



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

**Law  
(Undergraduate Courses)**

*Session 2003/2004*

## **Note**

**Time-tables for BCL and BBLs Degrees will be available on the law website [www.ucd.ie/~law](http://www.ucd.ie/~law) at end of August 2003.**

**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 the European Convention on Human Rights 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 Courses* booklet for details**

For further information on the Faculty of Law please visit: [www.ucd.ie](http://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 (BBLs)

<p><b><i>Faculty of Law Staff</i></b></p>
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<b>Dean of the Faculty of Law</b>	<b>Mr Paul A. O'Connor</b>
Associate Dean	Mr Brian Hutchinson
Professor of Law	James P. Casey, LLB ( <i>QUB</i> ), MA ( <i>Dubl</i> ), PhD ( <i>Dubl</i> ), LLD, MRIA
Professor of Jurisprudence	William N. Osborough, LLB ( <i>QUB</i> ), LLM and Legal History ( <i>Tulane</i> ), MA ( <i>Dubl</i> )
Associate Professor of Law	Robert Clark, BA ( <i>Northumbria</i> ), LLM ( <i>Lond</i> ), PhD, Barrister-at-Law [leave of absence 2003-2004]
Jean Monnet Associate Professor of European Criminal Justice	Finbarr McAuley, BCL, LLB, MPhil ( <i>Edin</i> ), LLD
Lecturer in Law	Blanaid Clarke, BCL, MBS, PhD ( <i>Manchester</i> ), Barrister-at-Law A. Vivion Gill, LLB ( <i>QUB</i> ) Anthony Kerr, MA ( <i>Dubl</i> ), LLM ( <i>LSE</i> ), Barrister-at-Law Andrew B. Lyall, LLB ( <i>Lond</i> ), LLM ( <i>Dar-es-Salaam</i> ) PhD, LLD ( <i>Lond</i> ), Barrister, Gray's Inn Paul A. O'Connor, BCL, LLM ( <i>Penn</i> ), LLM, Barrister-at-Law
College Lecturer	Leila Anglade, MBA ( <i>ESC Lyon</i> ), Licence en Droit ( <i>Paris I</i> ), M��trise en Droit ( <i>Paris I</i> ), DEA ( <i>Paris I</i> ), DESS ( <i>Paris I</i> ), CAPA ( <i>Bar of Paris</i> ), LLM ( <i>Harvard</i> ) <b>[Director, BCL (Law with French Law) ]</b> Gavin Barrett, LLB ( <i>Dubl</i> ), PhD ( <i>Dubl</i> ), MCI Arb, Barrister-at-Law Oonagh Breen, BCL, LLM, Barrister-at-Law [leave-of-absence 2003-2004] Dermot Cahill, BCL, LLM, DipAELS ( <i>Bruges</i> ), Solicitor

Thomas A.M. Cooney, BCL, LLM, Solr

Kevin Costello, BA (*Dubl*), MLitt (*Dubl*),  
Barrister-at-Law [leave-of-absence 2003-  
2004]

Arnaud Cras, Licence en Droit (*Paris*), DES (*IHEI*,  
*Paris*)

Suzanne J. Egan, BCL, LLM (*Osgoode Hall*),  
Barrister-at-Law

Rossa Fanning, BCL, LLM, LLM (*Michigan*)  
(temporary lecturer 2003-4)

Liz Heffernan, LLB (*Dubl*), LLM *Dalhousie*), LLM  
(*Chicago*), JSD (*Chicago*), Barrister-at-Law,  
Member of the New York Bar

G. Brian Hutchinson, BCL, LLM, DipArb,  
MCI Arb, Barrister-at-Law

Mary Catherine Lucey, BCL, LLM, Barrister-at-  
Law

Paul McDermott, BCL, LLM (*Cantab*), PhD,  
Barrister-at-Law

Máire Ní Shúilleabháin, BCL, BCL (*Oxon*), LLM,  
Barrister-at-Law

John O'Dowd, BCL, Barrister-at-Law [leave of  
absence]

Marie-Luce Pâris -Dobozy, DESS (*Paris II*), DEA  
(*Paris II*), CAPA (Bar of Paris)

Paul A. Ward, BCL, LLM, Barrister-at-Law

Peter Young BSc (*Lond*) MA (*Sheffield*) PhD (*Edin*)

**Faculty Administration:**

Bianca Cranny, FHDip (Vechta) Executive  
Assistant

Liseanne Dean, Executive Assistant

Clóna Farrell, BA, Senior Executive Assistant  
(part-time)

Úna Furlong, Senior Executive Assistant (part-time)

Honóra Ní Chríogáin, BA, Senior Administrative Officer

Caroline O'Neill, BA, Senior Executive Assistant (part-time)

Karen Smith, Executive Assistant

Fiona Murphy, Senior Executive Assistant  
Commercial Law Centre

Yvonne Toal, BA DipArchStudies, Executive Assistant, Institute of Criminology

## ***Advisory Meetings, Enrolments and Registration***

### **Advisory Meetings**

All First Law (BCL) Students:	Friday, 12 <sup>th</sup> September 2003, 12.00 noon <b>Theatre 1</b> , Roebuck Castle
Level 1 BBLs Students:	Wednesday, 10 <sup>th</sup> September 2003, 11.30 am <b>Theatre 1</b> , Roebuck Castle

### **Faculty Enrolments:**

All First Law (BCL) Students:	Monday, 15 <sup>th</sup> September 2003, 2.30-4.30 pm <b>Room 029</b> , Roebuck Castle
Level One BBLs Students:	Thursday, 18 <sup>th</sup> September 2003, 2.30-4.30 pm <b>Room 029</b> , Roebuck Castle

### **Registration:**

All First Law Students:	Friday, 12 <sup>th</sup> September 2003, 2.30 pm <b>Michael Tierney Building</b>
Level 1 BBLs Students:	Wednesday, 10 <sup>th</sup> September 2003, 9.30 am <b>Michael Tierney Building</b>

## ***Dates of Academic Session 2003/2004***

First Semester (Michaelmas Term):	15 <sup>th</sup> September – 6 <sup>th</sup> December 2003
Second Semester (Hilary & Trinity Terms):	5 <sup>th</sup> January – 28 <sup>th</sup> February 2004 22 <sup>nd</sup> March – 17 <sup>th</sup> April* 2004
Easter Sunday:	11 <sup>th</sup> April 2004
Examinations: Summer	26 <sup>th</sup> April 2004
Autumn	9 <sup>th</sup> August 2004

All BCL, as well as Level 1 BBLs lectures, begin on **Monday, 15<sup>th</sup> September 2003**

**NB Please note that all Law lectures are held in Roebuck Castle**

***Faculty of Law Scholarships and Prizes***

**Scholarships**

**Second Year Scholarships:**

Two scholarships of €635 may be awarded on the results of the First University Examination in Civil Law and the First University Examination in Civil Law (Law with French Law).

**Third Year Scholarships:**

Two scholarships of €635 may be awarded on the results of the Second University Examination in Civil Law and the Second University Examination in Civil Law (Law with French Law).

**Bachelor of Business and Legal Studies (Inter-Faculty Degree):**

Two scholarships of €635 may be awarded on the results of the First University Examination in Business and Legal Studies.

Two scholarships of €635 may be awarded on the results of the Second University Examination in Business and Legal Studies.

Two scholarships of €635 may be awarded on the results of the Third University Examination in Business and Legal Studies.

**Postgraduate Awards:**

*Postgraduate Scholarship*

On the recommendation of the Scholarships Committee, one scholarship may be awarded on the results of all of the BCL Degree Examinations to a candidate normally gaining a First Class Honours degree. The scholarship will be held for one year and will be of the value of €2,540. The holder must spend not less than three terms at full-time study leading to the Degree of LLM by research. Furthermore, the holder may not concurrently pursue the postgraduate instructional year of the Law Society.

**BCLS Postgraduate Award**

One scholarship, of value €2,540, may be awarded on the results of all of the Bachelor of Business and Legal Studies Degree Examination, subject to the following conditions:

- i. Candidates must have attained a high honours standard in the BCLS Degree Examination passed as a whole in the previous session;
- ii. Candidates must proceed to attend a full-time course leading to a Master's Degree in either Law or Commerce.

<b>Prizes</b>
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**Bank of Ireland Prizes**

Since 1977 the Bank of Ireland has generously sponsored medals and prizes for the top three students in the First BCL **Constitutional Law** Examination; the Second BCL **EU Law Essay**, as decided by the current external adjudicator; and the BCL Degree Examination in **Jurisprudence**. Gold, silver and bronze medals are presented to the students in each of the above subjects along with the following corresponding cash prizes of €17.43, €126.97 and €95.23.

**The Professor James C. Brady Memorial Prize in Equity**

This annual prize commemorates James C. Brady (1940-1998), Professor of the Law of Property and Equity in University College Dublin. It was established in 2001 by the James C. Brady Memorial Trust as a tribute to Professor Brady and his skills in teaching and research in the field of equity and trusts.

The prize (currently a gold medal and a cheque for €250) is awarded to the student who, having passed the final year law examinations, attains first place in the **Equity** examination.

**The Butterworths Law Prize**

Butterworths publications to the value of €127 are awarded annually to the student who obtains first place overall in the First University Examination in Civil Law including the First University Examination in Civil Law (Law with French Law).

**EBS Building Society Prize in Land Law**

This prize (a gold medal and €317) is funded by the EBS Building society and is awarded to the student who obtains the highest mark in the subject **Land Law and Succession** in the Second BCL Examination.

**The Maxwell Law Prize**

Publications from Sweet and Maxwell Ltd., London, to the value of €150, are awarded annually to the student who obtains first place overall in the Second University Examination in Civil Law including the Second University Examination in Civil Law (Law with French Law).

**Royal and Sun Alliance Gold Medal**

The Royal and Sun Alliance Gold medal is awarded to the student who produces the best essay in **Tort** in First BCL as decided by the current external adjudicator. There is an accompanying cash prize of €49.

**Swift McNeill Memorial Prize**

The terms of the trust provide for the application of the net annual income (€1 approximately) in the award of a prize to a student entering the Honorable Society of King's Inns who shall have obtained the highest marks overall in the Faculty's Degrees.

## ***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 all of the Bachelor of Civil Law Degrees, the Bachelor of Civil Law (Law with French Law) Degree and all of the Bachelor of Business and Legal Studies Degrees. 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, Blackhall Place, Dublin 7. Telephone: (01) 6710200; [www.lawsociety.ie](http://www.lawsociety.ie); e-mail: [general@lawsociety.ie](mailto:general@lawsociety.ie)**

### **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. There is an annual entrance examination for admission to the Barrister-at-Law degree course which comprises the following subjects: *Company Law, Criminal Law, Irish Constitutional Law, Jurisprudence and Law of Evidence*. In order to be eligible to sit the entrance examination in any year a candidate is required to hold an approved degree from an approved university which includes the following 'core' subjects: *Land Law (including Law of Succession), Law of Contracts, Law of Torts, Law of Equity and Law of the European Union*. The examination is held in September. Both the entrance examination subjects and the 'core' subjects are offered in all of the Bachelor of Civil Law Degree courses, the Bachelor of Civil Law Degree (Law with French Law) course and all of the Bachelor of Business and Legal Studies Degree courses.

Further information may be obtained from the **Director of Education, The Honorable Society of King's Inns, Henrietta Street, Dublin 1. Telephone: (01) 8744840; [www.kingsinns.ie](http://www.kingsinns.ie); e-mail: [Info@kingsinns.ie](mailto:Info@kingsinns.ie)**

**Degree of Bachelor of Civil Law (BCL)**

**LWBDF0001**

***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
<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 2020</i>	Commercial Conflicts of 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 Business Law
<i>Law 2010</i>	International Human Rights Law
<i>Law 2016</i>	Irish Legal History
<i>Law 2012</i>	Labour Law
<i>Law 2017</i>	Medical 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).

<b>Final Year</b>
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**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 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
<i>Law 2008</i>	Cultural Heritage Law
<i>Law 2001</i>	International Trade Law
	Law and Economics
<i>Law 2015</i>	Law and Political Theory
<i>Law 3005</i>	Legal Anthropology
	Roman Law
	Social Welfare Law

<p style="text-align: center;"><b>European Credit Transfer System (ECTS) Credit Scheme for Degree of Bachelor of Civil Law</b></p>
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<b>First Year</b>
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<i>Course Title:</i>	<i>Credits:</i>
Constitutional Law	12
Criminal Law	12
Law of Contract	12
Law of Tort	12
Legal System and Methods	<u>12</u>
Total:	<u>60</u>

<b>Second Year</b>
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<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:	<u>60</u>

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

***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****

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.

<i><b>Second Year</b></i>
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**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 2020 Commercial Conflicts of Law**

A study of the rules of Irish law which apply whenever a commercial transaction or an event has a connection with more than one legal system.

The course will focus on:

- (i) Jurisdiction of the Irish Courts and enforcement of foreign judgments in civil and commercial matters in Brussels Regulation I and non-regulation cases.
- (ii) Determining the applicable law in:
  - (a) international contracts (Rome Convention)
  - (b) international torts including defamation, product liability and environmental damage.
- (iii) Taking and perfecting security in International Financial Services transactions.

**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 protecting the fruits of intellectual or creative endeavour primarily by the grant of exclusive rights. The course covers:

- (1) patent law: statutory protection for inventions, including biotechnological and software-related inventions: Patents Act 1992.
- (2) law of confidence: general equitable action against a person who has divulged confidential information in breach of a duty of confidence.
- (3) passing off: action in tort for the protection of business goodwill as against traders using a similar trade name or product get-up.
- (4) trade mark law: statutory protection for registered trade names: Trade Marks Act, 1996.
- (5) trade marks on the internet: domain name disputes.
- (6) comparative advertising.
- (7) character merchandising and image marketing.
- (8) copyright law: statutory protection of original creative work: literary, dramatic, musical, artistic works; sound recordings, films, broadcasts, cable programmes,

typographical arrangements, computer programmes, databases, performances:  
Copyright and Related Rights Act, 2000.

- (9) industrial designs: statutory protection of functional and decorative design:  
Industrial Designs Bill, 2000.
- (10) intellectual property in international trade: exhaustion of rights (use of  
intellectual property to prevent parallel imports); international harmonisation  
(GATT TRIPs); conflict of laws.

**Law 2009 International Business Law**

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 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: Poyning's 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, 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 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 2003/2004*

Butterworth's *U.K. Tax Guide 2003/2004*

*Institute of Taxation Income Tax*

*Taxes Consolidation Act 1997*

## ***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****

Commercial law is concerned with the rights and duties which arise from business transactions.

The course covers:

- (1) the regulation of the sale of goods under the Sale of Goods Act, 1893, as amended
- (2) consumer protection law (impact of E.U. law)
- (3) methods of payment: money, bills of exchange, promissory notes
- (4) law of agency
- (5) retention of title
- (6) credit and security
- (7) e-commerce
- (8) personal and corporate insolvency
- (9) insurance law
- (10) commercial dispute resolution (including domestic arbitration law)
- (11) conflict of laws
- (12) international trade

**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 3006 Media Law (not available 2003-4)**

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*.

**Degree of Bachelor of Civil Law  
(European Legal Studies)**

**LWBDF0002**

**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 by mid-February. 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.**

## Degree of Bachelor of Civil Law (International)

LWBDF0003

### 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. A presentation on the various International exchange programmes will be made in the first semester. Applications should be submitted to the Faculty at the end of the first 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.**

**Degree of Bachelor of Civil Law  
(Law with French Law)**

**LWBDF0004**

***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.

## *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 B3 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 *French Legal Theory (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
<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 2020</i>	Commercial Conflicts of 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 Business Law
<i>Law 2010</i>	International Human Rights Law
<i>Law 2016</i>	Irish Legal History
<i>Law 2012</i>	Labour Law
<i>Law 2017</i>	Medical 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).

<b>Final Year</b>
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**A. Compulsory Subject:**

<i>Law 4001</i>	French Legal Theory*
<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 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
<i>Law 3008</i>	Cultural Heritage Law
<i>Law 2011</i>	International Trade Law
	Law and Economics
<i>Law 2015</i>	Law and Political Theory
<i>Law 3005</i>	Legal Anthropology
	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	12
Introduction to French Public Law	12
Law of Contract	12
Law of Tort	<u>12</u>
Total:	<u>60</u>

**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:	<u>60</u>

**Final Year**

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

***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****

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.

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*, 3<sup>rd</sup> 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 2020 Commercial Conflicts of Law**

A study of the rules of Irish law which apply whenever a commercial transaction or an event has a connection with more than one legal system.

The course will focus on:

- (i) Jurisdiction of the Irish Courts and enforcement of foreign judgments in civil and commercial matters in Brussels Regulation I and non-regulation cases.
- (ii) Determining the applicable law in:
  - (a) international contracts (Rome Convention)
  - (b) international torts including defamation, product liability and environmental damage.
- (iii) Taking and perfecting security in International Financial Services transactions.

**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 protecting the fruits of intellectual or creative endeavour primarily by the grant of exclusive rights. The course covers:

- (1) patent law: statutory protection for inventions, including biotechnological and software-related inventions: Patents Act 1992.
- (2) law of confidence: general equitable action against a person who has divulged confidential information in breach of a duty of confidence.
- (3) passing off: action in tort for the protection of business goodwill as against traders using a similar trade name or product get-up.
- (4) trade mark law: statutory protection for registered trade names: Trade Marks Act, 1996.
- (5) trade marks on the internet: domain name disputes.
- (6) comparative advertising.
- (7) character merchandising and image marketing.
- (8) copyright law: statutory protection of original creative work: literary, dramatic, musical, artistic works; sound recordings, films, broadcasts, cable programmes, typographical arrangements, computer programmes, databases, performances: Copyright and Related Rights Act, 2000.
- (9) industrial designs: statutory protection of functional and decorative design: Industrial Designs Bill, 2000.
- (10) intellectual property in international trade: exhaustion of rights (use of intellectual property to prevent parallel imports); international harmonisation (GATT TRIPs); conflict of laws

**Law 2009                      International Business Law**

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 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, 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 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 2003/2004*; Butterworth's *U.K. Tax Guide 2003/2004*  
*Institute of Taxation Income Tax*  
*Taxes Consolidation Act 1997*

<p><b><i>Final Year</i></b></p>
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**A. Compulsory Subjects**

**Law 4001 French Legal Theory**

The concept and the specificity of French legal thinking; the evolution of French legal theory since antiquity (particular emphasis will be placed on the development of French legal theory at the time of the "enlightenment") ; presentation of the different schools of French legal theory and philosophy.

**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**

Commercial law is concerned with the rights and duties which arise from business transactions.

The course covers:

- (1) the regulation of the sale of goods under the Sale of Goods Act, 1893, as amended
- (2) consumer protection law (impact of E.U. law)
- (3) methods of payment: money, bills of exchange, promissory notes
- (4) law of agency
- (5) retention of title
- (6) credit and security
- (7) e-commerce
- (8) personal and corporate insolvency
- (9) insurance law
- (10) commercial dispute resolution (including domestic arbitration law)
- (11) conflict of laws
- (12) international trade

### **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 3006 Media Law (not available 2003-4)**

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*.

## Diploma in Common Law

### LWDPF0001

#### **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.

**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 2003/2004. Students should note that the business courses listed for Levels 1, 2, 3 and 4 for the academic year 2004/2005 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 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 2004/2005 onwards.

Students who fail to achieve the thirty business credits in Level 1 by the second examination offering in 2003/2004 may not be in a position to take Level 1 examinations based on 2003/2004 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. A student's application to choose Level 4 business electives must be made at the end of the Level 3 academic year. The number of student places in courses is determined by the Faculty of Commerce and an application to register for a course does not guarantee entry into that course. The electives' choice is not open to change at any time. Where students have to indicate a list of preferences for courses, students are bound at all times into this list. 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. 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  
& Partnership  
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  
Law 2502 Commercial Law  
Law 2503 Criminal Law  
Law 2504 Land Law

### Third Year (Level 3)

#### *Business Studies Subjects*

FIN 2004 Finance  
BMGT 2003 Business Logistics and  
Operations 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 Business Law  
Law 3508 Financial Services Law and  
Investor Protection

\*not available 2003-4

<b>Fourth Year (Level 4)</b>
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**Mode I (IFBDF0005)**

**Business Studies Subjects**

BMGT 3003 Strategy Formulation and Implementation

4 Options\*

**Mode II (IFBDF0006)**

**Business Studies Subjects**

BMGT 3003 Strategy Formulation and Implementation

2 Options\*

**Mode III (IFBDF0007)**

**Business Studies Subjects**

BMGT 3003 Strategy Formulation and Implementation

6 Options\*

**Legal Studies Subjects**

3 Options\*\*

**Legal Studies Subjects**

4 Options\*\*

Law 4508 Minor Dissertation

**Legal Studies Subjects**

2 Options\*\*

\*\*Optional Subjects :

Law 4511 Administrative Law

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 } Mode II

Law 4510 Jurisprudence } only

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)**

**Credit Scheme for Degree of Bachelor of Business and Legal Studies**

**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:	<u>60.0</u>

**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:	<u>60.0</u>

**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:	<u>60.0</u>

<b>Fourth Year (Level 4) Business and Legal Studies</b>
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**Mode I**

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

**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:	<u><b>60</b></u>

**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:	<u><b>62</b></u>

***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 1                      (3 units)**  
Introduction to the Context of Accounting; Elements of Financial Statements; The Balance Sheet; The Profit and Loss Account; Recording Transactions; Fixed Assets; Current Assets, Stock Debtors; Liabilities and Sources of Capital; The Accounting Regulatory Framework; Cash Flow Statements; Financial Information Analysis.

**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.

<b>Second Year – Level 2</b>
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**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)**  
Overview of management accounting. Different costs for different purposes. Cost accumulation systems: job costing and activity-based costing. Information for decision making: cost behaviour; cost-volume-profit analysis; relevant costs, and decision making with scarce resources. Information for planning and control: the budget process; behavioural issues in budgeting; standard costing; flexible budgets; financial and non-financial measures of performance.

**ACC 2005                      Financial Accounting 2 (pre-requisite: ACC 1002)                      (1 unit)**  
The conceptual and legal framework of financial reporting; Reporting financial performance; Earnings per share; The valuation of stocks; The valuation of tangible fixed assets; Foreign currency translation; Provisions, contingent liabilities and contingent assets; Performance evaluation and company valuation; International accounting.

**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.

<b>Third Year – Level 3</b>
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**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 industrial relations and human resource management and will examine emerging trends in employee relations including globalisation, post-fordism and europeanisation.

**MKT 2003            Marketing**

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.

<b>Fourth Year – Level 4</b>
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**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.

<b>Fourth Year – Level 4 – Business Electives</b>
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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****

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****

Commercial law is concerned with the rights and duties which arise from business transactions.

The course covers:

- (1) the regulation of the sale of goods under the Sale of Goods Act, 1893, as amended
- (2) consumer protection law (impact of E.U. law)
- (3) methods of payment: money, bills of exchange, promissory notes
- (4) law of agency
- (5) retention of title
- (6) credit and security
- (7) e-commerce
- (8) personal and corporate insolvency
- (9) insurance law
- (10) commercial dispute resolution (including domestic arbitration law)
- (11) conflict of laws
- (12) international trade

**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.

<b>Third Year – Level 3</b>
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**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**

Topics considered include the legal issues that arise in the selling of corporate debt (the assignment of debts by way of debt factoring, whether by legal or equitable means); the subordination of corporate debt (by way of either contractual or trust methods, and the problems that have arisen in various common law countries with these methods); the publication of prospectuses inviting the public to subscribe for shares in companies (with particular reference to the issue of what is an offer to the public); the difference types of remedy that a disgruntled shareholder can invoke in the event of there being something deficient with the company's prospectus (in this regard case law on remedies such as recession, deceit, actionable omission negligent misstatement, etc. will be examined, as well as statutory remedies); the European Stock Exchange Directives (common principles and how they have been implemented domestically in Ireland); the law relating to corporate borrowing (*ultra vires* doctrine, case law, rules of agency) and recovery of *ultra vires* loans (doctrine of unjust enrichment); legal issues that can arise when using corporate book debts to secure corporate loans; the common law and statutory rules on insider dealing (what constitutes insider dealing; comparative case law from other countries; sanctions and remedies; common law rules); regulation of mergers.

**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 and Investor Protection**

This course is divided into two parts.

The first part involves an examination of the legal issues and regulatory framework affecting the provision of financial services in Ireland. Topics reviewed include regulatory authorities, investment intermediaries, securities, derivatives, funds, internet trading, and developments in EU regulation and financial services.

The second part of the course involves an analysis of investor protection law in Ireland. Topics reviewed include market abuses (such as insider dealing, money laundering and market manipulation), codes of conduct, investor compensation, common law actions and pre-emptive civil remedies.

**Law 3505 Intellectual Property Law**

Intellectual Property Law is concerned with protecting the fruits of intellectual or creative endeavour primarily by the grant of exclusive rights. The course covers:

- (1) patent law: statutory protection for inventions, including biotechnological and software-related inventions: Patents Act 1992.
- (2) law of confidence: general equitable action against a person who has divulged confidential information in breach of a duty of confidence.
- (3) passing off: action in tort for the protection of business goodwill as against traders using a similar trade name or product get-up.
- (4) trade mark law: statutory protection for registered trade names: Trade Marks Act, 1996.
- (5) trade marks on the internet: domain name disputes.
- (6) comparative advertising.
- (7) character merchandising and image marketing.
- (8) copyright law: statutory protection of original creative work: literary, dramatic, musical, artistic works; sound recordings, films, broadcasts, cable programmes, typographical arrangements, computer programmes, databases, performances: Copyright and Related Rights Act, 2000.
- (9) industrial designs: statutory protection of functional and decorative design: Industrial Designs Bill, 2000.

**Law 3506 International Business Law**

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.

<b>Fourth Year – Level 4</b>
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**Law 4511                      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 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**

A study of the rules of Irish law which apply whenever a commercial transaction or an event has a connection with more than one legal system.

The course will focus on:

- (i) Jurisdiction of the Irish Courts and enforcement of foreign judgments in civil commercial matters in Brussels Regulation I and non-regulation cases.
- (ii) Determining the applicable law in
  - (a) international contracts (Rome Convention)
  - (b) international torts including defamation, product liability and environmental damage.
- (iii) Taking and perfecting security in International Financial Services transactions.

**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 81 and 82 are considered in detail (i.e. European Community Competition law as it applies to private undertakings). Also Article 86 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 Act 2002.

**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 2003/2004*; Butterworth's *U.K. Tax Guide 2003/2004*

*Institution of Taxation Income Tax*

*Taxes Consolidation Act 1997.*

**Law 4508                      Minor Dissertation**

## 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/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.**

## 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 BBLSDegree.**