



**University College Dublin  
National University of Ireland, Dublin**

**Law  
(Postgraduate Courses)**

*Session 2003/2004*

## ***UCD Law Faculty***

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

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

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

## ***Roebuck Castle***

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

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

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

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***Postgraduate Staff involved in Taught Programmes***

Gavin Barrett, LLB, PhD, (Dub), BL, M.C.I.Arb,  
*Course Director of the LLM European Law*

Dermot Cahill, BCL, LLM (NUI), DipAELS (Bruges), Solr.  
*Course Director of the LLM European Law*

Mary Catherine Lucey, BCL, LLM (NUI), BL  
*Course Director of the LLM Commercial Law*

Brian Hutchinson, BCL, LLM (NUI), DAL, MCI Arb, BL – Associate Dean  
*Course Director of Diploma in Arbitration*

Leila Anglade, MBA (Lyon), DESS (Sorbonne), DEA (Sorbonne), LLM (Harv),  
Member of Paris Bar  
*Course Director of Diploma in International Arbitration*

Kevin Costello, BA (Mod), M.Litt (Dub), Barrister-at-law,  
*Course Director of the Diploma in Employment Law*

Suzanne J Egan, BCL (NUI), LLM (York), BL  
*Course Director of the Diploma on the European Convention of Human Rights*

Robert Clark, BA (Northumbria), LLM (Lond), PhD (NUI), BL

Finbarr McAuley, BCL, LLB, MPhil (Edin), LLD, Jean Monnet Professor of  
European Criminal Justice

Blanaid Clarke, BCL, MBS (NUI), BL, PhD

Vivion Gill, LLB (QUB)

Elizabeth Heffernan, LLB (Dub); LLM (Dalhousie); LLM (Chicago); B.L: PhD;  
Member of New York Bar

Declan Murphy, BCL, Barrister-at-Law

Una Furlong & Caroline O'Neill, Course Administrators for LLM programmes,  
e-mail: [lawpostgraduate@ucd.ie](mailto:lawpostgraduate@ucd.ie)

Liesanne Dean, Course Administrator for the Diplomas: [liesanne.Dean@ucd.ie](mailto:liesanne.Dean@ucd.ie)

**Visiting Professor**

David O'Keeffe, BCL, LLM, LLM (Yale), LLD (Leiden), Solr.

(Centre for the Laws of the European Union, Faculty of Laws, University College  
London).

***Postgraduate Study and Research in Law***

***Admission Requirements***

**Master of Laws (LLM) Degree by Examination**

- 1 Applications for the taught LLM Degrees *will* be considered from those who:
  - (a) Hold or expect to hold upon commencement of the course at least a Second Class Honours (Grade 1) University degree in law or an interdisciplinary degree which has a substantial law component. Overseas applicants must demonstrate equivalent qualifications, such overseas applications will be considered even if the award of the final degree in their home jurisdiction is pending.
  - (b) Hold at least a Second Class Honours or equivalent university degree in law, or a Second Class Honours degree in a discipline other than law, and possess a relevant professional qualification and have experience of appropriate law related practice.
- 2 Subject to the availability of places, applications *may* be considered from persons who:
  - (a) Do not hold professional qualifications but who have obtained a Second Class Honours (Grade II) or equivalent university degree in law.
  - (b) In the case of applicants who hold a university degree and possess a relevant professional qualification, a degree result which fails to meet the standard required may be compensated for by performance in professional examinations and/or by the range and depth of expertise gained in practice.
  - (c) In exceptional circumstances, a person who does not hold a university degree but holds a professional legal qualification, may be admitted on the basis of results obtained in those or other relevant examinations, the range and depth of expertise gained in practice, and by such other factors as the Faculty considers appropriate in determining eligibility for entry onto the Degree.

**Master of Laws (LLM) Degree by Research**

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

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

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

**Doctor of Philosophy (PhD)**

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

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

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

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

### **Language Requirements**

All Faculty courses are conducted in English. Applicants from non-English speaking countries must submit with their application evidence of oral and written proficiency in English adequate to meet the demands of their course. For this purpose, the following will be considered:

- Minimum score of 650, TOEFL (with test of written English at 475+)
- 7.0 in the IELTS test (Academic), (Minimum average score of 6.0 in each band).

### **Application Procedure**

Applicants must complete and submit an application form together with an official transcript of previous degrees (including those in progress), satisfactory evidence of written and spoken English (if applicable) and two letters of reference from university lecturers (each letter in a sealed envelope). UCD law graduates need not submit transcripts or letters of reference. Please note that incomplete applications will not be considered. Successful applicants will be required to lodge a non-refundable €100 deposit when accepting the offer of a place.

### **Scholarships and Financial Aid**

The Faculty of Law offer a small number of postgraduate scholarships for the LLM in Commercial Law and the LLM in European Law Degree programmes. The normal value of these scholarships is €3,810. The scholarships will be awarded on the basis of outstanding academic merit and are open to graduates of University College Dublin and other universities.

The Faculty also offers two Open Postgraduate Scholarships to support research-based postgraduate work. The normal value of these scholarships is €2,540 each. Application forms are available from the Postgraduate Studies Office, Library Building, Belfield, Dublin 4. They are tenable for one year. These scholarships will be awarded on the basis of academic merit and are open to graduates of University College Dublin and other universities. Registered postgraduate students may have the opportunity of tutoring (on an hourly paid basis) at the discretion of the Dean.

All information and application forms can be downloaded from the web at [www.ucd.ie/law](http://www.ucd.ie/law) or can be obtained from the:

Postgraduate Law Office,  
Faculty of Law  
University College Dublin,  
Roebuck Castle,  
Belfield, Dublin 4.

Masters email: [lawpostgraduate@ucd.ie](mailto:lawpostgraduate@ucd.ie)

Diplomas email: [Liesanne.Dean@ucd.ie](mailto:Liesanne.Dean@ucd.ie)

## ***General Regulations***

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

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

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

All examination re-sits will be held at the next LLM examination sitting.

## Degrees

### *Degree of Master of Laws by Examination*

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

Master of Laws (**Not available for the session 2003/2004**)

Master of Laws in Commercial Law

Master of Laws in European Law

### *Master of Laws in Commercial Law (LLM)* *(LWMXF0003)*

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

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

The available subjects include:

Full Subjects:

	<u>Credits</u>
Law P001 Commercial Arbitration	22.5
Law P018 Irish Competition Law	22.5
Law P002 Corporate Finance Law	22.5
Law P103 European Community Competition Law	22.5
Law P003 Information Technology Law	22.5
Law P004 Intellectual Property Law	22.5
Law P005 Law of Credit and Security	22.5
Law P006 Private International Law	22.5
Law P016 Dissertation	22.5

<u>Half subjects:</u>	<u>Credits</u>
<i>Law P009</i> Environmental Law	11.25
<i>Law P017</i> European Criminal Justice	11.25
<i>Law P013</i> European Community Merger Control Law	11.25
<i>Law P015</i> Insolvency Law	11.25
<i>Law P011</i> International Business Law	11.25
<i>Law P012</i> International Trade Law	11.25
<b><u>Total Credits:</u></b>	<b><u>90</u></b>

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

*A brief description of the  
Master of Laws in Commercial Law subjects  
(LWMXF0003)*

**Commercial Arbitration** *(Law P001)*

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

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

**Irish Competition Law**

*(Law P018)*

This course examines substantive and procedural aspects of Irish competition law.

Topics covered include economic concepts (market power/classification of markets), types and goals of competition policy, schools of antitrust and the Restrictive Practices Acts. A detailed analysis of the Competition Acts 1991 to 2002 will be conducted. The application of the Competition Act 2002 to the following market practices, inter alia, will be explored; price fixing, mergers, distribution agreements (including franchises and agency), refusal to supply and predatory pricing. The nature of the offences and penalties (including prison sentences) will be covered. The institutional framework will be examined, particularly the powers of the Competition Authority. The enforcement of the 2002 Act will also be detailed.

**Corporate Finance Law**

*(Law P002)*

This course examines the law relating to corporate finance transactions in Ireland. The course is divided into three parts. The first part deals with corporate governance. Topics covered include the separation of ownership and control, corporate governance codes and corporate social responsibility. The second part of the course deals with the use of listed securities as a source of finance. Topics covered include national and international stock exchanges, prospectuses, listing securities, investor compensation and market abuses. The final part of the course deals with mergers and takeovers law for both private and public companies. Topics covered include the Irish Takeover Panel, domestic and EU competition law, the proposed Takeovers Directive, acquisitions of undertakings and acquisitions of shares, procedural rules, share purchase agreements, warranties and indemnities and frustrating actions.

**European Community Competition Law**

*(Law P103)*

This course examines the development of European Community Competition law and policy. Case-law as well as relevant legislative provisions will be examined in detail, as well as the regulatory reforms that have been adopted in recent years.

Topics covered will include:

- an introduction to economics with a particular focus on market definition,
- cartel operations,
- oligopolistic interdependence,
- trade and professional associations,
- monopoly and abusive dominance, dominance in after markets and collective dominance,

- refusals to deal and tying arrangements,
- predatory pricing and price discrimination,
- vertical restraints including; exclusive territories, exclusive purchasing requirements, selective distribution agreements and franchising.

**Information Technology Law** *(Law P003)*

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

**Intellectual Property Law** *(Law P004)*

An examination of selected topics that form the corpus of Intellectual Property Law in Ireland. The law of copyright and related rights is a primary focus after the enactment in 2000 of the Copyright and Related Rights Act. Developments in the wider International field are tracked, e.g., E.U. and WIPO initiatives. Information Technology – driven caselaw, especially in the USA is monitored. The law of registered designs following the enactment of the Industrial Designs Act 2001 is also covered in depth. Passing off, trade mark law and related topics such as character merchandising the misleading advertising regulation. Miscellaneous areas addressed include the law of confidence and plant breeders' rights and the UPOV regime.

**Law of Credit and Security** *(Law P005)*

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

Topics covered in this course will include: credit, loans and borrowing; credit, lender credit, vendor credit; the loan contract; legal constraints on lending; Consumer Credit Act; transactions and arrangements between companies and connected persons. Classification of security interests; classes of real security; mortgage; pledge; possessory lien; charge, equitable lien and hypothecation; personal securities; guarantee and indemnity; comfort letters; performance bonds; set-off; contractual set-off and combination of accounts; debt subordination and senior-creditor trusts; negative pledges, real securities – attachment and perfection; incidents of real securities; reservation of title; attachment at law and in

equity; perfection of security interests; possession, registration and notice. Debentures. Fixed and floating charges: subject matter of the charge; inventory and receivables; choses in action, bank accounts, insurance policies; purchase money security interests. Invalidating events. Principles of priorities: priorities where debtor is solvent; priorities in insolvency; the rule in *Dearle v. Hall*.

**Private International Law**

*(Law P006)*

The primary focus of the course will be comparative international commercial litigation with particular emphasis on jurisdiction of courts and enforcement of civil judgments in Europe. Emphasis will also be placed on a choice of law issues in international contract planning, international tort litigation and restitutionary claims in private international law.

Topics covered include:

- jurisdiction in claims in personam in non-Convention cases,
- staying actions focusing in particular on forum non conveniens and anti-suit injunctions,
- multi-jurisdictional issues under the Brussels Regulation (2000) and Lugano Convention (1988), including general, special and exclusive jurisdiction, jurisdiction in insurance contracts, jurisdiction in consumer and internet transactions, jurisdiction agreements, *lis alibi pendens* and provisional measures,
- enforcement of civil judgments from non-convention states,
- enforcement of judgments under the Brussels Regulation and Lugano Convention,
- international contracts determining governing law, mandatory rules, formal material validity, scope of the applicable law, public policy and consumer and employment contracts, and
- international tort litigation focusing on the determination of the applicable law, public policy and specific issues relating to product liability, environmental torts and defamation.

<b>Half Subjects</b>
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**Environmental Law**

*(Law P009)*

This course will include an examination of the historical development of environmental law and its origins, both at European level and domestically.

Analysis will involve:

- discussion of the five European environmental action programmes and their impact on environmental law in Ireland
- consideration of the policies that underpin environmental law and their origins
- analysis of a number of these policies and their application in practice domestically, in the European Union as a whole and world-wide, and
- examination of the laws applicable to the environmental media of water and air and those applying to the disposal and management of waste.

A detailed scrutiny is made of all relevant statutory provisions and any case-law applicable thereto. An investigation will also be made of issues such as sustainable development and proper environmental management principles. The role of the Irish Environmental Protection Agency, as established by the Environmental Protection Agency Act, 1990, and its effect on environmental policy and law, will also be considered.

**European Criminal Justice**

*(Law P017)*

This course will explore the ways in which the European Union response to the problem of transborder crime has been fashioned from the raw materials of international criminal law and subsequently developed within the framework provided by the Union Treaties. Topics covered will be drawn from the following list: the internationalisation of crime; international criminal law; European criminal law; Title VI of the Maastricht Treaty; the Amsterdam and Nice Treaties; the institutional framework of co-operation; forms of co-operation; police co-operation; judicial co-operation; transfer arrangements; extradition; efficient prosecution.

**European Community Merger Control Law**

*(Law P013)*

This course will examine the developing area of EU Merger Control Law and will involve intense study of various provisions of the EC Merger Regulation 4064/89 (as amended).

Topics examined will include:

- the relationship, interaction and division of jurisdiction between EU and National Merger Control Law (in particular Irish Merger Control),
- the general principles as expressed in European Court of Justice judgments and European Commission Decisions,
- the history of EU Merger Control Law and Policy and perceived jurisprudential difficulties in the Treaty of Rome,
- the significance of the disapplication of Article 81 EC Treaty by the Merger Regulation,
- the legal and economic criteria to be satisfied in order for the Merger Task Force to establish jurisdiction (thereby removing mergers from the ambit of national merger control authorities).
- an examination of cases where a ‘Community Dimension’ was found to exist,
- how the 1997 revision of the Merger Regulation allowed “full function” joint ventures to be regulated under the Regulation’s regime,
- Merger Task Force procedures, and how the Merger Regulation extends to control of oligopolies,
- the mechanisms whereby the commission will clear mergers providing the parties make structural changes to the merger, and how parties commitment as to their future behaviour may be policed,
- the extensive powers given to the Commission to prohibit mergers (in the context of which several controversial decisions of the Merger Task Force will be looked at) and
- the provisions of the EC Merger Control Regulation, as well as the relevant implementing regulations, and also the various EC Commission Notices, which assist in the interpretation of the EC Merger Regulation.

**Insolvency Law**

*(Law P015)*

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

**International Business Law**

*(Law P011)*

The course offers an analysis of the legal framework of international business transactions. The course focuses on the law applicable to international business transactions as well as the international dispute resolution processes available to parties involved in international contracts such as international mediation and arbitration. The following topics will be covered in the course:

- The law governing international commercial contracts
- Legal aspects of doing business in a global economy: Negotiating transnational commercial contracts; overview of the legal systems of the world
- The proper law of international contracts: the principle of party autonomy; Lex mercatoria and the UNIDROIT principles; international commercial transactions in cyberspace; breach, adaptation and remedies in International commercial contracts; hardship and force majeure clauses.
- Main Conventions relating to international contracts: Rome Convention 1980, Vienna Convention on the International Sales of Goods, Mexico City Convention 1994.
- International Alternative Dispute Resolution
- Presentation of ADR: What is ADR?, ADR versus litigation, Study of the most commonly used international ADR techniques and Rules of International Institutions.
- International mediation: The concept of Mediation, application to international commercial contracts disputes
- International arbitration: Presentation of the main international arbitration rules, institutions and conventions, the arbitration agreement, the laws governing international arbitration, the enforcement of international awards, arbitration and state contracts.

**International Trade Law**

*(Law P012)*

The International Trade Law course will look firstly at the emergence from the General Agreement on Tariffs and Trade (GATT) of the new World Trade Organisation (WTO). Students will cover the enormous implications of the change in the legal order for international trade and will study in considerable detail the dispute settlement body rules and look at the overall structure of the WTO. The students will be exposed to trying to understand the conflicts that have arisen surrounding globalisation and trade liberalisation and the role that the WTO should have, or could play in resolving these serious conflicts.

Topics covered will include:

- the rights under the WTO which are examined through a number of cases in which the interpretation of the dispute settlement rules has been developed,
- the students will then be brought through a number of the underlying WTO agreements including the general agreement on trade and tariffs,
- the General Agreement on Trade in Services, TRIPS (i.e., the trade-related aspects of intellectual property rights) and the agreement on agriculture,
- the agreement on technical barriers to trade,
- the basic telecommunications agreement,
- the government procurement agreement,
- the agreement on subsidies and countervailing measures.

During the course, students are requested to present arguments in a number of moot court scenarios to ensure they fully understood the substantive law and the procedural requirements of the WTO.

***Master of Laws in European Law (LLM)***  
***(LWMXF0005)***

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

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

<u>Full-subjects</u>	<u>Credits</u>
<i>Law P102</i> The Constitutional and Administrative Law of the European Union	22.5
<i>Law P104</i> Law of the European Convention on Human Rights	22.5
<i>Law P107</i> European Intellectual Property Law	22.5
<i>Law P103</i> European Community Competition Law	22.5
<i>Law P006</i> Private International Law	22.5
<i>Law P108</i> Dissertation	22.5
 <u>Half-subjects:</u>	
<i>Law P019</i> Internal Market Law of the European Union	11.25
<i>Law P009</i> Environmental Law	11.25
<i>Law P017</i> European Criminal Justice	11.25
<i>Law P013</i> European Community Merger Control Law	11.25
<i>Law P302</i> Fundamental Rights in the European Union	11.25
<i>Law P011</i> International Business Law	11.25
<i>Law P012</i> International Trade Law	11.25
<i>Law P020</i> Litigation in the European Union	11.25
<i>Law P021</i> Social and Employment Law of the European Union	11.25
<b><u>Total:</u></b>	<b><u>90 credits</u></b>

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

***A brief description of the  
Master of Laws in LLM in European Law Subjects***

**The Constitutional and Administrative Law of the European Union** (Law P102)

This course will entail an in-depth study of the structure, development and operation of the governmental structures of the European Union, with particular emphasis on the institutional structure of the main EU legislative and executive organs, as well as the main doctrines that provide the coherence of the legal framework which supports EU decision-making processes. The powers of the European Court of Justice to review the acts of the EU will also arise for consideration.

Topics covered will include:

- the foundation Treaties and Treaty reform,
- the institutional structure and separation of powers,
- decision-making in the European Union,
- judicial review,
- supremacy and direct effect,
- external competence and
- fundamental rights.

**Law of the European Convention on Human Rights** (Law P104)

This course involves an in-depth study of the system of protection of human rights established by the European Convention on Human Rights 1950. Drafted under the auspices of the Council of Europe, the Convention is the primary vehicle through which a human rights claim may be pursued against European States at the international level. As well as examining the evolution of this system of human rights protection, the course will critically examine and analyse:

- the practice and procedure involved in processing an individual application under the petition system created by the Convention;
- the jurisprudence of the European Court of Human Rights in relation to selected substantive rights guaranteed by the Convention, including;
- the right to life;
- Freedom from Torture, Inhuman, Degrading Treatment or Punishment;
- the right to Liberty and Security;
- the right to a fair trial
- the right to respect for private life, family life, home and correspondence;
- freedom of expression;
- freedom of thought, conscience and religion; and
- the principle of non-discrimination.

**European Intellectual Property Law**

*(Law P107)*

The protection of intellectual property rights raises a multiplicity of issues in European Community law. On the one hand, the recognition and protection of such rights is an essential part of a dynamic market economy. On the other hand, such rights may represent a direct threat to the unification of the internal market. This course will examine the attempts made to reconcile these two aspects of intellectual property rights, both by the Community legislature and by the European Court of Justice.

Topics covered will include:

- the application both of the rules relating to the free movement of goods and of competition rules to intellectual property rights such as copyright, patents, trade marks and industrial design rights,
- the extensive secondary legislation in this field,
- relations between the Community and third countries

The course will be of particular use to those wishing to work in a commercial environment. However any student seeking to understand how Community law works in practice and, in particular, how tensions between Community and national law are reconciled will find it relevant.

**European Community Competition Law**

*(Law P103)*

This course examines the development of European Union Competition law and policy. Case-law as well as relevant legislative provisions will be examined in detail, as well as the regulatory reforms that have been adopted in recent years.

Topics covered will include:

- an introduction to economics with a particular focus on market definition,
- cartel operations,
- oligopolistic interdependence,
- trade and professional associations,
- monopoly and abusive dominance, dominance in after markets and collective dominance,
- refusals to deal and tying arrangements,
- predatory pricing and price discrimination,
- vertical restraints including; exclusive territories, exclusive purchasing requirements, selective distribution agreements and franchising.

**Private International Law**

*(Law P006)*

The primary focus of the course will be comparative international commercial litigation with particular emphasis on jurisdiction of courts and enforcement of civil judgments in Europe. Emphasis will also be placed on a choice of law issues in

international contract planning, international tort litigation and restitutionary claims in private international law.

Topics covered include:

- jurisdiction in claims in personam in non-Convention cases,
- staying actions focusing in particular on forum non conveniens and anti-suit injunctions,
- multi-jurisdictional issues under the Brussels Regulation (2000) and Lugano Convention (1988), including general, special and exclusive jurisdiction, jurisdiction in insurance contracts, jurisdiction in consumer and internet transactions, jurisdiction agreements, *lis alibi pendens* and provisional measures,
- enforcement of civil judgments from non-convention states,
- enforcement of judgments under the Brussels Regulation and Lugano Convention,
- international contracts determining governing law, mandatory rules, formal material validity, scope of the applicable law, public policy and consumer and employment contracts, and
- international tort litigation focusing on the determination of the applicable law, public policy and specific issues relating to product liability, environmental torts and defamation.

### Half Subjects

#### **Environmental Law**

*(Law P009)*

This course will include an examination of the historical development of environmental law and its origins, both at European level and domestically.

Analysis will involve:

- discussion of the five European environmental action programmes and their impact on environmental law in Ireland
- consideration of the policies that underpin environmental law and their origins
- analysis of a number of these policies and their application in practice domestically, in the European Union as a whole and world-wide, and
- examination of the laws applicable to the environmental media of water and air and those applying to the disposal and management of waste.

A detailed scrutiny is made of all relevant statutory provisions and any case-law applicable thereto. An investigation will also be made of issues such as sustainable development and proper environmental management principles. The role of the Irish Environmental Protection Agency, as established by the Environmental Protection Agency Act, 1990, and its effect on environmental policy and law, will also be considered.

**European Criminal Justice**

*(Law P017)*

This course will explore the ways in which the European Union response to the problem of transborder crime has been fashioned from the raw materials of international criminal law and subsequently developed within the framework provided by the Union Treaties. Topics covered will be drawn from the following list: the internationalisation of crime; international criminal law; European criminal law; Title VI of the Maastricht Treaty; the Amsterdam and Nice Treaties; the institutional framework of co-operation; forms of co-operation; police co-operation; judicial co-operation; transfer arrangements; extradition; efficient prosecution.

**European Community Merger Control Law**

*(Law P013)*

This course will examine the developing area of EU Merger Control Law and will involve intense study of various provisions of the EC Merger Regulation 4064/89 (as amended).

Topics examined will include:

- the relationship, interaction and division of jurisdiction between EU and National Merger Control Law (in particular Irish merger control),
- general principles as expressed in European Court of Justice judgments and European Commission Decisions,
- the history of EU Merger Control Law and Policy and perceived jurisprudential difficulties in the Treaty of Rome,
- the significance of the disapplication of Article 81 EC Treaty by the Merger Regulation,
- the legal and economic criteria to be satisfied in order for the Merger Task Force to establish jurisdiction (thereby removing mergers from the ambit of national merger control authorities),
- an examination of cases where a “Community Dimension” was found to exist,
- how the 1997 revision of the Merger Regulation allowed “full function” joint ventures to be regulated under the Regulation’s regime,
- Merger Task Force procedures, and how the Merger Regulation extends to control of oligopolies,
- the mechanisms whereby the Commission will clear mergers providing the parties make structural changes to the merger, and how parties commitments as to their future behaviour may be policed,
- the extensive powers given to the Commission to prohibit mergers (in the context of which several controversial decisions of the Merger Task Force will be looked at) and
- the provisions of the EC Merger Control Regulation, as well as the relevant implementing regulations, and also the various EC Commission Notices, which assist in the interpretation of the EC Merger Regulation.

**Fundamental Rights in the European Union**

*(Law P302)*

This half option is devoted to an examination of the protection of fundamental rights within the European Union. Although the original three European Community Treaties made no provision for human rights, in the 1950s the Court of Justice declared that the general principles of EC law include protection for those rights which are part of the common constitutional traditions of the member states and the international human rights treaties on which the member states have collaborated. The course opens with a discussion of the Court's vibrant jurisprudence in this field and the limits which it places on the action of the Community and the member states. With the conclusion of the Treaties of Maastricht and Amsterdam, fundamental rights have assumed a more central role in the policy and activities in the Union. Students will examine the extensions of Community competence occasioned by these Treaties, particularly in the field of anti-discrimination. The remainder of the course will explore various themes in the current, lively debate on the significance and scope of EU fundamental rights policy: the contribution of the EU Charter of Fundamental Rights and the possibility of upgrading its legal status at the next intergovernmental conference; the continuing debate over Community accession to the ECHR; and the growing importance of citizenship as a distinct source of rights within the Union.

**Topics**

- The origins and development of fundamental rights
- Fundamental rights as general principles of EC law
- The limits of Community and member state action
- The contribution of the political institutions
- The interaction of national law, EC law and the ECHR
- Community accession to the ECHR – Opinion 2/94
- Treaty amendment: fundamental rights post-Amsterdam
- Anti-discrimination: a case study
- The Charter of Fundamental Rights
- IGC 2004: the legal status of the Charter
- Citizenship of the Union: Part two of the EC Treaty
- Citizenship of the Union: the case law of the Court of Justice

**Internal Market Law of the European Union**

*(Law P019)*

It is clear that the goal of the European Communities has never been confined to one of a purely commercial or economic nature. Nonetheless, the reality of the integration process has been that from the beginning, integration efforts have concentrated on the attainment of a single European market, first in the coal and steel sector, and then more generally. Even today, with the role of the European Union spreading out into diverse areas, the undeniable fact is that commercial

policy remains a field of unique core significance in the European integration process.

The objective of this course is to concentrate on some of the policies which form the focus of European Community commercial policy:

- free movement of goods – an area of law which is crucially important to the construction of the common market, and covering taxation-related and non-taxation-related Treaty provisions, as interpreted in the case law of the European Court of Justice,
- free movement of services – a topic of increasing importance given the increasing dominance of the service-based economy,
- the right of establishment of persons and of companies seeking to establish themselves or open branches in other Member states,
- free movement of workers, and
- free movement of capital, a subject on which renewed attention has focused with the onset of the final phase of EMU.

#### **International Business Law**

*(Law P011)*

The course offers an analysis of the legal framework of international business transactions. The course focuses on the law applicable to international business transactions as well as the international dispute resolution processes available to parties involved in international contracts such as international mediation and arbitration. The following topics will be covered in the course:

- The law governing international commercial contracts
- Legal aspects of doing business in a global economy: Negotiating transnational commercial contracts; overview of the legal systems of the world
- The proper law of international contracts: the principle of party autonomy; Lex mercatoria and the UNIDROIT principles; international commercial transactions in cyberspace; breach, adaptation and remedies in International commercial contracts; hardship and force majeure clauses.
- Main Conventions relating to international contracts: Rome Convention 1980, Vienna Convention on the International Sales of Goods, Mexico City Convention 1994.
- International Alternative Dispute Resolution
- Presentation of ADR: What is ADR?, ADR versus litigation, Study of the most commonly used international ADR techniques and Rules of International Institutions.

- International mediation: The concept of Mediation, application to international commercial contracts disputes
- International arbitration: Presentation of the main international arbitration rules, institutions and conventions, the arbitration agreement, the laws governing international arbitration, the enforcement of international awards, arbitration and state contracts.

### **International Trade Law**

*(Law P012)*

The International Trade Law course will look firstly at the emergence from the General Agreement on Tariffs and Trade (GATT) of the new World Trade Organisation (WTO). Students will cover the enormous implications of the change in the legal order for international trade and will study in considerable detail the dispute settlement body rules and look at the overall structure of the WTO. The students will be exposed to trying to understand the conflicts that have arisen surrounding globalisation and trade liberalisation and the role that the WTO should have, or could play in resolving these serious conflicts.

Topics covered will include:

- the rights under the WTO which are examined through a number of cases in which the interpretation of the dispute settlement rules has been developed,
- the students will then be brought through a number of the underlying WTO agreements including the general agreement on trade and tariffs,
- the General Agreement on Trade in Services, TRIPS (i.e., the trade-related aspects of intellectual property rights) and the agreement on agriculture,
- the agreement on technical barriers to trade,
- the basic telecommunications agreement,
- the government procurement agreement,
- the agreement on subsidies and countervailing measures.

During the course, students are requested to present arguments in a number of moot court scenarios to ensure they fully understood the substantive law and the procedural requirements of the WTO.

### **Litigation in the European Union**

*(Law P020)*

This is a course designed to give students a knowledge and understanding of how questions of European Union Law are litigated. As such this course should be of indispensable value to students who are considering a career which may involve litigation before the court of Justice and/or litigation in Member State Courts of questions of European Union law.

Topics examined include:

- the structure and functioning of the European Court of Justice
- the various forms of action before the court of Justice, including:
  - the actions for infringement of Community law by a Member State under Articles 226 and 227 of the EC Treaty;
  - the Article 234 preliminary reference procedure;
  - the Article 230 action for annulment and the Article 232 action for failure to act;
  - the action for damages under Articles 235 and 288;
  - the Article 300 procedure for obtaining the opinion of the court on the compatibility of an international agreement with the EC Treaty.
  - the Article 241 objection of illegality;
- the growing court of Justice jurisprudence on Member State remedies and procedural rules.

More specialised aspects of the law governing litigation in the European Union are also examined, such as proceedings for interim measures before the Court of Justice, the jurisdiction of the Court with regard to police and judicial cooperation in criminal matters and the jurisdiction of the Court of Justice under Conventions concluded by the Member States.

### **Social and Employment law of the European Union**

*(Law P021)*

In recent years, and in particular as the focus of the European Community has expanded rapidly beyond the single-minded pursuit of the creation of the common market, the social and employment law of the European Union has taken on an increasingly important role. This course focuses on the activities of the Community in this policy area.

Various areas of social policy are examined in some detail. These include:

- the evolution of EC social policy since the coming into force of the original three Treaties,
- the principle of equality, which has come to play a central role in European social policy, in addition to the key area of gender equality and the recent Racial Equality and Framework Equality Directives, which broaden Community action in the equality arena into new fields,
- employment rights on the restructuring of enterprises, the core of which are employee rights in situations such as the transfer of undertakings, collective redundancies and insolvency situations.

- initiatives at European level to provide for collective labour law rights, including
  - (a) the right to information, consultation and bargaining (which involves examining topics such as the *Societas Europea*, the draft Fifth Company Directive, European Works Councils and the proposed General framework for Informing and Consulting employees in the EC)
  - and
  - (b) the right to freedom of association, the right to bargain collectively and the right to resort to collective action.
- certain aspects of the free movement of persons (insofar as time allows).

Aspects of Community social law other than employment rights may also be covered. Nor is the course confined to developments which take place within the context of the European Union. Hence, for example, the significance of the Council of Europe's Social Charter is also examined.

***Degree of Master of Laws (LLM) by Research***

**(LWMRF0001)**

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

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

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

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

**Research Seminar**

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

***Degree of Doctor of Philosophy (PhD)***

**(LWDRF0001)**

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

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

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

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

***Degree of Doctor of Laws (LLD)***

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

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

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

Enquiries: [lawpostgraduate@ucd.ie](mailto:lawpostgraduate@ucd.ie)

## Diplomas

### *Diploma in Arbitration (DipArb)*

(LWDPP0002)

#### **Course Description**

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

#### **Course Structure, commencement and duration**

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

#### **Admission Requirements**

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

Applications will be considered from:

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

#### **Course Syllabus**

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

The course comprises of two parts as follows:

Part A:

**Law P201      Arbitration Law and Procedure**  
The Law of Arbitration  
Arbitration Practice and Procedure  
Duties of Witnesses of Opinion (Expert Witnesses)

Part B:

**Law P202      Award Writing**  
Legal Analysis of Matters Leading to the Publishing of an Award  
Writing an Enforceable, Reasoned Award  
Analysis and Drafting of procedural orders and directions

Law Component for non-lawyers:

**Law P203      Irish Law and Legal Procedure**

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

General Concepts and Principles of Law and Procedure  
Law of Contract  
Law of Tort  
Law of Evidence

**Accreditation**

The Diploma in Arbitration course is accredited by The Chartered Institute of Arbitrators. Students completing the course will be eligible to apply for Associate Membership (A.C.I.Arb.) of the Institute, and, upon passing the examinations, for Membership (M.C.I.Arb.). Graduates will further be exempted from the examination requirements for entry to fellowship (F.C.I.Arb.) of the institute and for entry to the grade of Chartered Arbitrator.

**Application Procedure**

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

Postgraduate Law Office,  
University College Dublin,  
Roebuck Castle,  
Belfield, Dublin 4

**by 30 July of the year of entry.**

***Diploma in International Arbitration (DipIntArb)***

(LWDPP0003)

**Course Description**

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

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

**Course Structure**

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

**Admission Requirements**

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

The syllabus is divided into five parts as follows:

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

Part I: *General Features of International Arbitration*

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

Part II: *The Arbitration Agreement*

- Validity
- Arbitrability of Disputes
- Enforcement of the Agreement

Part III: *The International Arbitral Process*

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

Part IV: *The Arbitral Award and its Enforcement*

- The Award
- Recognition and Enforcement

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

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

**Application Procedure**

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

Postgraduate Law Office, Faculty of Law  
Roebuck Castle, UCD,  
Belfield, Dublin 4

by 15 November preceding proposed entry. The programme commences in January.

***Diploma in Employment Law (DipEmpLaw)***

**(LWDPP0004)**

**Employment Law**

The relationship between employer and employee has been transformed over the last thirty years. The employer's old common law right to dismiss on notice has been reversed by the Unfair Dismissal Acts 1977-1991. There has been intervention from the European Community, resulting in instruments like the Transfer of Undertakings Directive. The employer's traditional prerogatives have been further reduced by the introduction of whole new forms of regulation, such as the law of employment equality, now codified by the Employment Equality Act, 1998. Employers are looking to the law to remedy practical issues affecting the quality of life in the workplace, like oppressive treatment by co-employees, or privacy at work.

**Diploma's Objectives**

The purpose of the Diploma is to acquaint participants with a comprehensive knowledge of the leading principles of employment law, and to develop the study of employment law in Ireland generally. The foundation of the course will be a series of 25 lectures (3 hours duration). The course of lectures will be supplemented by a programme of seminars in specialist topics, and by written assignments. The lectures and seminars will be provided both by members of the Faculty of Law at University College Dublin and by practitioners with expertise in the field of employment law.

**Course Syllabus**

***Law P601*      **Employment Law****

**1. The Formation of the Contract of Employment**

Identifying a contract of employment; the implication of unexpressed terms; the technical formation of a contract of employment; collective agreements.

**2. Employment Rights and Duties**

The duties to pay wages, and the Payment of Wages Act, 1991; the duty to respect trust and confidence; the duty not to exercise contractual entitlements unreasonably; the duty to provide information; duties relating to the physical and mental health of employees, privacy at work; remedies for bullying at work.

**3. Dismissal**

Dismissal on notice and summary dismissal at common law; remedies in the case of wrongful dismissal; the dismissal injunction; damages for wrongful

dismissal; the Unfair Dismissals Acts, 1977-1993; qualifying conditions for protection under the Unfair Dismissals Acts, 1977-1993; fair and unfair grounds of dismissal; redress for unfair and wrongful dismissal.

**4. Employment Equality**

The Equal Treatment Directive (Directive 76/204 EEC); the Employment Equality Act 1998; Council Directive 2000/78/EC; direct and indirect discrimination on grounds of sex; discrimination in relation to access to employment; discrimination on grounds of disability and discrimination on grounds of age.

**5. Employment Rights in the case of Business Failure**

The variation of contractual terms; the Collective Redundancies Directive 75/129/EEC; Protection of Employment Act, 1977 and E.C. (Protection of Employment) Regulations, 2000; the Redundancy Payments Acts, 1967-1991; employer's insolvency.

**6. The Acquired Rights Directive**

The principal obligations under Council Directive 77/187/EEC; the amending Directive, Council Directive 98/50/EC.

**7. Industrial Action**

The industrial torts; the employer's remedies; the labour injunction and s.19 of the Industrial Relations Act, 1990; the law relating to picketing; the vicarious liability of a trade union for wrongs committed by strike organisers; the dismissal of strikers; wages and industrial action.

**8. Atypical Workers**

Part-time workers; workers employed under fixed-term contracts; non-European Economic Area Workers.

**9. Corporate Governance and Employee's Interests**

Directors' duties and employees' interests; s.52 of the Companies Act, 1990; employee share-ownership; employee and union starting participative entitlement.

**10. Human Rights and Employment Law**

The protection of workplace privacy; the law relating to trade union recognition; Industrial Relations (Amendment) Acts, 2001.

**11. The Protection of Employers Commercial Interests**

The duties of fidelity and confidentiality; restrictive covenants.

**Who Should Apply?**

- a) Practising solicitors or barristers
- b) Solicitors or barristers working in the fields of personnel management or employed by trade unions

- c) Graduates holding an approved university law degree or law-based interdisciplinary degree
- d) While the course is legally-orientated, applications will also be considered from those who hold an academic and/or professional qualification and/or persons of such expertise and experience as satisfy the Faculty that they are able to participate fully in the course.

**Course Structure and Duration**

The course is taught through 25 lectures (3 hours) and runs from mid-September 2003 to March 2004. Lectures will be held on Wednesday evenings between 6.30pm and 9.30pm. These lectures will be supplemented by a series of seminars held on Saturday mornings. The course will be held in the Faculty of Law's Legal Education Centre, Roebuck Castle, Belfield.

**Enquiries to:**

Liesanne Dean by telephone on -7168754 or email [liesanne.dean@ucd.ie](mailto:liesanne.dean@ucd.ie)

**Examinations**

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

***Diploma in European Convention on Human Rights  
Law (Dip. Eur. Con. On Human Rights)***

**The European Convention on Human Rights**

The European Convention on Human Rights is the primary vehicle through which a human rights claim may be pursued against European States at the international level. The importance of the Convention rests not only in its delineation of the rights which Contracting States are obliged to guarantee, but also in the enforcement machinery which it sets up to ensure compliance with these rights. This machinery includes a European Court of Human Rights with jurisdiction to adjudicate on complaints by individuals within the jurisdiction of the Contracting States who allege a breach of any of the Convention guarantees. Contracting States are legally obliged to implement all judgements of the Court in cases to which they are party.

Ireland is a contracting party to the Convention and as such is obliged under international law to implement the rights and obligations set out in it. Recently, the Convention has gained a higher profile domestically with the introduction by the Government of legislative proposals aimed at incorporating the Convention into

the domestic legal order. Once passed into law, this legislation will require Irish courts to take account of the Convention and the decisions of the European Court of Human Rights in interpreting Irish law.

#### **The Objectives of the Diploma**

The purpose of the Diploma is to provide participants with an in-depth knowledge of the main provisions of the Convention. The Diploma will be directed primarily at members of the practising legal profession (solicitors, barristers and judges) and will incorporate both a practical and analytical approach towards the interpretation of the Convention. The Diploma will address the emerging need for information and understanding of human rights when the Convention is incorporated into the domestic legal order.

#### **Admission requirements**

Applications will be considered from:

- (a) Members of the judiciary, barristers, solicitors and members of the legal profession generally;
- (b) graduates holding an approved university law degree or law-based interdisciplinary degree;
- (c) In exceptional circumstances, the holders of academic and/or professional qualifications
- (d) persons of such expertise or experience as to satisfy the Faculty that they are able to participate fully in the course.

#### **Course Structure and Duration**

The course is taught over 20 weeks commencing in mid-September 2003 and concluding at the end of March 2004. Lectures will be held on one afternoon per week and will take place from 2.30pm-5.30pm. A series of 4 special seminars may be held on Saturday mornings. Lectures and seminars will take place in the Faculty of Law's newly built Legal Education Centre, Roebuck Castle, Belfield.

#### **Application Procedure**

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

Diploma enquiries: [Liesanne.Dean@ucd.ie](mailto:Liesanne.Dean@ucd.ie) Telephone No: (01) 716 8754.

Postgraduate Law Office, Faculty of Law,  
Roebuck Castle,  
University College Dublin,  
Belfield Dublin 4.

## Interdisciplinary Degrees

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

### *Degree of Master of Equality Studies and Higher Diploma in Equality Studies*

#### **Course Description**

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

#### **Admission Requirements**

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

#### **Application Procedure**

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

The Equality Studies Centre,  
University College Dublin,  
Library Building,  
Belfield, Dublin 4.

#### **Course Syllabus**

There are four main areas of study:

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

***Degree of Master of Economic Science in European  
Economic and Public Affairs***

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

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

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

Further details may be obtained from:

Director,  
The Dublin European Institute – Jean Monnet Centre,  
University College Dublin,  
Belfield, Dublin 4  
(Telephone No. 353-1-716 7634; Fax No: 353-1-269 2589).