

University College Dublin
An Coláiste Ollscoile Baile Átha Cliath

National University of Ireland, Dublin
Ollscoil na hÉireann, Baile Átha Cliath



Law

(Undergraduate Programmes)

Session 2005/06

From September 2005 all first year courses are modularised.
Further information is available at www.ucd.ie/horizons

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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 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 School 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.
10. **Options.** A student's choice of optional subjects for 2 BCL and Final BCL/Final BCL (European Legal Studies)/ Final BCL (International) must be submitted in writing to the School of Law by the **28th June 2006**. It is possible for students to change their choice of subjects by completing a 'change of subjects' form and submitting it to the School of Law by **31st August 2006** at the latest. **No changes can be made after that date under any circumstances.**

Summary of Courses for the Degree of Bachelor of Civil Law

Second Year

A. Compulsory Subjects:

LAW 2013	Land Law and Succession
LAW 2014	Law of the European Union

B. Optional Subjects:

Any **three** from among the following:

LAW 2001	Administrative Law
LAW 2002	Banking Law
LAW 2020	Commercial Conflicts of Law
LAW 2003	Company Law
LAW 2004	Comparative Law
LAW 2005	Environmental Law
LAW 2006	Evidence
LAW 2007	Family Law
LAW 2008	Intellectual Property Law
LAW 2009	International Business Law
LAW 2010	International Human Rights Law
LAW 2016	Irish Legal History
LAW 2012	Labour Law
LAW 2017	Medical Law
LAW 2018	Public International Law
LAW 2019	Revenue Law

Such other subjects as the School 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 School reserves the right to impose a limit on the number of students taking any given option in second year law).

Please note that as a consequence of the phased introduction of the University's initiative on modularisation and semesterisation within the School of Law it will be necessary in the academic year 2006/07 to divide options between Final BCL and 2 BCL. Those that are allocated to 2 BCL will be in modular format whereas those allocated to Final BCL will not. The options that are expected to be available in 2 BCL are:

Commercial Law 1 and 2
Company Law 1 and 2
Family Law 1 and 2
International Human Rights 1 and 2

International Business Law (one semester only)
Irish Legal History 1 and 2
Labour Law 1 and 2
Medical Law 1 and 2
Public International Law 1 and 2

The compulsory subjects will be:

EU Law 1 and 2
Land Law 1 and 2

It is expected that Final BCL will have the following subjects on offer:

Jurisprudence (compulsory)
Administrative Law*
Banking Law*
Comparative Law
Commercial Conflicts*
Criminology
Evidence
Environmental Law*
Intellectual Property Law
Media Law*
Revenue Law*

* These subjects are currently available to 4 BBLS.

Final Year

A. Compulsory Subject:

LAW 3004 Jurisprudence

B. Optional Subjects:

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

LAW 3001 Commercial Law
LAW 3002 Criminology
LAW 3003 Equity
LAW 3006 Media Law
LAW 3007 Planning and Development Law

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

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

	Advanced Public Law
	Criminal Procedure
LAW 3008	Cultural Heritage Law
LAW 2011	International Trade Law
	Law and Economics
LAW 2015	Law and Political Theory
LAW 3005	Legal Anthropology
	Roman Law
	Social Welfare Law

European Credit Transfer System (ECTS)

Credit Scheme for Degree of Bachelor of Civil Law

Second Year

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

Final Year

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

Syllabus of Courses for the Degree of Bachelor of Civil Law

Second Year

A. Compulsory Subjects

Land Law and Succession

LAW 2013

(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 of the European Union

LAW 2014

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

Administrative Law

LAW 2001

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

Banking Law

LAW 2002

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*

Commercial Conflicts of Law

LAW 2020

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.

Company Law

LAW 2003

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*

Comparative Law

LAW 2004

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*

Environmental Law

LAW 2005

This course comprises a comprehensive examination of environmental law, from a national, European and International perspective. Environmental Law shall provide an account of all major environmental concerns other than planning and development and the built environment. It will analyse the principles applied to environmental protection and the application of environmental law in practice, including enforcement mechanisms.

This course is taught in two parts. Part I, the first semester, is an introduction to environmental law and the principles governing it. The emphasis will be on Irish Environmental Law. Topics include sources, principles and techniques of environmental protection; national regulatory framework; structure and powers of bodies having responsibility for the environment; the Environmental Protection Agency; integrated pollution control; environmental impact assessments. The course shall examine public participation and control; the right to information; procedures; appeals and judicial review; the enforcement of environmental law; the common law and environmental remedies; personal liability of individuals; fundamental rights and environmental law.

Part II, in the second semester, will expound on the material from Part I and will deal with European and international environmental law. The subject matter will explore how environmental law operates within European, international and national law, focusing on the core issues and case-law. It will trace the development of Community environmental law and its principles of environmental protection. It will examine the powers of Community and international institutions; the basis of European environmental law; the legislative and decision-making process; harmonization; the implementation and enforcement of Community law; Member States' duties. It will examine how the environment is dealt with in international law; seminal agreements signed by the international community. The course will deal with the substantive environmental law relating to various pollutants and media- including waste, air, water, waste, habitat and conservation concerns. It will also address business concerns and environmental law such as trade and competition law; issues of corporate responsibility and liability.

Evidence

LAW 2006

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.

Family Law**LAW 2007**

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.

Intellectual Property Law**LAW 2008**

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.

International Business Law

LAW 2009

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.

International Human Rights Law

LAW 2010

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.

Irish Legal History

LAW 2016

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*

Labour Law

LAW 2012

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)

Medical Law

LAW 2017

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.

Public International Law

LAW 2018

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*

Revenue Law

LAW 2019

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 2005/2006

Butterworth's U.K. Tax Guide 2005/2006

Institute of Taxation Income Tax

Taxes Consolidation Act 1997

Final Year

A. Compulsory Subject

Jurisprudence

LAW 3004

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.

B. Optional Subjects

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

Commercial Law

LAW 3001

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

Criminology

LAW 3002

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.

Equity

LAW 3003

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.

Media Law

LAW 3006

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)

Planning and Development Law

LAW 3007

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.

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 School. 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. A presentation on the Erasmus/Socrates Exchange Programme will be made early in the first semester. Applications should be submitted by the end of the first 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 School. 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 School 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. 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 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 School 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.
 12. **Options.** A student's choice of optional subjects for 2 BCL (Law with French Law) and Final Year (Law with French Law) must be submitted in writing to the School of Law by the **28th June 2006**. It is possible for students to change their choice of subjects by completing a 'change of subjects' form and submitting it to the School of Law by **31st August 2006** at the latest. **No changes can be made after that date under any circumstances.**

Summary of Courses for the Degree of Bachelor of Civil Law (Law with French Law)

Second Year

A. Compulsory Subjects:

LAW 2021	Introduction to French Private Law*
LAW 2013	Land Law and Succession
LAW 2014	Law of the European Union

B. Optional Subjects:

Any **two** from among the following:

LAW 2001	Administrative Law
LAW 2002	Banking Law
LAW 2020	Commercial Conflicts of Law
LAW 2003	Company Law
LAW 2004	Comparative Law
LAW 2005	Environmental Law
LAW 2006	Evidence
LAW 2007	Family Law
LAW 2008	Intellectual Property Law
LAW 2009	International Business Law
LAW 2010	International Human Rights Law
LAW 2016	Irish Legal History
LAW 2012	Labour Law
LAW 2017	Medical Law
LAW 2018	Public International Law
LAW 2019	Revenue Law

Such other subjects as the School 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 School reserves the right to impose a limit on the number of students taking any given option in second year law).

Final Year

A. Compulsory Subject:

LAW 4001	French Legal Theory*
LAW 3004	Jurisprudence

B. Optional Subjects:

Any **three** 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).

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)

Second Year

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

Final Year

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

Syllabus of Courses for the Degree of Bachelor of Civil Law (Law with French Law)

Second Year

A. Compulsory Subjects

Introduction to French Private Law

LAW 2021

Contract, Tort (Droit des obligations); Introduction to Commercial Law.

Reading will be indicated at the beginning of the session.

Land Law and Succession

LAW 2013

(a) Land Law

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

Lyall: *Land Law in Ireland*.

Wylie: *Irish Land Law*.

Wylie: *A Casebook on Irish Land Law*.

(b) Succession

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

Brady: *Succession Law in Ireland (Butterworths)*

Law of the European Union

LAW 2014

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

Administrative Law

LAW 2001

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.

Banking Law

LAW 2002

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*

Commercial Conflicts of Law

LAW 2020

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.

Company Law

LAW 2003

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*

Comparative Law

LAW 2004

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*

Environmental Law

LAW 2005

This course comprises a comprehensive examination of environmental law, from a national, European and International perspective. Environmental Law shall provide an account of all major environmental concerns other than planning and development and the built environment. It will analyse the principles applied to environmental protection and the application of environmental law in practice, including enforcement mechanisms.

This course is taught in two parts. Part I, the first semester, is an introduction to environmental law and the principles governing it. The emphasis will be on Irish Environmental Law. Topics include sources, principles and techniques of environmental protection; national regulatory framework; structure and powers of bodies having responsibility for the environment; the Environmental Protection Agency; integrated pollution control; environmental impact assessments. The course shall examine public participation and control; the right to information; procedures; appeals and judicial review; the enforcement of environmental law; the common law and environmental remedies; personal liability of individuals; fundamental rights and environmental law.

Part II, in the second semester, will expound on the material from Part I and will deal with European and international environmental law. The subject matter will explore how environmental law operates within European, international and national law, focusing on the core issues and case-law. It will trace the development of Community environmental law and its principles of environmental protection. It will examine the powers of Community and international institutions; the basis of European environmental law; the legislative and decision-making process; harmonization; the implementation and enforcement of Community law; Member States' duties. It will examine how the environment is dealt with in international law; seminal agreements signed by the international community. The course will deal with the substantive environmental law relating to various pollutants and media- including waste, air, water, waste, habitat and conservation concerns. It will also address business concerns and environmental law such as trade and competition law; issues of corporate responsibility and liability.

Evidence

LAW 2006

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.

Family Law

LAW 2007

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.

Intellectual Property Law

LAW 2008

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

International Business Law

LAW 2009

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.

International Human Rights Law

LAW 2010

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.

Irish Legal History

LAW 2016

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*

Labour Law

LAW 2012

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)

Medical Law

LAW 2017

Ideally, medical law serves important needs in our society: it regulates properly the medical profession; it provides a reliable and effective means of investigating medical accidents; it creates an adequate and rational system of compensation for patients suffering injury; and it

gives doctors understandable guidance on those areas of medical practice of moral ethical sensitivity. This course covers in detail Irish medical law, includes a generous comparative dimension, and critically reviews the question of whether existing law meets the needs mentioned above.

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

Public International Law**LAW 2018**

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

Revenue Law**LAW 2019**

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 2005/2006

Butterworth's U.K. Tax Guide 2005/2006

Institute of Taxation Income Tax

Taxes Consolidation Act 1997

Final Year

A. Compulsory Subjects

French Legal Theory

LAW 4001

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.

Jurisprudence

LAW 3004

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.

B. Optional Subjects

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

Commercial Law

LAW 3001

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

Criminology

LAW 3002

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.

Equity**LAW 3003**

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.

Media Law**LAW 3006**

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)

Planning and Development Law

LAW 3007

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 School 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 School 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 School of Law and the School of Business.
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 2005/2006. Students should note that the business courses listed for Levels 1, 2, 3 and 4 for the academic year 2006/2007 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, 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.

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 2005/2006 onwards.

7. *Progress from Level 2 to Level 3 (and Level 3 to Level 4):*
- 7.1 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.
- 7.2 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.
8. Where a student passes an examination after more than one attempt, his or her overall mark will be the successful examination mark.

9. 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.
10. Examinations of more than two consecutive levels may not be taken at the same sitting.
11. 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.
12. A student's choice of Level 4 Mode must be made in writing at the end of the Level 3 academic year. The Mode choice is not open to change at any time. A student's choice of Level 4 Law and Business course electives must be made 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 Semester 1 electives must be made at the end of the Level 3 academic year. The number of student places in courses / offering(s) of courses is determined by the School of Business and an application to register for a course/offering does not guarantee entry into that course/offering. The elective(s) choice is not open to change at anytime. 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 School records show that the student is enrolled for the course.

13. Permission to defer examinations in Law courses must be obtained from the School 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.

14. *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 following relates to business courses. 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.

15. Students who defer examinations run the risk of encountering administrative issues such as not being eligible to register to courses at the same time as those students who complete examinations on time, timings of second offering examinations, etc. As a consequence, students are advised not to defer examinations.
16. A student may not repeat any examination that the student has already passed.
17. A maximum of 40% of the total marks available in each course may be allotted to course work.

Summary of Courses

Second Year (Level 2)

Business Studies Subjects

MIS 1002	Quantative Analysis for Business
ACC 2003	Management Accounting
ACC 2005	Financial Accounting 2
MIS 1005	Introduction to Computers and Information Systems
ECON 2208	Economics for Law and Business

Legal Studies Subjects

LAW 2501	Company Law
LAW 2505	Law of the European Union
LAW 2503	Criminal 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

Legal Studies Subjects Options

LAW 3509	Land Law
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*
LAW 3510	Commercial Law

* **not available in 2005-6**

Mode I**Business Studies Subjects**

BMGT 3003 Strategy Formulation and Implementation

4 Options*

Legal Studies Subjects

3 Options**

Mode II**Business Studies Subjects**

BMGT 3003 Strategy Formulation and Implementation

2 Options*

Legal Studies Subjects

4 Options**

LAW 4508 Minor Dissertation

Mode III**Business Studies Subjects**

BMGT 3003 Strategy Formulation and Implementation

6 Options*

Legal Studies Subjects

2 Options**

****Legal Studies 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 2 only
LAW 4510	Jurisprudence	
LAW 4512	Media Law	
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 School 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 School of Business 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

Second Year (Level 2) Business and Legal Studies

<i>Course Title:</i>	<i>Credits:</i>
Quantative Analysis for Business	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
Company Law	11.0
Criminal Law	11.0
Law of the European Union	<u>11.0</u>
Total:	60.0

Third Year (Level 3) Business and Legal Studies

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

Fourth Year (Level 4) Business and Legal Studies

1 Mode I

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

2 Mode II

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

3 Mode III

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

Syllabus of Courses for the Degree of Bachelor of Business and Legal Studies

Business Subjects

Second Year – Level 2

Quantative Analysis for Business

MIS 1002
(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.

Management Accounting

ACC 2003
(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.

Financial Accounting 2 (pre-requisite: ACC 1002)

ACC 2005
(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.

Introduction to Computers and Information Systems

MIS 1005
(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.

Economics for Law and Business

ECON 2208
(1 unit)

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

Third Year – Level 3

Business Logistics and Operations Management

BMGT 2003

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.

Finance

FIN 2004

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.

Managing Employee Relations

HRM 2003

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

Marketing

MKT 2003

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

Fourth Year – Level 4

Strategy Formulation and Implementation

BMGT 3003

This course examines the internal and external environments of the firm. Strategic options, the link between strategy and the nature of the firm and the nature of competitive advantage are examined. The implementation of strategy across firms and industries is discussed.

Fourth Year – Level 4 – Business Electives

Four business course electives are taken from courses offered in Level 3 of the Bachelor of Commerce Degree Programme. For a list of electives and their syllabus, please refer to the courses in Level 3 of the Bachelor of Commerce programme description in the *Commerce (Undergraduate Courses)* booklet.

These courses, and such other courses which may be available from time to time, will be offered at the discretion of the School of Business 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

Second Year – Level 2

Company Law

LAW 2501

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.

Criminal Law

LAW 2503

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 of the European Union

LAW 2505

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.

Third Year – Level 3

Land Law

LAW 3509

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.

Lyal: *Land Law in Ireland*

Wylie: *Irish Land Law*

Wylie: *A Casebook on Irish Land Law*

Commercial Law

LAW 3510

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

The course covers:

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

Corporate Finance Law

LAW 3502

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 rescission, 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.

Employment Law

LAW 3503

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.

Financial Services Law and Investor Protection

LAW 3508

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.

Intellectual Property Law

LAW 3505

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.

International Business Law

LAW 3506

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.

Administrative Law

LAW 4511

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.

Banking Law

LAW 4506

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*

Commercial Conflicts of Law

LAW 4501

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.

Competition Law in the European Union and Ireland

LAW 4502

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.

Environmental Law**LAW 4507**

This course comprises a comprehensive examination of environmental law, from a national, European and International perspective. Environmental Law shall provide an account of all major environmental concerns other than planning and development and the built environment. It will analyse the principles applied to environmental protection and the application of environmental law in practice, including enforcement mechanisms.

This course is taught in two parts. Part I, the first semester, is an introduction to environmental law and the principles governing it. The emphasis will be on Irish Environmental Law. Topics include sources, principles and techniques of environmental protection; national regulatory framework; structure and powers of bodies having responsibility for the environment; the Environmental Protection Agency; integrated pollution control; environmental impact assessments. The course shall examine public participation and control; the right to information; procedures; appeals and judicial review; the enforcement of environmental law; the common law and environmental remedies; personal liability of individuals; fundamental rights and environmental law.

Part II, in the second semester, will expound on the material from the Part I and will deal with European and international environmental law. The subject matter will explore how environmental law operates within European, international and national law, focusing on the core issues and case-law. It will trace the development of Community environmental law and its principles of environmental protection. It will examine the powers of Community and international institutions; the basis of European environmental law; the legislative and decision-making process; harmonization; the implementation and enforcement of Community law; Member States' duties. It will examine how the environment is dealt with in international law; seminal agreements signed by the international community. The course will deal with the substantive environmental law relating to various pollutants and media- including waste, air, water, waste, habitat and conservation concerns. It will also address business concerns and environmental law such as trade and competition law; issues of corporate responsibility and liability.

Equity**LAW 4503**

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.

Evidence

LAW 4509

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.

Jurisprudence

LAW 4510

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.

Media Law

LAW 4512

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)

Revenue Law

LAW 4505

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 2005/2006;

Butterworth's U.K. Tax Guide 2005/2006

Institution of Taxation Income Tax

Taxes Consolidation Act 1997.

Minor Dissertation

LAW 4508

Degree of Bachelor of Business and Legal Studies (European)

IFBDF0012

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. A presentation on the Erasmus/Socrates Exchange Programme will be made in the first semester. Applications should be submitted to the School at the end of the first 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 and approved by the 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. The School of Business reserve the right to inform parents/guardians or other family members if there are concerns about the safety or well being of students while abroad on approved School of Business Student Exchanges. In addition, if requested, students must respond to requests to contact their co-ordinator(s) both in UCD and in the host institution. Students must provide a suitable phone number for this purpose and should also monitor their email on a regular basis.

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 and who have not passed their examinations at the host university will be required to sit repeat examinations if offered by the host university. The School of Business also reserves the right to require students who fail Business Studies courses abroad to sit and pass equivalent or nominated courses in UCD after the student has returned to UCD. 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)

IFBDF0013

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

Course Requirements

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

Examinations and Awards

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

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

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

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