agreements.

Part Two: Dispute Resolution in International Commercial Transactions

Topics will include:

- An overview of international dispute resolution, including:
 - international negotiation;
 - alternative dispute resolution;
 - court litigation of international commercial agreements.
- A study of international commercial arbitration with an emphasis on:
 - the analysis of the formation and the validity of the international arbitration agreement.

Law 2010 International Human Rights Law

This course involves a study of the promotion and protection of human rights under international law. Since international human rights is itself a subset of public international law, the course entails a brief introduction to the development and nature of international law and the evolution of international human rights law.

The substantive part of the course includes a study of the legal foundations of contemporary international human rights law with particular emphasis on the international bill of rights drafted under the auspices of the United Nations. It also focuses on the means by which individuals may enforce their rights under the aegis of that organisation, e.g. through various complaint procedures and international fact finding processes. Other topics include, the protection afforded by international law to particular groups of persons, e.g. refugees and asylum-seekers.

The course also focuses on the European system for the protection of human rights established by the Council of Europe. In particular, it examines the individual petition procedure established by the European Convention on Human Rights, as well as critically analysing the jurisprudence of the European Court of Human Rights in relation to selected substantive rights guaranteed under the Convention.

Law 2011 International Trade Law

This course will cover both the private law of export trade and the public law of international trade regulation. Topics within the law of export trade will include: contracts for the international sale of goods and contracts for the carriage of goods by sea; Vienna Convention on Contracts for the International Sale of Goods (CISG); EC Convention on the Law Applicable to Contractual Obligations; Hague-Visby Rules; insurance of goods in transit; documentary credits; ICC Uniform Customs and Practice for Documentary Credits. The greater part of the course will examine the development of the General Agreement on Tariffs and Trade (GATT) and the World Trade Organisation (as of 1995). Topics in international trade regulation include: dispute resolution mechanisms, anti-dumping and countervailing duty law; trade in services, investment and agriculture; trade and the environment. Analysis of relevant GATT panel reports; also legislative and judicial responses to GATT obligations in the US, the European Union and Japan.

Law 2016 Irish Legal History

An overview of the history of law in Ireland. General considerations - sources, variety of legal records and their significance, impact of mainstream European legal traditions, nexus with English common law.

Gaelic Ireland - the law tracts, interpretation and historical value, consideration of selected tracts.

Medieval Irish lordship - arrival of common law, evolution of courts, import of common law doctrine, liberties and franchises, interaction of common law and brehon law.

From the Tudors to 1800 - constitutional development: Poynings' law, acts of state, non-enactment of Irish Bill of Rights; institutional diversity: palatinates, Munster and Connacht presidencies, prerogative and conciliar jurisdictions, ecclesiastical courts; the penal laws against Catholics and Dissenters.

Recommended Reading:

W.N. Osborough: *Studies in Irish Legal History*

Fergus Kelly: *A Guide to Early Irish Law*

G.J. Hand: *English Law in Ireland, 1290-1324*

Hans Pawlisch: *Sir John Davies and the Conquest of Ireland: A Study in Legal Imperialism*

Law 2012 Labour Law

The Institutions of Labour Law. Foundations of Irish Labour Law. Contract of employment. Statutory regulation of employment relationship. Equal Pay and Employment Equality. Holidays. Payment of Wages. Maternity leave and pay. Hours of work. Termination of employment. Unfair dismissal. Trade Unions. Collective bargaining. Trade disputes. Picketing. EU Social Policy.

Wedderburn: *The Worker and the Law* (1986).

Kerr and Whyte: *Irish Trade Union Law* (1985).

Kerr: *The Trade Union and Industrial Relations Acts of Ireland* (1991).

Murphy and Roche (eds.): *Irish Industrial Relations in Practice* (1994).

Lynch and Fennell: *Labour Law in Ireland* (1993).

Meenan: *Working within the Law* (1994).

Curtin: *Irish Employment Equality Law* (1989).

Madden and Kerr: *Unfair Dismissal: Cases and Commentary* (1990).

Law 2017 Medical Law

Ideally, medical law serves important needs in our society: it regulates properly the medical profession; it provides a reliable and effective means of investigating medical accidents; it creates an adequate and rational system of compensation for patients suffering injury; and it gives doctors understandable guidance on those areas of medical practice of moral ethical sensitivity. This course covers in detail Irish medical law, includes a generous comparative dimension, and critically reviews the question of whether existing law meets the needs mentioned above.

The course has four parts. Part 1 examines the subject of medical law and ethics. It encompasses the nature of medical practice, the intersection between law and ethics, the question of a rational ethical framework for medical practice and law, and the issue of medical confidentiality and the duty of disclosure (with particular reference to treatment of HIV/AIDS). Part 2 deals with the subject of medical malpractice. The focus will be upon consent, medical negligence, medical litigation, drug-induced damage and fault liability. Part 3 concentrates on medical law in action in areas of life from conception to death. Its compass will include infertility, facilitating conception, contraception, abortion, infertility, wrongful conception, pre-natal injury, selective treatment of neonates, tissue donations and transplants, research, medical treatment and surgery, treatment of the dying and death. Part 4 is concerned with law and psychiatry. Basic elements include the concept of mental disorder, voluntary admissions to hospital, involuntary hospitalisation, the right to refuse treatment, the legal aspects of treatment, review of detentions and treatments, rights in hospital, patient advocacy, disabilities and discriminations, the criminal justice system and mental disorder.

Law 2020 Private International Law

Private International Law embraces those rules of Irish law which apply whenever a transaction or an event has a connection with more than one legal system.

The primary focus of the course will be on those rules of Irish Private International Law applicable to commercial transactions and will include an emphasis on

- International Jurisdiction of the Irish Courts; Brussels & Lugano Conventions
- Enforcement in Ireland of Foreign Judgments at Common Law and under the Conventions
- International Contracts; The Rome Convention on Contractual Obligations
- Torts
- Immovable and movable Property; International Transfers of Intangible Moveables

Reading lists and course materials will be supplied at the beginning of the academic year.

Law 2018 Public International Law

Characteristics of international law. Contemporary economic and political factors affecting the sources and techniques of international law. The territory of the State. Self-determination. Use of force. Role of United Nations in solving international disputes. Law of the sea. Treaties and Custom. The International Court of Justice. The relationship between International and Municipal Law. International responsibility.

Akehurst: *A Modern Introduction to International Law*.

Brownlie: *Principles of Public International Law* (3rd ed.).

Greig: *International Law* (2nd ed.).

Harris: *Cases and Materials on International Law*.

Shaw: *International Law*.

Law 2019 Revenue Law

Administration of tax system (filing of returns and payment of tax) and territoriality rules governing chargeability to Irish tax. In-depth examination of income tax code and Schedules defining taxable income and allowable deductions. Analysis of Corporation Tax, Capital Gains Tax, Capital Acquisitions Tax and Probate Tax, with emphasis on legal theory and case law rather than computational aspects.

Butterworth's Irish Tax Guide 2000/2001; Butterworth's U.K. Tax Guide 2001/2002

FINAL YEAR

A. COMPULSORY SUBJECT

Law 3004 Jurisprudence

This course concentrates on the fundamentals of law, adopting in the main an historical approach. Topics covered include: the writing down of law; the impact of the spread of literacy; theories on stages in the evolution of society and of law; the relationship between law and religion; developments in the notions of individual responsibility, of private property and in the status of women; law and the building of the nation-state; nationalism and law; imperialism and law; analysis of legal systems; natural law; law and morals.

J.M. Kelly: *A Short History of Western Legal Theory*

Peter Stein: *Legal Evolution: The Story of an Idea*

Alan Watson: *The Nature of Law*

O.F. Robinson, T.D. Fergus and W.M. Gordon: *An Introduction to European Legal History*

H.L.A. Hart: *The Concept of Law*

Éanna Hickey: *Irish Law and Lawyers in Modern Folk Tradition*

C.K. Allen: *Law in the Making*

B. OPTIONAL SUBJECTS

Any **four** subjects *not already taken* in Second Year, plus:

Law 3001 Commercial Law

The object of this course is to give students an understanding of the fundamental legal elements in commercial and business transactions.

The course will deal with: Law of Agency: nature and creation of the agency relation; actual and ostensible authority; relations between the parties; powers of attorney; termination of the agency relationship. Sale of goods and consumer protection: nature of sale; passing of property; transfer of title by a non owner; quality; duties and remedies. Hire purchase and credit sales: Nature and establishment; relations between the parties; involvement of finance houses; the passing of property. Security interests and devices: real and personal securities; guarantee and indemnity; pledge; mortgage; charge; lien; set-off; tracing; retention of title.

Law 3002 Criminology

Crime and Criminal Justice; The Origins and Nature of Punishment; The Influence of the Classical Writers; The French Revolutionary Period and its Aftermath; The Birth of Criminology; The Origins of the Prison System; Trends and Patterns in Crime; Criminal Statistics; The Aetiology of Crime; The Biological School; Psychological Explanation; The Sociological Approach; Crime and the European Union; The *Corpus Juris*; The Fight against Crime and Fundamental Legal Values.

Law 3003 Equity

The nature of equity; the union of judicature; equity as a contemporary phenomenon; the species of estoppel, equitable licences; judicial discretion in equity jurisdiction, a cyclical phenomenon. Equitable remedies; specific performance, injunctions, rectification, rescission. The role of equity in the administration of estates; election, performance, satisfaction. Conversion. Miscellaneous equitable doctrines; tracing, assignment of choses in action. Fraud in equity.

Trusts: Express trusts, the creation thereof. Secret trusts. Completely and incompletely constituted trusts; exceptions to the maxim that equity will not assist a volunteer. Implied trusts; constructive and resulting trusts; discretionary trusts; charitable trusts; the Cy-pres doctrine; trusts of "imperfect obligation"; nature of trusteeship, appointment, removal, control of trustees, trustee's duty to avoid a conflict of interest; payment of trustees, liabilities of trustees for breach of trust; trusts and taxation.

Brady: *Religion and the Law of Charities in Ireland*.

Hanbury and Maudsley: *Modern Equity* (12th ed. by Jill Martin).

Keane: *Equity and the Law of Trusts in the Republic of Ireland*.

Keeton and Sheridan: *Equity*.

Kiely: *Principles of Equity as Applied in Ireland*.

Maudsley and Burn: *Trusts and Trustees*.

Nathan and Marshall's Casebook on Trusts.

Parker and Mellows: *The Modern Law of Trusts*.

Pettit: *Equity and the Law of Trusts* (4th ed.).

Tiley's Casebook on Equity and the Law of Succession.

Underhill and Hayton: *Law of Trusts and Trustees*.

Wylie: *Irish Land Law*.

Wylie: *A Casebook on Equity and Trusts in Ireland* (London, 1985).

Students will be advised of relevant periodic literature during lectures and tutorials.

Law 3005 Legal Anthropology

Theoretical introduction: evolutionist theories, functionalism, structuralism. Schools of anthropology and their effects on legal anthropology; anthropology and science. Hunters and gatherers: Kung of the Kalahari, Cheyenne of North America; pastoralists: Nuer and Dinka of Sudan; agricultural societies: Arusha of Tanzania, Barotse of Zambia. Dispute settlement in traditional societies. Law in early states and theories of the origin of the State. Position of women. Impact of colonial rule on traditional societies; invention of customary law. Studies of early contract law, land tenure, kinship and marriage. Aspects of Brehon law (sources, law and literature), Roman (private) law (formalities, law of person, contracts, delict, succession). Anthropological approaches to law; theories of law in relation to simple or early societies. Critiques of legal anthropology. Future of legal anthropology.

Texts:

Layton: *An Introduction to Theory in Anthropology*

Rouland: *Legal Anthropology*

Sally Falk Moore: *Law as Process: An Anthropological Approach*

Roberts: *Law, Order and Dispute: An Introduction to Legal Anthropology*

Sack & Aleck: *Law and Anthropology*

Maine: *Ancient Law*

Llewellyn and Hoebel: *The Cheyenne Way*

Gluckman: *The Judicial Process among the Barotse*

Gulliver: *Social Control in an African Society*

Pospisil: *The Anthropology of Law*

Mading Deng: *Tradition & Modernisation*.

Starr and Collier: *History and Power in the Study of Law*

Fergus Kelly: *A Guide to Early Irish Law*

McLeod: *Early Irish Contract Law*

Nicholas: *Introduction to Roman Law*

Law 3006 Media Law

The subject of this course is the law affecting the media (including television, radio, film and video, newspaper and book publishing) in Ireland. The course is broadly divided into two parts, the first dealing with the application to the media of the general law relating to freedom of expression (such as the law of libel), and the second with the law specific to each sector of the media (such as censorship of publications). The following major topics will be covered during the year:

Part One: The Constitution of Ireland and Freedom of Expression; Models of Media Regulation. Defamation; Intellectual Property; Contempt of Court; Confidential Information and Privacy; Public Order; Offences against the State; Incitement to Hatred; Advertising Law.

Part Two: Broadcasting Legislation; Censorship of Publications; Censorship of Film and Video; Posts and Telecommunications.

The course will also deal with general themes affecting the media such as the contemporary international debate on pornography and UNESCO's proposed World Information Order.

Suggested Reading:

McDonald, M: *Irish Law of Defamation*, 2nd ed., 1989.

McGonagle, M: *A Textbook on Media Law*, 1996.

McMahon, B. and Binchy, W: *Irish Law of Torts*, 2nd ed., 1989.

Robertson, G. and Nicol, A: *Media Law*, 3rd ed., 1992.

Law Reform Commission: *Civil Law of Defamation: Consultation Paper*, 1991; *Report*, LRC 38-1991.

Crime of Libel: Consultation Paper, 1991; *Report*, 41-1991.

Contempt of Court: Consultation Paper, 1991; *Report* (47 - 1994).

Law 3007 Planning and Development Law

Historical outline; jurisprudential and constitutional dimensions; decision makers, decision making and public participation; development plans; definition of development; planning permission; appeals; enforcement of development control; positive planning; land values and compensation; special controls over amenity; investigating planning title.

J.F. Garner: *Planning Law in Western Europe*.

Local Government (Planning and Development) Act, 1963.

Local Government (Planning and Development) Act, 1976.

Local Government (Planning and Development) Regulations, 1977.

P. McAuslan: *Land, Law and Planning*.

M. Purdue: *Cases and Materials on Planning Law*.

E.M. Walsh: *Planning and Development Law*.

**LWBDF0002 DEGREE OF BACHELOR OF CIVIL LAW
(EUROPEAN LEGAL STUDIES)**

General Description

The BCL Degree (European Legal Studies) is a four year programme, the third year of which is spent abroad at a European university as an integral element in the degree programme. The degree is open to all students in the Faculty. However, it is important to stress that the number of students who can take part in the programme will be limited by the number of places available in any given year.

Admission Procedure

Registered Second Year Civil Law students may apply to transfer into the BCL Degree (European Legal Studies) programme. Applications should be submitted to the Faculty before 1 March. A presentation on the Erasmus/Socrates Exchange Programme will be made early in the second semester. Permission to transfer into the BCL (European Legal Studies) is conditional upon the applicant's passing the Second University Examination in Civil Law in the session in which such permission is sought. Admission to the degree will be dated from 1 September immediately following this examination; no deferral will be allowed.

Course Requirements

Students in this programme must attend an approved European university on a full-time basis for one academic year between the completion of the Second University Examination in Civil Law and enrolment in Final Year Civil Law courses. Choice of courses to be followed abroad should be made in consultation with the Director of the Erasmus/Socrates programme.

Registration for Final Year Civil Law courses in UCD must follow directly on the year spent abroad.

Examinations and Awards

During the year abroad, examinations will be taken in the host university. A satisfactory performance in these examinations will be a condition of entry to the final year of the BCL Degree (European Legal Studies) programme. Students whose performance in the relevant examinations is deemed unsatisfactory will be eligible for entry only to the final year of the BCL Degree programme. This may have financial implications for fees/grants.

The awards for the BCL Degree (European Legal Studies) will be as for the BCL Degree. Marks obtained during the year abroad will not affect the class of degree awarded at the end of the programme.

- **This course, as described above, is not a separate and distinct degree from the BCL Degree.**

**LWBDF0003 DEGREE OF BACHELOR OF CIVIL LAW
(INTERNATIONAL)**

General Description

The BCL (International) Degree is a four year degree, the third year of which is spent abroad at a North American or at an Australian university as an integral element in the degree programme. The degree is open to all students in the Faculty. However, it is important to stress that the number of students who can take part in the programme will be limited by the number of places available in any given year.

Admission Procedure

Registered Second Year Civil Law students may apply to transfer into the BCL (International) programme. Applications should be submitted to the Faculty before 1 March. A presentation on the various exchange programmes will be made in the first semester or early in the second semester. Permission to transfer into the BCL (International) is conditional upon the applicant's passing the Second University Examination in Civil Law in the session in which such permission is sought. Admission to the degree will be dated from 1 September immediately following this examination; no deferral will be allowed.

Course Requirements

Students in this programme must attend an approved North American or Australian university law school on a full-time basis for one academic year between the completion of the Second University Examination in Civil Law and enrolment in Final Year Civil Law courses.

Registration for Final Year Civil Law courses in UCD must follow directly on the year spent abroad.

Examinations and Awards

During the year abroad, examinations will be taken in the host university. A satisfactory performance in these examinations will be a condition of entry to the final year of the BCL (International) programme. Students whose performance in the relevant examinations is deemed unsatisfactory will be eligible for entry only to the final year of the BCL Degree programme. This may have financial implications for fees/grants.

The awards of the BCL (International) will be as per the BCL Degree. Marks obtained during the year abroad will not affect the class of degree awarded at the end of the programme.

- **This course, as described above, is not a separate and distinct degree from the BCL Degree.**

LWBDF0004 DEGREE OF BACHELOR OF CIVIL LAW [LAW WITH FRENCH LAW]

General Description

The BCL [Law with French Law] is a four year degree designed to offer students a thorough grounding in Irish Law together with a general formation in French law. The latter will be gained initially in University College Dublin, then deepened by an obligatory year of study at a partner French university. Upon successful completion of their legal studies in France students will be awarded a Diploma in French Law by the relevant partner university.

Year Abroad

Students in this programme must attend courses at a partner French University on a full-time basis for one academic year between the completion of the Second University Examination in Civil Law and enrolment in the Final Year of the BCL [Law with French Law] course.

Students must register with UCD for the year spent abroad. Registration for the Final Year of the BCL [Law with French Law] degree course must follow directly on the year spent abroad.

Examinations and Awards

The examination regulations shall be those applicable to the BCL degree, with the following modification:

During the year abroad, examinations will be taken in the host university. A satisfactory performance in these examinations will be a condition of entry to the final year of the BCL [Law with French Law] course. Students whose performance is deemed to be satisfactory in the examinations in the relevant French partner institution will be awarded a qualification equivalent to a diploma by that institution. Students whose performance in the relevant examinations is deemed to be unsatisfactory will be eligible for entry only to the final year of the undesignated BCL degree. Students are advised that this may have financial implications for fees or grants.

The awards for the BCL [Law with French Law] will be the same as those for the BCL degree. Marks obtained during the year abroad will not affect the class of degree awarded at the end of the programme.

**DEGREE OF BACHELOR OF CIVIL LAW (BCL)
[LAW WITH FRENCH LAW]**

REGULATIONS

1. The Degree of Bachelor of Civil Law (Law with French Law) may be conferred either as a Pass Degree or as a Degree with Honours.
2. Candidates for the Degree must have fulfilled the matriculation requirements of the National University of Ireland by passing the Leaving Certificate Examination of the Department of Education in the following subjects:
 - (i) Irish;
 - (ii) English;
 - (iii) French (Grade B 3 on the Higher paper at the Leaving Certificate Examination);
 - (iv), (v), (vi) three other recognised subjects not already selected.
3. Approved courses of study must be attended for at least twelve terms.
4. There will be **two** examination papers in ***Introduction to French Public Law (Law 1006)***. Paper I will be in English, Paper II will be in French. The examinations in ***Introduction to French Private Law (Law 2021)*** and ***Advanced Public Law (Law 4001)*** will be in French.
5. Candidates must pass three examinations: The First University Examination in Law (Law with French Law), the Second University Examination in Law (Law with French Law), and the Final University Examination for the Degree (Law with French Law). Candidates must also pass the examinations at the relevant French University.
6. The **Diploma in French Law** is awarded on the basis of having passed the examinations at the relevant French University.
7. Candidates will not be allowed to enter the second year course until they have passed the First University Examination [Law with French Law]. They will not be allowed to enter the final year course until they have passed the Second University Examination [Law with French Law] and have passed the examinations at the relevant French University.

8. The First University Examination in Law [Law with French Law] must be passed within two years from the date of entering the course. The Second University Examination in Law [Law with French Law] must be passed within two years from the date of entering the second year course.
9. Candidates must apply to the Faculty for permission to re-attend first year and second year.
10. Students who have successfully completed the First University Examination in Law (Law with French Law) may apply to the Admissions Office by the date specified to transfer to the BCL degree course. **The transfer is subject to the transfer regulations as published in the *Information for Applicants* booklet.**
11. **Course Work.** Marks for course work in the appropriate subject will be taken into account **only** on the occasion of the **first** sitting of the examination in that subject. This rule will not apply to students who have been given permission to register and repeat the year.

**SUMMARY OF COURSES FOR THE DEGREE OF BACHELOR OF
CIVIL LAW [LAW WITH FRENCH LAW]**

FIRST YEAR

<i>Law 1001</i>	Constitutional Law
<i>Law 1002</i>	Criminal Law and Procedure
<i>Law 1006</i>	Introduction to French Public Law*
<i>Law 1003</i>	Law of Contract
<i>Law 1004</i>	Law of Tort

SECOND YEAR

A. Compulsory Subjects:

<i>Law 2021</i>	Introduction to French Private Law*
<i>Law 2013</i>	Land Law and Succession
<i>Law 2014</i>	Law of the European Union

B. Optional Subjects:

Any two from among the following:

<i>Law 2001</i>	Administrative Law
<i>Law 2002</i>	Banking Law
<i>Law 2003</i>	Company Law
<i>Law 2004</i>	Comparative Law
<i>Law 2005</i>	Environmental Law
<i>Law 2006</i>	Evidence
<i>Law 2007</i>	Family Law
<i>Law 2008</i>	Intellectual Property Law
<i>Law 2009</i>	International Commercial Transactions
<i>Law 2010</i>	International Human Rights Law
<i>Law 2011</i>	International Trade Law
<i>Law 2016</i>	Irish Legal History
<i>Law 2012</i>	Labour Law
<i>Law 2017</i>	Medical Law
<i>Law 2020</i>	Private International Law
<i>Law 2018</i>	Public International Law
<i>Law 2019</i>	Revenue Law

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

(Students are advised that staff exigencies may mean that in any one year a selection only of these optional subjects will be available. The Faculty reserves the right to impose a limit on the number of students taking any given option in second year law).

FINAL YEAR

A. Compulsory Subject:

<i>Law 4001</i>	Advanced French Law*
<i>Law 3004</i>	Jurisprudence

B. Optional Subjects:

Any **three** subjects not already taken from the second year list, plus

<i>Law 3001</i>	Commercial Law
<i>Law 3002</i>	Criminology
<i>Law 3003</i>	Equity
<i>Law 3005</i>	Legal Anthropology
<i>Law 3006</i>	Media Law
<i>Law 3007</i>	Planning and Development Law

(Students are advised that staff exigencies may mean that in any one year a selection only of these optional subjects will be available).

Subjects with an asterisk (*) will be taught mainly through French

Note: The following second and third year optional subjects are not currently available:

Advanced Public Law
Criminal Procedure
Law and Economics
Law and Political Theory
Roman Law
Social Welfare Law

EUROPEAN CREDIT TRANSFER SYSTEM

**CREDIT SCHEME FOR DEGREE OF BACHELOR OF CIVIL LAW
[LAW WITH FRENCH LAW]****FIRST YEAR**

<i>Course Title:</i>	<i>Credits:</i>
Constitutional Law	12
Criminal Law and Procedure	12
Introduction to French Public Law	12
Law of Contract	12
Law of Tort	<u>12</u>
Total:	60

SECOND YEAR

<i>Course Title:</i>	<i>Credits:</i>
Introduction to French Private Law	12
Land Law and Succession	12
Law of the European Union	12
Optional Subject	12
Optional Subject	<u>12</u>
Total:	60

FINAL YEAR

<i>Course Title:</i>	<i>Credits:</i>
Advanced French Law	12
Jurisprudence	12
Optional Subject	12
Optional Subject	12
Optional Subject	<u>12</u>
Total:	60

**SYLLABUS OF COURSES FOR THE DEGREE OF BACHELOR OF
CIVIL LAW [LAW WITH FRENCH LAW]**

FIRST YEAR

Law 1001 Constitutional Law

The constitutional law of the Republic of Ireland as found in the Constitution of 1937 and case law. Reading will be indicated at the beginning of the session.

Law 1002 Criminal Law and Procedure

Historical introduction. The emergence of criminal justice. The evolution of the general principles of criminal liability. The concepts of malice and intention. The defences to a criminal charge. Homicide. Assault and cognate offences. Larceny and kindred offences. Reading will be indicated at the beginning of the session.

Law 1006 Introduction to French Public Law

Constitutional Law; Legal System; Sources of Law; Civil and Criminal Procedure. Reading will be indicated at the beginning of the session.

Law 1003 Law of Contract

The general principles of the law of contract as applied in Ireland. Textbooks and relevant periodical literature will be indicated on reading lists. Students will be expected to purchase a copy of cases and materials for use in tutorials. These will be available at the commencement of the session.

Law 1004 Law of Tort

The Law of Tort is private law, as opposed to criminal or public law, and concerns the legal relationship that creates and imposes responsibilities on individuals. Tort law provides a number of distinct legal actions to resolve disputes arising between private individuals, the most common and frequent example being road traffic accident compensation claims. Actions in Tort are either based upon Statute or Common Law rules as developed by judges. An action in Tort will involve the infringement of an individual's private rights in relation to a number of legally protected interests. These interests concern in general both the reputation and physical/mental well-being of the person, property and financial matters.

A course of lectures will cover most of the following topics. The aim, purpose and function of the Law of Tort. Negligence and the duty of care imposing liability for negligent acts, words and omissions. Liability for personal injury, psychiatric illness and economic loss. The liability of occupiers, builders, vendors and lessors. The liability of statutory bodies. The standard of care including professional negligence and in particular medical negligence. Causation and remoteness of damage. Environmental aspects of land

use including liability for nuisance both private and public, the rule in *Rylands v. Fletcher*, trespass to land and unintended fire damage. Liability for animals. Products liability.

Trespass to the person, including assault, battery and false imprisonment. Trespass to goods. Defamation. Defences.

A comprehensive course outline indicating relevant reading materials will be made available at the start of term.

SECOND YEAR

A. COMPULSORY SUBJECTS

Law 2021 Introduction to French Private Law

Contract, Tort (Droit des obligations); Introduction to Commercial Law. Reading will be indicated at the beginning of the session.

Law 2013 Land Law and Succession

(a) Land Law

Tenure. Estates and interests in land. Difference between leasehold and freehold. Fee simple, fee tail and life estates. Fee farm grants. Equitable estates and interests in land. The Statute of Uses. Future interests (in outline). Settled land. Co-ownership. Easements and profits. Restrictive covenants. Licences. Adverse possession. Landlord and tenant. Mortgages. Registration of Deeds and of Title.

Lyall: *Land Law in Ireland*.

Wylie: *Irish Land Law*.

Wylie: *A Casebook on Irish Land Law*.

(b) Succession

Nature of a Will, contracts to make wills; formalities and their avoidance; secret trusts, rule in *Strong v Bird*, proprietary estoppel, donatio mortis causa. Attestation. Alterations. Construction of wills: extrinsic evidence. Revocation and revival. Lapse and ademption. Intestate succession.

Brady: *Succession Law in Ireland* (Butterworths)

Law 2014 Law of the European Union

History of European integration; basic structure of the Union; incorporation of EU law into the Irish legal order; the institutional framework and acts of the EU institutions; legal principles and judicial remedies; the free movement of goods, persons, services, establishment and capital; Competition law; the effects of the Single European Act and future developments in the EU; policies of the EU.

B. OPTIONAL SUBJECTS

Law 2001 Administrative Law

Administrative Law deals with the constitution, powers and procedure of those bodies on which the law confers powers and duties of a public nature, such as Government Departments, local authorities, tribunals and certain professional bodies. The course examines the procedural and formal requirements applicable to administrative action and the principles governing the legal nature of administrative powers, discretions and duties.

In particular, the course deals with the distinct set of remedies dealing with public law questions - available in a single procedure, the application for judicial review. Issues covered include the extent to which the courts can control the exercise of discretionary powers by administrative authorities and the availability of remedies for unlawful administrative action.

The course also considers the impact of the Constitution and the effects of contact with European Union law on administrative law. Some stress is placed on the historical evolution of Irish administrative law.

Materials: Hogan & Morgan, *Administrative Law in Ireland*, 3rd ed., 1998.

Law 2002 Banking Law

An examination of the legal issues arising from the national and international operations of banks. Topics will include the regulation of credit institutions; the legal framework of the single market in banking; the bank-customer relationship with particular reference to bank liability for services provided; bank secrecy and money laundering; forms of finance encountered in banking transactions, including syndicated loans; transfer of loan assets by banks; bills of exchange with particular reference to cheques; banks and credit and security; legal considerations arising from customer insolvency and bank insolvency.

Breslin: *Banking Law in the Republic of Ireland*

O'Connor: *Law Relating to Cheques and Analogous Instruments in Ireland*

Paget's *Law of Banking*

Law 2003 Company Law

Unincorporated associations and bodies corporate, corporations sole and aggregate; charter companies; statutory companies; joint stock companies; limitation of liability; the Companies Acts 1862-1963; unlimited companies; guarantee companies; companies limited by shares. Formation of company, memorandum, articles of association, construction of memorandum; ultra vires; capital, classes of shares; alteration of rights; name of company; public and private companies, commencement of business; prospectus; share issues; allotment, transfer and transmission of shares; civil and criminal liability on prospectus borrowing, debentures and charges; management of business; meetings; resolutions; alterations of capital. Winding up; grounds and types of winding up;

liquidators; secured, preferential and unsecured creditors; receivers. Auditors. Accounts. Meetings.

Gower: *Principles of Company Law*.

Pennington: *Company Law*.

Sealy and Cornish: *Case Book on Company Law*.

Law 2004 Comparative Law

Definition of comparative law. Structure and sources of law in major legal systems with special reference to France, USA, UK and Ireland. Administration of justice, legal professions. Separation of powers - judicial review. Law reform. Selected comparative topics from: Constitutional Law, Administrative Law, Criminal Procedure, Law of Tort.

Brown and Garner: *French Administrative Law*.

David: *French Law, Sources, Structure, Methodology*.

Merryman: *The Civil Law Tradition*.

Tresolini and Shapiro: *American Constitutional Law*.

Von Mehren: *The Civil Law System*.

Gunther: *Cases and Materials in Constitutional Law*.

Law 2005 Environmental Law

Environmental Law is intended to provide a comprehensive account of all major environmental concerns other than planning and development and the built environment. The course is divided into three components. The first deals with national and European protection of the environment; the second is a description of international environmental law; and the third, the protection of the cultural environment. The first section deals with national and European protection of the environment. Topics include the national regulatory framework; structure and powers of bodies having responsibility for the environment; the Environmental Protection Agency; integrated pollution control. Public participation and control; right to information; consultation procedures; appeals and judicial review. The enforcement of environmental law; the common law and environmental remedies; European environmental law. The second section deals with international environmental law; topics reviewed include the customary principles of international environmental law; the precautionary principle; the polluter pays principle; the common property principle; the law of the sea and marine pollution; hazardous waste; nuclear energy; endangered species; climate change; the implementation of the concept of sustainable development; multinational treaty law. The third section is the protection of the cultural environment: the protection of national and historic monuments, archaeological areas and sites, wrecks and underwater heritage areas. Books and pictures of cultural significance. Problems of the return of cultural artefacts.

Law 2006 Evidence

The law of Evidence is that system or body of rules which regulates the admission of proof in a court of law.

Rationale of proof and law of Evidence. Basic concepts. Relevance. Admissibility. Materiality. Receivability. Functions of judge and jury. Judicial discretion. Sources of

law of Evidence. Types of Evidence. Burden of proof. Standard of proof. Presumptions. Judicial notice. Corroboration. Proof of law. Competence. Compellability. Examination of witnesses. Privileges. Exclusion associated with method of obtaining evidence. Confessional evidence. Evidence of disposition and character. Hearsay rule and its exceptions. Opinion evidence.

Law 2007 Family Law

This course provides a comprehensive and current treatment of all aspects of law concerning the family and family relationships in Ireland. Family Law in Ireland is influenced by the interaction and impact of constitutional, public law, common law, criminal law, European law, European human rights law, international law and international and domestic statutory reforms of family law. It examines the rights and duties that arise from the existence of family relationships and deals with the procedures available to resolve such disputes. Family Law is one of the broadest and fastest expanding areas of law. The complexity of family relationships is mirrored in the study of the law governing those relationships providing a stimulating and interesting examination of current and controversial issues.

A course of lectures will be given on most of the following topics. Sociological aspects of the family. The family and the constitution. Formalities and the contract of marriage. Nullity of marriage, including the development of the void and voidable grounds. Resolution of marital breakdown covering legal separation, judicial separation and divorce. Consequences of marital breakdown, including maintenance, custody and access, financial and property relief. Domestic violence, spousal and cohabitee protection. International child abduction. Child abuse and care proceedings. Wardship. Adoption. Ownership of and disputes concerning family property. Recognition of foreign divorces. International maintenance. Abortion. The right to die.

A comprehensive course outline indicating relevant reading materials will be available at the start of term.

Law 2008 Intellectual Property Law

Intellectual Property Law is concerned with the creation and safeguarding of legal rights in matter produced through human intellectual creativity. The course covers:

- (1) the protection of registered and unregistered trade marks
- (2) the law in relation to character and event merchandising
- (3) the protection by copyright of literary, musical and artistic works; sound recordings, films, multimedia products, broadcasts, software and databases
- (4) the protection of performers' rights in their performances
- (5) the protection of inventions, including software and biotechnology, by patent law
- (6) the protection of industrial designs
- (7) the impact of European law on intellectual property rights.

There are no formal tutorials in this course. An essay may be set. Evaluation is by examination.

Law 2009 International Commercial Transactions

An analysis of the legal framework of business transactions as developed in an international context. The course is divided into two parts. The first part provides an analysis of international commercial transactions and the second part is dedicated to dispute resolution in international commercial transactions. The following topics will be covered:

Part One: Analysis of International Commercial Transactions

Topics will include:

- A study of the law applicable to international commercial agreements and of the formation of international agreements.
- An overview of the main types of international commercial transactions such as:
 - international contracts (including contracts of international sales of goods, agency and distribution agreements, international transfer of technology and know-how agreements, counter-trade agreements);
 - international banking and financial law;
 - international tax law;
 - international company and bankruptcy law.
- The course will also focus on the protection and remedies available in case of breach or non-performance of international commercial agreements.

Part Two: Dispute Resolution in International Commercial Transactions

Topics will include:

- An overview of international dispute resolution, including:
 - international negotiation;
 - alternative dispute resolution;
 - court litigation of international commercial agreements.
- A study of international commercial arbitration with an emphasis on:
 - the analysis of the formation and the validity of the international arbitration agreement.

Law 2010 International Human Rights Law

This course involves a study of the promotion and protection of human rights under international law. Since international human rights is itself a subset of public international law, the course entails a brief introduction to the development and nature of international law and the evolution of international human rights law.

The substantive part of the course includes a study of the legal foundations of contemporary international human rights law with particular emphasis on the international bill of rights drafted under the auspices of the United Nations. It also focuses on the means by which individuals may enforce their rights under the aegis of that organisation, e.g. through various complaint procedures and international fact finding processes. Other topics include, the protection afforded by international law to particular groups of persons, e.g. refugees and asylum-seekers.

The course also focuses on the European system for the protection of human rights established by the Council of Europe. In particular, it examines the individual petition procedure established by the European Convention on Human Rights, as well as critically analysing the jurisprudence of the European Court of Human Rights in relation to selected substantive rights guaranteed under the Convention.

Law 2011 International Trade Law

This course will cover both the private law of export trade and the public law of international trade regulation. Topics within the law of export trade will include: contracts for the international sale of goods and contracts for the carriage of goods by sea; Vienna Convention on Contracts for the International Sale of Goods (CISG); EC Convention on the Law Applicable to Contractual Obligations; Hague-Visby Rules; insurance of goods in transit; documentary credits; ICC Uniform Customs and Practice for Documentary Credits. The greater part of the course will examine the development of the General Agreement on Tariffs and Trade (GATT) and the World Trade Organisation (as of 1995). Topics in international trade regulation include: dispute resolution mechanisms, anti-dumping and countervailing duty law; trade in services, investment and agriculture; trade and the environment. Analysis of relevant GATT panel reports; also legislative and judicial responses to GATT obligations in the US, the European Union and Japan.

Law 2016 Irish Legal History

An overview of the history of law in Ireland. General considerations - sources, variety of legal records and their significance, impact of mainstream European legal traditions, nexus with English common law.

Gaelic Ireland - the law tracts, interpretation and historical value, consideration of selected tracts.

Medieval Irish lordship - arrival of common law, evolution of courts, import of common law doctrine, liberties and franchises, interaction of common law and brehon law.

From the Tudors to 1800 - constitutional development: Poynings' law, acts of state, non-enactment of Irish Bill of Rights; institutional diversity: palatinates, Munster and Connacht presidencies, prerogative and conciliar jurisdictions, ecclesiastical courts; the penal laws against Catholics and Dissenters.

Recommended Reading:

W.N. Osborough: *Studies in Irish Legal History*

Fergus Kelly: *A Guide to Early Irish Law*

G.J. Hand: *English Law in Ireland, 1290-1324*

Hans Pawlisch: *Sir John Davies and the Conquest of Ireland: A Study in Legal Imperialism*

Law 2012 Labour Law

The Institutions of Labour Law. Foundations of Irish Labour Law. Contract of employment. Statutory regulation of employment relationship. Equal Pay and

Employment Equality. Holidays. Payment of Wages. Maternity leave and pay. Hours of work. Termination of employment. Unfair dismissal. Trade Unions. Collective bargaining. Trade disputes. Picketing. EU Social Policy.

Wedderburn: *The Worker and the Law* (1986).

Kerr and Whyte: *Irish Trade Union Law* (1985).

Kerr: *The Trade Union and Industrial Relations Acts of Ireland* (1991).

Murphy and Roche (eds.): *Irish Industrial Relations in Practice* (1994).

Lynch and Fennell: *Labour Law in Ireland* (1993).

Meenan: *Working within the Law* (1994).

Curtin: *Irish Employment Equality Law* (1989).

Madden and Kerr: *Unfair Dismissal: Cases and Commentary* (1990).

Law 2017 Medical Law

Ideally, medical law serves important needs in our society: it regulates properly the medical profession; it provides a reliable and effective means of investigating medical accidents; it creates an adequate and rational system of compensation for patients suffering injury; and it gives doctors understandable guidance on those areas of medical practice of moral ethical sensitivity. This course covers in detail Irish medical law, includes a generous comparative dimension, and critically reviews the question of whether existing law meets the needs mentioned above.

The course has four parts. Part 1 examines the subject of medical law and ethics. It encompasses the nature of medical practice, the intersection between law and ethics, the question of a rational ethical framework for medical practice and law, and the issue of medical confidentiality and the duty of disclosure (with particular reference to treatment of HIV/AIDS). Part 2 deals with the subject of medical malpractice. The focus will be upon consent, medical negligence, medical litigation, drug-induced damage and fault liability. Part 3 concentrates on medical law in action in areas of life from conception to death. Its compass will include infertility, facilitating conception, contraception, abortion, infertility, wrongful conception, pre-natal injury, selective treatment of neonates, tissue donations and transplants, research, medical treatment and surgery, treatment of the dying and death. Part 4 is concerned with law and psychiatry. Basic elements include the concept of mental disorder, voluntary admissions to hospital, involuntary hospitalisation, the right to refuse treatment, the legal aspects of treatment, review of detentions and treatments, rights in hospital, patient advocacy, disabilities and discriminations, the criminal justice system and mental disorder.

Law 2020 Private International Law

Private International Law embraces those rules of Irish law which apply whenever a transaction or an event has a connection with more than one legal system.

The primary focus of the course will be on those rules of Irish Private International Law applicable to commercial transactions and will include an emphasis on

- International Jurisdiction of the Irish Courts; Brussels & Lugano Conventions

- Enforcement in Ireland of Foreign Judgments at Common Law and under the Conventions
- International Contracts; The Rome Convention on Contractual Obligations
- Torts
- Immovable and movable Property; International Transfers of Intangible Moveables

Reading lists and course materials will be supplied at the beginning of the academic year.

Law 2018 Public International Law

Characteristics of international law. Contemporary economic and political factors affecting the sources and techniques of international law. The territory of the State. Self-determination. Use of force. Role of United Nations in solving international disputes. Law of the sea. Treaties and Custom. The International Court of Justice. The relationship between International and Municipal Law. International responsibility.

Akehurst: *A Modern Introduction to International Law*.

Brownlie: *Principles of Public International Law* (3rd ed.).

Greig: *International Law* (2nd ed.).

Harris: *Cases and Materials on International Law*.

Shaw: *International Law*.

Law 2019 Revenue Law

Administration of tax system (filing of returns and payment of tax) and territoriality rules governing chargeability to Irish tax. In-depth examination of income tax code and Schedules defining taxable income and allowable deductions. Analysis of Corporation Tax, Capital Gains Tax, Capital Acquisitions Tax and Probate Tax, with emphasis on legal theory and case law rather than computational aspects.

Butterworth's Irish Tax Guide 2000/2001; Butterworth's U.K. Tax Guide 2001/2002.

FINAL YEAR

A. COMPULSORY SUBJECTS

Law 4001 Advanced French Law

Reading will be indicated at the beginning of the session.

Law 3004 Jurisprudence

This course concentrates on the fundamentals of law, adopting in the main an historical approach. Topics covered include: the writing down of law; the impact of the spread of literacy; theories on stages in the evolution of society and of law; the relationship between

law and religion; developments in the notions of individual responsibility, of private property and in the status of women; law and the building of the nation-state; nationalism and law; imperialism and law; analysis of legal systems; natural law; law and morals.

J.M. Kelly: *A Short History of Western Legal Theory*

Peter Stein: *Legal Evolution: The Story of an Idea*

Alan Watson: *The Nature of Law*

O.F. Robinson, T.D. Fergus and W.M. Gordon: *An Introduction to European Legal History*

H.L.A. Hart: *The Concept of Law*

Éanna Hickey: *Irish Law and Lawyers in Modern Folk Tradition*

C.K. Allen: *Law in the Making*

B. OPTIONAL SUBJECTS

Law 3001 Commercial Law

The object of this course is to give students an understanding of the fundamental legal elements in commercial and business transactions.

The course will deal with: Law of Agency: nature and creation of the agency relation; actual and ostensible authority; relations between the parties; powers of attorney; termination of the agency relationship. Sale of goods and consumer protection: nature of sale; passing of property; transfer of title by a non owner; quality; duties and remedies. Hire purchase and credit sales: nature and establishment; relations between the parties; involvement of finance houses; the passing of property. Security interests and devices: real and personal securities; guarantee and indemnity; pledge; mortgage; charge; lien; set-off; tracing; retention of title.

Law 3002 Criminology

Crime and Criminal Justice; The Origins and Nature of Punishment; The Influence of the Classical Writers; The French Revolutionary Period and its Aftermath; The Birth of Criminology; The Origins of the Prison System; Trends and Patterns in Crime; Criminal Statistics; The Aetiology of Crime; The Biological School; Psychological Explanation; The Sociological Approach; Crime and the European Union; The *Corpus Juris*; The Fight against Crime and Fundamental Legal Values.

Law 3003 Equity

The nature of equity; the union of judicature; equity as a contemporary phenomenon; the species of estoppel, equitable licences; judicial discretion in equity jurisdiction, a cyclical phenomenon. Equitable remedies; specific performance, injunctions, rectification, rescission. The role of equity in the administration of estates; election, performance, satisfaction. Conversion. Miscellaneous equitable doctrines; tracing, assignment of choses in action. Fraud in equity.

Trusts: Express trusts, the creation thereof. Secret trusts. Completely and incompletely constituted trusts; exceptions to the maxim that equity will not assist a volunteer. Implied

trusts; constructive and resulting trusts; discretionary trusts; charitable trusts; the Cy-pres doctrine; trusts of "imperfect obligation"; nature of trusteeship, appointment, removal, control of trustees, trustee's duty to avoid a conflict of interest; payment of trustees, liabilities of trustees for breach of trust; trusts and taxation.

Brady: *Religion and the Law of Charities in Ireland*.

Hanbury and Maudsley: *Modern Equity* (12th ed. by Jill Martin).

Keane: *Equity and the Law of Trusts in the Republic of Ireland*.

Keeton and Sheridan: *Equity*.

Kiely: *Principles of Equity as Applied in Ireland*.

Maudsley and Burn: *Trusts and Trustees*.

Nathan and Marshall's Casebook on Trusts.

Parker and Mellows: *The Modern Law of Trusts*.

Pettit: *Equity and the Law of Trusts* (4th ed.).

Tiley's Casebook on Equity and the Law of Succession.

Underhill and Hayton: *Law of Trusts and Trustees*.

Wylie: *Irish Land Law*.

Wylie: *A Casebook on Equity and Trusts in Ireland* (London, 1985).

Students will be advised of relevant periodic literature during lectures and tutorials.

Law 3005 Legal Anthropology

Theoretical introduction: evolutionist theories, functionalism, structuralism. Schools of anthropology and their effects on legal anthropology; anthropology and science. Hunters and gatherers: Kung of the Kalahari, Cheyenne of North America; pastoralists: Nuer and Dinka of Sudan; agricultural societies: Arusha of Tanzania, Barotse of Zambia. Dispute settlement in traditional societies. Law in early states and theories of the origin of the State. Position of women. Impact of colonial rule on traditional societies; invention of customary law. Studies of early contract law, land tenure, kinship and marriage. Aspects of Brehon law (sources, law and literature), Roman (private) law (formalities, law of person, contracts, delict, succession). Anthropological approaches to law; theories of law in relation to simple or early societies. Critiques of legal anthropology. Future of legal anthropology.

Texts:

Layton: *An Introduction to Theory in Anthropology*.

Rouland: *Legal Anthropology*.

Sally Falk Moore: *Law as Process: An Anthropological Approach*.

Roberts: *Law, Order and Dispute: An Introduction to Legal Anthropology*.

Sack & Aleck: *Law and Anthropology*.

Maine: *Ancient Law*.

Llewellyn and Hoebel: *The Cheyenne Way*

Gluckman: *The Judicial Process among the Barotse*.

Gulliver: *Social Control in an African Society*.

Pospasil: *The Anthropology of Law*.

Mading Deng: *Tradition & Modernisation*.

Starr and Collier: *History and Power in the Study of Law*.

Fergus Kelly: *A Guide to Early Irish Law*.

McLeod: *Early Irish Contract Law*.

Nicholas: *Introduction to Roman Law*.

Law 3006 Media Law

The subject of this course is the law affecting the media (including television, radio, film and video, newspaper and book publishing) in Ireland. The course is broadly divided into two parts, the first dealing with the application to the media of the general law relating to freedom of expression (such as the law of libel), and the second with the law specific to each sector of the media (such as censorship of publications). The following major topics will be covered during the year:

Part One: The Constitution of Ireland and Freedom of Expression; Models of Media Regulation. Defamation; Intellectual Property; Contempt of Court; Confidential Information and Privacy; Public Order; Offences against the State; Incitement to Hatred; Advertising Law.

Part Two: Broadcasting Legislation; Censorship of Publications; Censorship of Film and Video; Posts and Telecommunications.

The course will also deal with general themes affecting the media such as the contemporary international debate on pornography and UNESCO's proposed World Information Order.

Suggested Reading:

McDonald, M: *Irish Law of Defamation*, 2nd ed., 1989.

McGonagle, M: *A Textbook on Media Law*, 1996.

McMahon, B. and Binchy, W: *Irish Law of Torts*, 2nd ed., 1989.

Robertson, G. and Nicol, A: *Media Law*, 3rd ed., 1992.

Law Reform Commission: *Civil Law of Defamation: Consultation Paper*, 1991; *Report*, LRC 38-1991.

Crime of Libel: Consultation Paper, 1991; *Report*, 41-1991.

Contempt of Court: Consultation Paper, 1991; *Report* (47 - 1994).

Law 3007 Planning and Development Law

Historical outline; jurisprudential and constitutional dimensions; decision makers, decision making and public participation; development plans; definition of development; planning permission; appeals; enforcement of development control; positive planning; land values and compensation; special controls over amenity; investigating planning title.

J.F. Garner: *Planning Law in Western Europe*.

Local Government (Planning and Development) Act, 1963.

Local Government (Planning and Development) Act, 1976.

Local Government (Planning and Development) Regulations, 1977.

P. McAuslan: *Land, Law and Planning*.

M. Purdue: *Cases and Materials on Planning Law*.

E.M. Walsh: *Planning and Development Law*.

LWDPF0001 DIPLOMA IN COMMON LAW

Course Description

The **Diploma in Common Law** is a one year Diploma course awarded to students from French partner law schools who successfully complete their legal studies at UCD. This Diploma is available only to those students from France who are enrolled in the Faculty as a consequence of the exchange arrangements which attend the BCL [Law with French Law] degree.

Course Syllabus

Students take **four** BCL subjects determined by the Faculty of Law in agreement with the relevant French partner institutions. Two of the subjects selected must be the Common Law subjects *Contract* and *Tort* and the remaining two will be selected from the range of subjects available in the BCL curriculum.

For further information see syllabus of courses for the degree of Bachelor of Civil Law degree.

Examination Regulations

Students must pass each of their chosen subjects.

IFBDF0001 DEGREE OF BACHELOR OF BUSINESS AND LEGAL STUDIES (BBLs)

REGULATIONS

1. The Degree of Bachelor of Business and Legal Studies is a joint primary Degree of the Faculty of Law and the Faculty of Commerce.
2. The Degree may be conferred either as a Pass Degree or as a Degree with Honours.
3. Approved courses of study must be attended for at least twelve terms after matriculation.
4. Candidates for the Degree must have fulfilled the Matriculation requirements of the National University of Ireland by passing the Leaving Certificate Examination of the Department of Education in the following subjects:
 - (i) Irish;
 - (ii) English;
 - (iii) Another recognised language;
 - (iv) Mathematics (A minimum of Grade D3 on the Higher paper or Grade B3 on the Ordinary paper at the Leaving Certificate Examination);
 - (v) & (vi) Any two recognised subjects not already selected.
5. *General:*
 - 5.1 A unit is a set of approximately twenty-four hours of lectures for non-semesterised courses and thirty-six hours of lectures for semesterised courses.
 - 5.2 Each course of study is composed of one or more units. Each course will be followed by an examination.
 - 5.3 Credits will be given for each course passed. Each level of the Degree programme contains sixty credits apart from Mode III Level 4 which contains 62 credits.
 - 5.4 No compensation applies in any examination in the degree.
 - 5.5 Examination results are awarded on the basis of individual subjects rather than on an overall award for an individual year of the course. However, in the award of the degree, an overall class will be awarded by aggregating the results of the subjects at Level 3 and Level 4.
 - 5.6 Please note the following definition of terms in relation to business courses:

Course: A series of lectures, associated course work (if any) and the examinations associated with the course.

Course Work: All essays, projects, mid-term examinations etc. that contribute towards the final mark for a course in addition to the final written examination paper.

Examination Offering: There are two examinations associated with each course. The first examination termed the First Offering, held immediately after the course, and the second examination termed the Second Offering, held at a later date, normally at the end of the subsequent semester for semesterised courses and Autumn for non-semesterised courses.

Deferral of Examination: Where the first examination offering associated with a course is not taken *for whatever reason*.

5.7 In relation to business courses, students who do not obtain the credits associated with a course by the second examination offering may be required to re-register for that course, re-attend, complete any assigned course work, pass the course examination and pay the associated fee.*

- Please note: The business courses are as prescribed for the academic year 2001/2002. Students should note that the business courses listed for Levels 1, 2, 3 and 4 for the academic year 2002/2003 and subsequent years may change, may be dropped or may be modified.

6. The degree is composed of a number of courses which are given at four levels. Level 1 courses are offered at the commencement of the degree programme. These are followed by Level 2 and Level 3 courses. Level 4 courses are taken in the final stage of the degree programme. The academic requirements of the degree will be satisfied when all the stipulated courses have been passed.

In Level 4 students may choose to specialise in Law or in Business Studies. Depending on the Mode chosen, students may take one or two additional optional subjects in their chosen discipline and drop an optional subject in the other discipline.

Business Studies courses in Levels 2 (except MIS 1002, MIS 1005 and ECON 2208), 3 and 4 are semesterised and examinations are held at the end of each course. The second offering examinations for first semester courses will be offered at the end of the second semester of the same year. The second offering examinations for the second semester examinations will take place at the end of the first semester of the following year.

The following refers to **business** courses:

Students should note that from the academic year 2000 / 2001 onwards, it is likely that second offering examinations for second semester courses of the previous

academic year will be held in the first week of January and in the first week of the second semester.

7. *Progress from Level 1 to Level 2:*

7.1 Students who obtain a total of sixty credits on the combined results of the Summer and Autumn examinations of the Level 1 courses are eligible for unrestricted entry into Level 2 courses.

7.2 To enter Level 2, students must satisfy the following conditions after combining the results of the Summer and Autumn examinations of Level 1:

(a) obtain thirty credits in business courses, and

(b) pass two legal studies subjects. Students are permitted to carry the remaining legal studies subject to Level 2. Students who have not passed at least two legal studies subjects are not eligible for entry into Level 2, but may repeat the subjects failed in the following year's examinations.

If a student satisfies the legal studies requirement as stated in point (b) above, but fails to satisfy the requirements of point (a), then that student cannot progress to Level 2 without the permission of the Faculty of Commerce. Credits for outstanding Level 1 courses must be obtained before entering Level 3.

7.3 All courses in BBLs Level 1 must be passed within two years of entering Level 1. Otherwise the student may not remain in the programme.

Please Note with regard to **business** courses:

The business course half of the Bachelor of Business and Legal Studies is currently in the process of review and it is likely that substantial changes will take place in the programme of study for all levels from the academic year 2002/2003 onwards.

Students who fail to achieve the thirty business credits in Level 1 by the second examination offering in 2001/2002 may not be in a position to take Level 1 examinations based on 2001/2002 courses in subsequent years. The provisions of Rule 14 will then apply.

8. *Progress from Level 2 to Level 3 (and Level 3 to Level 4):*

8.1 Students who pass at least two legal studies courses in Level 2 are eligible to enter Level 3, subject to having passed all Level 1 courses.

8.2 Students who pass at least two legal studies courses in Level 3 are eligible to enter Level 4, subject to having passed all Level 2 courses.

9. Where a student passes an examination after more than one attempt, his or her overall mark will be the successful examination mark.

10. Students cannot be registered for any course(s) nor attempt any examination(s) in course(s) from more than two consecutive levels in any one academic year.

11. Examinations of more than two consecutive levels may not be taken at the same sitting.

12. If a Law course is terminated or changed, it will not normally be examined in its original form for more than two years. In the event of a business course being changed, modified or terminated, then no other examination for that course will be offered other than the second offering examination.
13. A student's choice of Level 4 course electives must be made in writing at the end of the Level 3 academic year.

The following only relates to **business** courses. Permission to be registered for a course and to attempt the examination at the end of any Level 4 course is contingent on the student satisfying the minimum attendance requirement of the course. The minimum attendance requirement of a course cannot be met if a student transfers into the course later than two weeks after the start of that course. Thus, no Level 4 student can be registered for a course, attend a course or attempt an examination unless the student was enrolled in that course no later than two weeks after the start of the course. Formal attendance at a course will be deemed to have commenced when Faculty records show that the student is enrolled for the course.

14. Permission to defer examinations in Law courses must be obtained from the Faculty of Law.

The following relates to **business** course deferrals. Students who do not obtain the credits associated with a course by the second examination offering may be required to re-register for that course, re-attend and pay the associated fee. Students should note that courses may change from year to year, may not be offered in certain years, and may be dropped entirely from the programme. This will require the substitution of a course(s) by additional course(s) and will entail re-registration, re-attendance and the payment of the appropriate fees.

The following refers to **business** courses:

Those students who do not obtain credits associated with a course by the second examination offering in their first cycle of registration for that course, may find that subsequent examination offerings, if any, may not be held at a time which is convenient and they may also find that these subsequent examination offerings may be time-tabled at the very same time as other examination offerings which they may still need to take.

15. *Course Work*

Where a mark is given for course work, a pass mark will not be awarded for the course unless at least 35% is attained in the written examination in that course.

The course work mark shall only be counted for the first examination offering of any course. The second examination offering mark shall therefore be based entirely on the written second examination offering paper.

SUMMARY OF COURSES

FIRST YEAR (LEVEL 1)*Business Studies Subjects*

BMGT 1002 Management Principles and Business
Environment

BMGT 1007 Organisational Behaviour

ACC 1002 Financial Accounting

ECON 1105 Principles of Economics

Legal Studies Subjects

Law 1501 Constitutional Law

Law 1502 Law of Contract

Law 1503 Law of Tort

SECOND YEAR (LEVEL 2)*Business Studies Subjects*

MIS 1002 Business Statistics

ACC 2003 Management Accounting

ACC 2005 Financial Accounting

MIS 1005 Introduction to Computers and
Information Systems

ECON 2208 Economics for Law and Business

*Legal Studies Subjects**Options:*

Law 2501 Company Law
& Partnership

Law 2502 Commercial Law
& Transactions

Law 2503 Criminal Law

Law 2504 Land Law

THIRD YEAR (LEVEL 3)*Business Studies Subjects*

FIN 2004 Finance

BMGT 2003 Business Logistics and Operational
Management

HRM 2003 Managing Employee Relations

MKT 2003 Marketing Management

Legal Studies Subjects

Law 3501 Law of the European
Union

Options:

Law 3502 Corporate Finance Law

Law 3503 Employment Law

Law 3504 Insolvency Law

Law 3505 Intellectual Property Law

Law 3506 International Commercial
Transactions

Law 3507 International Trade Law

Law 3508 Financial Services Law

FOURTH YEAR (LEVEL 4)

MODE I (IFBDF0005)

Business Studies Subjects

BMGT 3003 Strategy Formulation and Implementation

4 Options*

Legal Studies Subjects

3 Options**

MODE II (IFBDF0006)

Business Studies Subjects

BMGT 3003 Strategy Formulation and Implementation

2 Options*

Legal Studies Subjects

4 Options**

Law 4508 Minor Dissertation

MODE III (IFBDF0007)

Business Studies Subjects

BMGT 3003 Strategy Formulation and Implementation

6 Options*

Legal Studies Subjects

2 Options**

**Optional Subjects :

Law 4506 Banking Law

Law 4501 Commercial Conflicts of Law

Law 4502 Competition Law in the European Union and Ireland

Law 4507 Environmental Law

Law 4503 Equity

Law 4509 Evidence

Law 4510 Jurisprudence

Law 4505 Revenue Law

Legal Studies

These courses, and such other courses which may be available from time to time, will be offered at the discretion of the Faculty of Law and each course may not be available in any one year.

*** *Business Studies Options***

Business course electives are taken from courses offered in Level 3 of the Bachelor of Commerce Degree Programme.

These courses, and such other courses which may be available from time to time, will be offered at the discretion of the Faculty of Commerce and each course may not be available in any one year.

The availability of courses to students may be subject to timetable constraints.

EUROPEAN CREDIT TRANSFER SYSTEM (ECTS)

<p>CREDIT SCHEME FOR DEGREE OF BACHELOR OF BUSINESS AND LEGAL STUDIES</p>
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FIRST YEAR (LEVEL 1) BUSINESS AND LEGAL STUDIES

<i>Course Title</i>	<i>Credits</i>
Management Principles and Business Environment	7.5
Organisational Behaviour	7.5
Financial Accounting	7.5
Principles of Economics	7.5
Constitutional Law	10.0
Law of Contract	10.0
Law of Tort	<u>10.0</u>
Total:	60.0

SECOND YEAR (LEVEL 2) BUSINESS AND LEGAL STUDIES

<i>Course Title:</i>	<i>Credits:</i>
Business Statistics	7.5
Management Accounting	6.0
Financial Accounting	6.0
Introduction to Computers and Information Systems	3.75
Economics for Law and Business	3.75
Law Subject Option	11.0
Law Subject Option	11.0
Law Subject Option	<u>11.0</u>
Total:	60.0

THIRD YEAR (LEVEL 3) BUSINESS AND LEGAL STUDIES

<i>Course Title:</i>	<i>Credits:</i>
Finance	6.0
Business Logistics and Operations Management	6.0
Managing Employee Relations	6.0
Marketing Management	6.0
Law of the European Union	12.0
Law Subject Option	12.0
Law Subject Option	<u>12.0</u>
Total:	60.0

FOURTH YEAR (LEVEL 4) BUSINESS AND LEGAL STUDIES

Mode I

Legal Studies Subjects:	<i>Credits</i>
Option	10
Option	10
Option	10
Business Studies Subjects:	
Strategy Formulation	6
Option	<u>6</u>
Total:	60

Mode II

<i>Legal Studies Subjects</i>	<i>Credits</i>
Option	10
Minor Dissertation	2
<i>Business Studies Subjects:</i>	
Strategy Formulation	6
Option	6
Option	<u>6</u>
Total:	60

Mode III

<i>Legal Studies Subjects</i>	<i>Credits</i>
Option	10
Option	10
<i>Business Studies Subjects</i>	
Strategy Formulation	6
Option	<u>6</u>
Total:	62

**SYLLABUS OF COURSES FOR THE DEGREE OF BACHELOR OF
BUSINESS AND LEGAL STUDIES**

BUSINESS SUBJECTS

FIRST YEAR - LEVEL 1**BMGT 1002 Management Principles and Business Environment (2 units)****(a) *Management Principles and the Functions of Business***

Competent management is critical to the success of a business. Management is a complex subject in that it has to deal with people at work as well as handling all of the constraints and difficulties of operating in a dynamic environment. This introductory course leads the student through the historical development of management theory. It examines the job of the manager; the planning, organising, staffing, directing and controlling roles played by every manager. Having outlined varying tasks which go to make up the manager's job, the course then examines the various functional areas of business where these tasks are performed. The functions examined are marketing, finance, manufacturing, personnel and industrial relations. The course is taught by lecture method supplemented by readings.

(b) *The Structure of Irish Business*

The structure of output and employment in Irish business; Comparative structures of business in EU and other countries; analysis of the natural resource-based sectors, i.e. agribusiness, mining, oil and gas; analysis of the manufacturing sectors and assessment of the role of foreign-based, indigenous and state firms; comparative analyses of the performance of various sectors in Ireland; international comparisons for manufacturing industry; analysis of the wholesale and retail sectors of distribution; analysis of the service sector in Irish business and its potential for development; assessment of the support structures for business in Ireland.

BMGT 1007 Organisational Behaviour (2 units)**(a) *Individual Behaviour***

Theories of motivation and satisfaction and their relation to performance. Practical approaches to motivation. Human abilities and aptitudes - their assessment and acquisition. Cognitive processes - Perception, problem-solving and decision-making.

(b) *Group Behaviour*

Group formation and development; group structure; leadership; group processes - communication, motivation, decision-making, influence, conflict management.

ACC 1002 Financial Accounting (3 units)

Balance sheet equation; debit credit convention; income measurement; period and adjustments; journals and daybooks including control accounts; preparation of final accounts for retailers, manufacturers, sole traders and companies; published accounts; regulatory framework; companies acts requirements; cash flow statements; partnership accounts including admission and retirement of partners; changes in profit sharing ratios; final accounts; preparation of accounts from incomplete records; bank reconciliations; correction of errors.

ECON 1105 Principles of Economics

Microeconomics: Basic theory of demand and supply and the functioning of markets. Analysis of competition, monopoly, labour markets, taxation. Macroeconomics: Outline of basic issues in fiscal and monetary policy.

SECOND YEAR - LEVEL 2

MIS 1002 Business Statistics (2 units)

Introduction to probability and statistics for business. Descriptive statistics (means, variances, frequency distributions, constructing graphs and tables). Probability theory and probability distributions, including uniform, binomial, normal, t-distribution, chi-squared and F-distribution. Decision-making under uncertainty and Bayes' law. Sampling with and without replacement. Classical hypothesis testing with applications. Analysis of variance. Multivariate ordinary least squares model. R-squared, t-tests of regression co-efficients, Durbin-Watson statistics, autocorrelation, heteroskedasticity. Time-series models and forecasting models, including stochastic processes. Applications to quality control. (Optional) principal components and factor analysis.

ACC 2003 Management Accounting (1 unit)

Introduction to management accounting; accountant's role in the organisation; classification of costs; job costs; process costs; analysis of cost behaviour; cost-volume-profit analysis. Budget profit planning; systems design; responsibility accounting and motivation, standard costs; flexible budgets; relevant costs for decision-making.

ACC 2005 Financial Accounting (*pre-requisite: ACC 1002*) (1 unit)

Partnership accounting, dissolution of partnership, conversion of partnership to limited company. Accounting for stocks, depreciation and revaluation of fixed assets, government grants, research and development, foreign currency transactions and taxation. Published company accounts: regulatory framework, disclosure of accounting policies, post balance sheet events and contingencies, earnings per share, prior year adjustments, cash flow statements. History of development of accounting and accounting regulation, conceptual framework of accounting, theory of income measurement, critique of current financial reporting practice.

MIS 1005 Introduction to Computers and Information Systems (1 unit)

In today's competitive and complex business environments, information systems (IS) and information technology (IT) are essential tools for business organisations. Consequently, computers and information systems have become an important part of our everyday work and social environments. As members of society, it is important to understand what computers and information systems are all about. As future business professionals, it is especially important to know how to use and apply these technologies. The objectives of this course are to provide students with basic knowledge about computers and information systems, and to help them develop the skills needed to use and take advantage of these technologies. The course is comprised of two hours of lectures plus two hours of practical "hands-on" tutorials per week. The topics covered include an overview of computer hardware, operating and applications software, word-processing, spreadsheet design, software development, an introduction to the role of information and information systems in business, and discussion of the social impacts of computing.

ECON 2208 Economics for Law and Business (1 unit)

- (a) Microeconomic analysis: Public goods, externalities and other related topics.
- (b) Applications to business in managerial economics and economics of the firm's decision-making.
- (c) Applications in the legal area, e.g. in the economics of property rights, moral hazard and adverse selection in insurance markets.

THIRD YEAR - LEVEL 3

BMGT 2003 Business Logistics and Operations Management

This course is designed to provide students with an understanding of how the modern product is created and delivered. The main topics are as follows: approaches to product design; options for process design; techniques for production capacity planning; structure of facility location decisions; management of physical procurement, the sourcing, purchasing and handling of materials; principles of production scheduling, push versus pull systems, materials requirements planning (MRP), lean manufacturing; the management of physical distribution channel design, customer service goals, trends in supplier-buyer relationships, just-in-time (JIT) delivery principles; inventory management; the use of quantitative techniques in supply chain management; the role of value chains and networks in competitive strategy; advanced manufacturing concepts; innovation and the management of technology.

FIN 2004 Finance

Joint Stock Company. Principles of taxation. Present values and wealth. Investment appraisal. Value additivity. The cost of capital. Portfolio Theory. Risk versus Return. Sources of Finance. Agency theory. Gearing. Capital structure. Dividend decision. Financial analysis and planning. Working capital management. Valuation of options. Mergers and takeovers. International financial management. Valuation of companies.

HRM 2003 Managing Employee Relations

This series of lectures will introduce students to management-employee relations at the collective and at the individual level. At the collective level, it will consider the attitudes and goals and organisation of the parties, the framework of law within which industrial relations is conducted, the working practices and procedures adopted by the parties, and some recent trends and developments in industrial relations in Ireland, including the growing emphasis on strategic approaches to the management of industrial relations. At the individual level, the following topics will be examined: the nature/changing nature of work, managing flexible organisations and the evolution of the personnel function in contributing to corporate effectiveness; strategies choice facing the personnel function in managing workforces; implementing personnel objectives in today's organisations. The objectives, role and functions of the personnel department will also be reviewed.

MKT 2003 Marketing Management

Marketing is a concern for all people and organisations. We all live by exchanging something. Marketing is the study of exchange processes in society: how transactions are initiated, motivated, facilitated and completed. The topics covered in the course are: the role of marketing in society; the scope of marketing in the organisation; analytical methods used in marketing analysis; understanding consumer, industrial and service markets; understanding and analysing competitors and informing marketing decisions. The course will also look at the area of marketing management. Marketing management is concerned with choosing target markets; evaluating customer needs and wants; providing, communicating and delivering products and services to satisfy customers and profit to organisations. The topics covered are: product and service decisions, branding, pricing, marketing communications, distribution, marketing, planning and implementation.

FOURTH YEAR - LEVEL 4

BMGT 3003 Strategy Formulation and Implementation

The concepts of general management and corporate strategy. Models for strategy formulation. Analysis of industries and competitors. Analysis of corporate resources and competitive advantage. Identification and evaluation of strategic alternatives including expansion, diversification and retrenchment. The implementation of strategy. The design of policies and procedures for strategy implementation. Review of current research on the work and behaviour of senior managers in Ireland and elsewhere. Implications of new techniques and practices generally for the management of business enterprises.

FOURTH YEAR - LEVEL 4 - BUSINESS ELECTIVES

Four business course electives are taken from courses offered in Level 3 of the Bachelor of Commerce Degree Programme. For a list of electives and their syllabus, please refer to the

courses in Level 3 of the Bachelor of Commerce programme description in the *Commerce (Undergraduate Courses)* booklet.

These courses, and such other courses which may be available from time to time, will be offered at the discretion of the Faculty of Commerce and each course may not be available in any one year.

The availability of courses to students may be subject to timetable constraints.

LAW SUBJECTS

FIRST YEAR - LEVEL 1

Law 1501 Constitutional Law

The constitutional law of the Republic of Ireland as found in the Constitution of 1937 and case law. Reading will be indicated at the beginning of the session.

Law 1502 Law of Contract

A contract is a legally binding agreement which gives rise to rights and obligations for the parties involved. The law of contract determines which agreements are enforceable and regulates those agreements. It also provides certain remedies for parties where contractual obligations are disregarded.

Topics covered in the course include: The formation of contracts; the contents of contracts including exemption clauses; the discharge of contractual obligations; invalid and illegal contracts; remedies for breach; privity of contract and agency.

Law 1503 Law of Tort

Basic Principles of negligence. Public policy: (i) emergency services; (ii) Barristers; (iii) Witnesses; (iv) The Police; (v) Prosecuting authorities; (vi) University examiners; (vii) Wrongful birth actions; (viii) Judges. Negligent misstatement. Nervous shock. Economic loss. Liability for omissions (focusing on the duty owed towards intoxicated persons). Occupiers' liability. Medical negligence. The rule in *Rylands and Fletcher*. Liability for animals. Product liability. Defamation. Nuisance.

SECOND YEAR - LEVEL 2

Law 2501 Company Law and Partnership

Incorporation and its consequences. Internal structure of companies. Objects. Shares and membership. Duties of directors. Protection of minorities. Capital and its maintenance. Accounts and auditors. Company reorganisations, examinerships, liquidations.

Law 2502 Commercial Law and Transactions

The object of this course is to give students an understanding of the fundamental legal elements in commercial and business transactions.

The course will deal with: Law of Agency: nature and creation of the agency relation; actual and ostensible authority; relations between the parties; powers of attorney; termination of the agency relationship. Sale of goods and consumer protection: nature of sale, passing of property; transfer of title by a non-owner; quality; duties and remedies. Hire purchase and credit sales: Nature and establishment; relations between the parties; involvement of financial houses; the passing of property. Security interests and devices: real and personal securities; guarantees and indemnity; pledge; mortgage; charge; lien; set-off; tracing; retention of title.

Law 2503 Criminal Law

The Burden of Proof. The Actus Rues. Mens Rea (including strict liability). Corporate and Vicarious Liability. The Use of Force. Consent. Duress. Necessity. Provocation. Automatism. Insanity. Intoxication. Children and the Criminal Law. Parties to Offences. Conspiracy. Murder (including Causation). Sexual Offences. Property Offences. Money Laundering. Forfeiture after conviction. Forfeiture without conviction. Possession.

Law 2504 Land Law

Tenure. Estates. Priorities and the Doctrine of Notice. Family Property. Registration of Deeds and of Title. Adverse possession. Incorporeal hereditaments. Commercial leases: usual covenants, statutory regulation. Mortgages.

THIRD YEAR - LEVEL 3

Law 3501 Law of the European Union

This course examines the fundamental principles of Community law and their impact on the domestic legal order. It examines the objectives of Community law, explains the basic institutional framework and explores the effect of Community law on market integration.

Topics will include: the legal nature and institutional structure of the Union; the sources of law with particular reference to general principles; judicial protection; free movement of goods and persons; interaction with domestic law.

Law 3502 Corporate Finance Law

An examination of the role of law in regulating the methods by which companies raise funds to meet their business needs. The emphasis will be on considering the legal framework surrounding financing through both private negotiation and public appeal. It involves the examination of the Irish law and relevant law from other jurisdictions.

Topics considered include the legal issues that arise in the selling of corporate debt (factoring); the subordination of corporate debt; the publication of prospectuses inviting subscription for shares in companies; the Stock Exchange Directives and their

implementation in Ireland; the law of loans; the use of granting security over corporate book debts as a means of facilitating the financing of companies; the law of insider dealing.

Law 3503 Employment Law

Contracts of employment. Collective bargaining. Statutory regulation of employment. Termination of employment. Unfair dismissal and redundancy. Equal pay. Discrimination in employment. Trade disputes. Picketing. Labour Court and other state agencies.

Law 3508 Financial Services Law

An analysis of the legal issues and regulatory framework affecting the provision of financial services in Ireland. Topics will include: the nature of investments and investment services; legal aspects of stock and commodity exchanges; regulation of investment businesses in Ireland; regulation of take-overs; insider dealing; pensions law; life insurance; civil remedies and financial services; the legal framework for the single market in investment services; legal considerations arising from insolvency of customers, investment businesses and exchanges.

Blair: *The New Core Rules*

Finucane and Buggy: *Pensions Law in Ireland*

Ferguson and Page: *Investor Protection*

Investment Intermediaries Act, 1995

Stock Exchange Act, 1995

Law 3504 Insolvency Law

An examination of the law relating to insolvency, both corporate and personal in Ireland. Subjects will include treatment of the debtor, proof of debts, arrangements with creditors and distribution of assets. Emphasis will be placed on the role of the insolvency advisor in the different insolvency processes.

Law 3505 Intellectual Property Law

Intellectual Property Law is concerned with the creation and safeguarding of legal rights in matter produced through human intellectual creativity. The course covers:

- (1) the protection of registered and unregistered trade marks
- (2) the law in relation to character and event merchandising
- (3) the protection by copyright of literary, musical and artistic works; sound recordings, films, multimedia products, broadcasts, software and databases
- (4) the protection of performers' rights in their performances
- (5) the protection of inventions, including software and biotechnology, by patent law
- (6) the protection of industrial designs
- (7) the impact of European law on intellectual property rights.

There are no formal tutorials in this course. An essay may be set. Evaluation is by examination.

Law 3506 International Commercial Transactions

An analysis of the legal framework of business transactions as developed in an international context. The course is divided into two parts. The first part provides an analysis of international commercial transactions and the second part is dedicated to dispute resolution in international commercial transactions. The following topics will be covered:

Introduction: Overview of international commercial transactions.

Part One: Analysis of international commercial transactions: law applicable to international commercial transactions; analysis of the main types of international commercial transactions; protection and remedies in case of breach or non-performance of international commercial agreements.

Part Two: Dispute resolution in international commercial transactions: overview of international dispute resolution, international commercial arbitration (the arbitration agreement, the international arbitration process, the arbitral award and its enforcement).

Law 3507 International Trade Law

This course will cover both the private law of export trade and the public law of international trade regulation. Topics within the law of export trade will include: contracts for the international sale of goods and contracts for the carriage of goods by sea; Vienna Convention on Contracts for the International Sale of Goods (CISG); EC Convention on the Law Applicable to Contractual Obligations; Hague-Visby Rules; insurance of goods in transit; documentary credits; ICC Uniform Customs and Practice for Documentary Credits. The greater part of the course will examine the development of the General Agreement on Tariffs and Trade (GATT) and the World Trade Organisation (as of 1995). Topics in international trade regulation include: dispute resolution mechanisms, anti-dumping and countervailing duty law; trade in services, investment and agriculture; trade and the environment. Analysis of relevant GATT panel reports; also legislative and judicial responses to GATT obligations in the US, the European Union and Japan.

FOURTH YEAR - LEVEL 4

Law 4506 Banking Law

An examination of the legal issues arising from the national and international operations of banks. Topics will include the regulation of credit institutions; the legal framework of the single market in banking; the bank-customer relationship with particular reference to bank liability for services provided; bank secrecy and money laundering; forms of finance encountered in banking transactions, including syndicated loans; transfer of loan assets by banks; bills of exchange with particular reference to cheques; banks and credit and security; legal considerations arising from customer insolvency and bank insolvency.

Breslin: *Banking Law in the Republic of Ireland*

Paget's Law of Banking

O'Connor: Law Relating to Cheques and Analogous Instruments in Ireland

Law 4501 Commercial Conflicts of Law

This course will explore the most important issues of conflicts of law as they impinge on international commercial transactions. Topics will include jurisdiction and enforcements of judgments; choice of law in contracts, including contracts of agency and insurance; provisional measures; currency issues.

Law 4502 Competition Law in the European Union and Ireland

An examination of the substantive law of Ireland on competition with particular emphasis on European Union practice as it influences Irish developments. Particular emphasis will be placed on the various forms of anti-competitive conduct such as horizontal agreements, abuse of dominant position such as predatory pricing, refusal to supply customers etc., and mergers and monopolies.

The European Community jurisprudence under Articles 85 and 86 are considered in detail (i.e. European Community Competition law as it applies to private undertakings). Also Article 90 jurisprudence will be considered (i.e. the application of European Community law to the public semi-state sector which has heavily influenced the break-up of semi-state monopolies). Detailed consideration will also be given to relevant issues in Irish Competition law arising out of the Competition Acts 1991 and 1996.

Law 4507 Environmental Law

Environmental Law is intended to provide a comprehensive account of all major environmental concerns other than planning and development and the built environment. The course is divided into three components. The first deals with national and European protection of the environment; the second is a description of international environmental law; and the third, the protection of the cultural environment. The first section deals with national and European protection of the environment. Topics include the national regulatory framework; structure and powers of bodies having responsibility for the environment; the Environmental Protection Agency; integrated pollution control. Public participation and control; right to information; consultation procedures; appeals and judicial review. The enforcement of environmental law; the common law and environmental remedies; European environmental law. The second section deals with international environmental law; topics reviewed include the customary principles of international environmental law; the precautionary principle; the polluter pays principle; the common property principle; the law of the sea and marine pollution; hazardous waste; nuclear energy; endangered species; climate change; the implementation of the concept of sustainable development; multinational treaty law. The third section is the protection of the cultural environment: the protection of national and historic monuments, archaeological areas and sites, wrecks and underwater heritage areas. Books and pictures of cultural significance. Problems of the return of cultural artefacts.

Law 4503 Equity

This course divides into two areas, meriting equal consideration. The Equity lectures examine the historical development of equity as a judicial phenomenon and its current place in modern society, before moving on to consider the doctrines and remedies associated with Equity. The second part of the course deals with the nature of a trust, setting up of both express private trusts and charitable trusts and the duties imposed upon those who oversee their management.

In particular, the areas covered by Equity include: the historical development of equity and the rise and fall of judicial discretion; the Doctrine of Estoppel; legitimate expectation; injunctions; specific performance; rectification and rescission; fraud in equity and undue influence; tracing; administration of estates: the doctrines of election, conversion, satisfaction and ademption.

The Law of Trusts includes: the creation of express private trusts; completely and incompletely constituted trusts; exceptions to the rule that equity will not assist a volunteer; resulting trusts; constructive trusts; secret and half secret trusts; charitable trusts and the doctrine of Cy-pres; protective trusts; the nature of trusteeship: control and obligations of trustees.

Law 4509 Evidence

The law of Evidence is that system or body of rules which regulates the admission of proof in a court of law.

Rationale of proof and law of Evidence. Basic concepts. Relevance. Admissibility. Materiality. Receivability. Functions of judge and jury. Judicial discretion. Sources of law of Evidence. Types of Evidence. Burden of proof. Standard of proof. Presumptions. Judicial notice. Corroboration. Proof of law. Competence. Compellability. Examination of witnesses. Privileges. Exclusion associated with method of obtaining evidence. Confessional evidence. Evidence of disposition and character. Hearsay rule and its exceptions. Opinion evidence.

Law 4510 Jurisprudence

This course concentrates on the fundamentals of law, adopting in the main an historical approach. Topics covered include: the writing down of law; the impact of the spread of literacy; theories on stages in the evolution of society and of law; the relationship between law and religion; developments in the notions of individual responsibility, of private property and in the status of women; law and the building of the nation-state; nationalism and law; imperialism and law; analysis of legal systems; natural law; law and morals.

J.M. Kelly: *A Short History of Western Legal Theory*

Peter Stein: *Legal Evolution: The Story of an Idea*

Alan Watson: *The Nature of Law*

O.F. Robinson, T.D. Fergus and W.M. Gordon: *An Introduction to European Legal History*

H.L.A. Hart: *The Concept of Law*

Éanna Hickey: *Irish Law and Lawyers in Modern Folk Tradition*

C.K. Allen: *Law in the Making*

Law 4505 Revenue Law

Administration of tax system (filing of returns and payment of tax) and territoriality rules governing chargeability to Irish tax. In-depth examination of income tax code and Schedules defining taxable income and allowable deductions. Analysis of Corporation Tax, Capital Gains Tax, Capital Acquisitions Tax and Probate Tax, with emphasis on legal theory and case law rather than computational aspects.

Butterworth's Irish Tax Guide 2000/2001; Butterworth's U.K. Tax Guide 2000/2001.

Law 4508 Minor Dissertation

IFBDF0012 DEGREE OF BACHELOR OF BUSINESS AND LEGAL STUDIES (EUROPEAN)

General Description

The Degree of Bachelor of Business and Legal Studies (European) is a four year programme, the third level of which is spent abroad at a European university as an integral element in the degree programme. The year abroad will be spent at an approved university studying both law subjects and business subjects. Whilst all Level 2 BBLs students may apply to participate in this degree, it is important to stress that the number of students who can take part in the programme will be limited by the number of places available in any given year.

Admission Procedure

Registered Level 2 Business and Legal Studies students may apply to transfer into the BBLs Degree (European Legal Studies) programme. Applications should be submitted to the Faculty before 1 March. A presentation on the Erasmus/Socrates Exchange Programme will be made early in the second semester. Permission to transfer into the Degree of Business and Legal Studies (European) programme is conditional upon the applicant's passing all Level 1 and Level 2 examinations in the session in which such permission is sought. Admission to the degree will be dated from 1 September immediately following the examination; no deferral will be allowed.

Course Requirements

Students in this programme must attend an approved European university on a full-time basis for one academic year between the completion of the Level 2 examinations in Business and Legal Studies and enrolment in Level 4 Business and Legal Studies courses. All courses selected abroad must be notified to the two Directors of the Bachelor of Business and Legal Studies Degree. Registration for Level 4 courses in UCD must follow directly on the year spent abroad.

Examinations and Awards

During the year abroad, examinations will be taken in the host university. A satisfactory performance in these examinations will be a condition of entry to Level 4 of the Degree of Bachelor of Business and Legal Studies (European) programme. Students who have not performed satisfactorily in their examinations at the host university will be required to sit repeat examinations if offered by the host university. An unsatisfactory performance in these examinations will have financial implications in respect of fees/grants.

The award of the Degree of Bachelor of Business and Legal Studies (European) will be as for the Bachelor of Business and Legal Studies Degree. Marks obtained during the year abroad will not affect the class of degree awarded at the end of the programme. The final

degree awarded will be determined purely on the student's performance in his or her Level 4 examinations.

Students should note that Business or Legal courses may be modified or unavailable in any given year.

* **This course, as described above, is not a separate and distinct degree from the BBLS Degree.**

IFBDF0013 DEGREE OF BACHELOR OF BUSINESS AND LEGAL STUDIES (INTERNATIONAL)

General Description

The Degree of Bachelor of Business and Legal Studies (International) is a five year programme, the fourth level of which is spent abroad at a North American or Australian university as an integral element in the degree programme. The year abroad will be spent at a Law Faculty studying Law subjects only. However, it is important to stress that the number of students who can take part in the programme will be limited by the number of places available in any given year.

Admission Procedure

Registered Level 3 Business and Legal Studies students may apply to transfer into the Degree of Bachelor of Business and Legal Studies (International) programme. Applications should be submitted to the Faculty before 1 March. A presentation on the various exchange programmes will be made towards the end of the first semester or early in the second semester. Permission to transfer into the Degree of Bachelor of Business and Legal Studies (International) is conditional upon the applicant's passing all Level 3 examinations in the session in which such permission is sought. Admission to the degree will be dated from 1 September immediately following the examination; no deferral will be allowed.

Course Requirements

Students in this programme must attend an approved North American or Australian university on a full-time basis for one academic year between the completion of the Level 3 examinations in Business and Legal Studies and enrolment in Level 4 Business and Legal Studies courses. Registration for Level 4 courses in UCD must follow directly on the year spent abroad.

Examinations and Awards

During the year abroad, examinations will be taken in the host university. A satisfactory performance in these examinations will be a condition of entry to Level 4 of the Degree of Business and Legal Studies (International) programme. Students whose performance in the relevant examinations is deemed to be unsatisfactory will only be eligible for entry to the Degree of Bachelor of Business and Legal Studies. This may have financial implications for fees/grants.

The awards of the Degree of Bachelor of Business and Legal Studies (International) will be as for the Bachelor of Business and Legal Studies Degree. Marks obtained during the year abroad will not affect the class of degree awarded at the end of the programme.

Students should note that Business or Legal courses may be modified or unavailable in any given year.

- * **This course, as described above, is not a separate and distinct degree from the BBLS Degree.**

