

## SCHEDULE OF MODULES FOR VISITING STUDENTS 2023-24

### SEMESTER 1

<u>Code</u>	<u>Module Name</u>	<u>ECTS</u>	<u>Examination</u>
LW4103	Administrative Law I	5	Two hour exam
LW3104	Applied Legal Theory	5	CA
LW215	Commercial Law	5	CA
LW229	Company Law I	5	Two hour exam
LW333	Comparative Competition Law	5	Two hour exam
LW228	Constitutional Law II	5	Two hour exam
LW202	Contract Law I	5	Two hour exam
LW409	Criminal Law I	5	Two hour exam
LW357	Environmental Law I	5	CA
LW3151	Equality and Law	5	CA
LW263	Equity I	5	Two hour exam
LW503	European Union Law I	5	Two hour exam
LW3130	European Human Rights Law - Systems & Themes I	5	Two hour exam
LW513	Evidence I	5	Two hour exam
LW383	Information Technology Law	5	Two hour exam
LW3127	International Protection of Human Rights I	5	Two hour exam
LW103.I	Irish Legal System	5	Two hour exam
LW212	Labour Law I	5	Two hour exam
LW225	Land Law I	5	Two hour exam

### CA – Continuous Assessment

### SEMESTER 2

<u>Code</u>	<u>Module Name</u>	<u>ECTS</u>	<u>Examination</u>
LW4104	Administrative Law II	5	Two hour exam
LW371	Alternative Dispute Resolution	5	Two hour exam
LW231	Company Law II	5	Two hour exam
LW370	Comparative Disability Law	5	Two hour exam
LW227	Constitutional Law I	5	Two hour exam
LW205	Contract Law II	5	Two hour exam
LW413	Criminal II	5	Two hour exam
LW365	Criminology	5	CA
LW232	Housing Law & Policy	5	Two hour exam
LW358	Environmental Law II	5	CA
LW265	Equity II	5	Two hour exam
LW504	European Union Law II	5	Two hour exam
LW514	Evidence II	5	Two hour exam
LW419	Health and Safety Law	5	Two hour exam
LW356	Industrial and Intellectual Property Law	5	Two hour exam
LW364	International Trade Law	5	Two hour exam
LW3119	Jurisprudence	5	Two hour exam
LW216	Labour Law II	5	Two hour exam
LW226	Land Law II	5	Two hour exam
LW3152	Law and Analytics	5	CA
LW3153	The Protection of Prisoner Rights under International Law	5	CA
LW3158	Animal Law	5	CA
*LW3128	International Protection of Human Rights II	5	Two hour exam
*LW3131	European Human Rights Law - Systems & Themes II (Module can only be taken by students who have taken Part I)	5	Two hour exam

## YEAR-LONG

<u>Code</u>	<u>Module Name</u>	<u>ECTS</u>	<u>Examination</u>
*LW323	Public International Law	10	Two hour exam
*LW3109	Tort	10	Two hour exam
*LW3150	Family and Child Law	10	Two hour exam
<b><u>*LW---</u> (only available to students visiting for the full year)</b>			

Every effort will be made to offer the modules as listed, each module may not be available every year. Modules are offered subject to availability of staff and sufficient demand. **Please note that your timetable may change during the year. The most up-to-date timetable can be found on [www.nuigalway.ie/law/timetables](http://www.nuigalway.ie/law/timetables)**

## SYLLABI OF MODULES

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**LW4103 Administrative Law I:** This module will examine the following fundamental issues in public law. (1) The courts, judicial decision-making, judicial independence and accountability. (2) The ingredients of fair decision-making, including the rule against bias and the other elements of constitutional justice. (3) Legitimate expectations. (4) The supervisory jurisdiction of the High Court by way of judicial review, including the scope of public law remedies and their discretionary nature. (5) A case study in one of the above areas.

**LW3104 Applied Legal Theory:** The objective of this course is to introduce students to the study of legal theory and to the ways in which an understanding of legal and political theory facilitates more complete understandings of the law in practice.

**LW215 Commercial Law:** Commercial law could be defined as ‘the law relating to commercial activity and transactions’, and this course examines how the law has developed to respond to the needs of business and how it facilitates commercial activity. The most important type of commercial transaction is the contract for the sale of goods and this course examines the law of sale of goods in detail while also examining the law of agency and the role of agents in commercial transactions. The course begins with an introduction to the nature and sources of commercial law. The course then deals with contracts for the sale of goods under the Sale of Goods and Supply of Services Act 1893-1980, including the scope of the legislation, the passing of property in the goods, and the implied terms in the Act relating to title, description and quality and fitness for purpose of the goods. The remedies of buyer and seller are also considered. Following this, the course will examine the law of agency, including the conceptual basis and nature of agency, the authority of the agent, the rights and duties of the agent and the termination of the agency.

**LW229 Company Law I:** This module examines the legal classification of organisations, structures for the conduct of business especially the single trader, partnership, company and the co-operative society, the formation of a company by registration under the Companies Acts, the concepts of corporate personality, limited liability and ultra vires, the law relating to the Memorandum and Articles of Association, the definition, function and legal duties of company promoters and directors, majority rule and minority rights.

**LW333 Comparative Competition Law:** The aim of the course is to familiarise students with the manner and extent to which the law operates to regulate the market behaviour of businesses, and to enquire into the validity and practical implications of such control. Systems to be studied in detail are those of the EU and Ireland with frequent comparative reference made to UK and US law. Specific topics include the concept of and perceived need for competition, historical development of competition law, the various types of market structure and behaviour subject to control; the law relating to (i) restrictive trade practices, (ii) concentrations of economic power; procedural and enforcement issues.

**LW228 Constitutional Law II:** This module examines the fundamental right guaranteed by the Irish Constitution. This includes a consideration of the doctrine of unenumerated rights developed under that instrument and the particular issues of constitutional theory that arise in relation to fundamental rights jurisprudence generally.

**LW202 & LW205 Contract I & II:** These modules examine areas of contract law such as formation, contractual terms, capacity to contract, privity of contract, agency, vitiating, discharge, remedies and restitution.

**LW409 Criminal Law I:** In this module, we will be concerned with the general principles of criminal liability. We will consider the philosophical foundations of the criminal law, and the elements of liability. The module will end with a consideration of the principal general defences.

**LW357 Environmental Law I:** This module treats the legal regime regulating planning and development in Irish Law. The Irish planning code and issues of statutory interpretation and public law arising therefrom are examined. The module looks at the institutions of planning control, the application for planning permission, participation by objectors, the appeal process and judicial review of planning decisions and compensation for refusal of development.

**LW3151 Equality and Law:** Power and privilege is essential for equality. The law is a tool by which society can more equitably distribute power and privilege. This module will explore different theories of equality and will examine the role of the law in achieving equality for various groups. It will first introduce the students to several foundational theories of equality and provide examples from domestic and international law. For example, for inclusive and substantive equality, the student will look at the United Nations Convention on the Rights of Persons with Disabilities (CRPD); for substantive equality, the students will look at the European Union Framework Employment Directive. The module will then use case studies to discuss those theories in relation to how specific legal structures impact the equality of various groups.

**LW263 Equity I:** This module deals with the historical development of Equity and equitable remedies and doctrines. Topics covered include the origins and development of Equity, the relationship between Equity and Common Law, the maxims of equity, equitable interests and equities, conflicts of legal and equitable rights, priorities and the doctrine of notice. The module will also examine the equitable remedies, including the following: perpetual, interlocutory, interim, mandatory and *quia timet* injunctions, the *Mareva* injunction and *Anton Piller* order, specific performance, rescission, rectification and declaration, tracing, promissory and proprietary estoppel. Finally, the module will examine the concepts of donatio mortis causa and constructive fraud including fraud, undue influence, unconscionable transactions and abuse of confidence.

**LW503 European Union Law I:** The module is an introduction to the role of the institutions of the European Union in promoting European integration. Consideration is given in particular to the functions of the Commission, the European Parliament, the Council and the Court of Justice. Comparative reference is made to the institutional development of other European organisations, such as the Council of Europe.

**LW3130 European Human Rights:** This module is primarily concerned with the growing body of jurisprudence emerging from the European Commission and Court of Human Rights and, to a lesser extent, the European Court of Justice, under the European Convention on Human Rights. The historical development of human rights law in Europe will be examined and consideration will be given to the status of the Convention in the domestic law of member states of the Council of Europe. Particular attention will be paid to its legal status and impact in Ireland and Northern Ireland. The case law of the Court of Human Rights will be examined in a thematic way and the various interpretative approaches adopted by the Court will be appraised critically. The European Social Charter and the increasingly significant Organisation for Security and Co-operation in Europe will also be considered.

**LW513 & LW514 Evidence I & II:** These modules will examine relevance and admissibility, similar facts, character evidence, evidence of opinion, hearsay evidence, privilege, estoppel, evidence improperly obtained, judicial notice, presumptions, witnesses, corroboration, the criminal justice (Evidence) Act 1924, the burden of proof.

**LW383 Information Technology Law:** This module examines the use of computers and other aspects of information technology in legal research and practice and in the administration of justice generally. The legal problems created by the use of such technology are also examined, such as data protection, computer crime, legal problems of Electronic Data Interchange, legal protection of interests in software, integrated circuits and other related topics.

**LW3127 International Protection of Human Rights I:** This module deals with the efforts of the international community of States to promote and to protect human rights. The strategies that the international community pursues are examined in detail in the context of a number of areas which vary somewhat each academic year, but usually include the following: civil and political rights, economic, social and cultural rights, children's rights, women's rights, the right to self-determination, and the rights of refugees. The roles of the United Nations and of number of other global organisations are discussed. In the latter part of the module, consideration is given to the taking of sanctions for human rights violations and to the influence of human rights concerns on the making of foreign policy.

**LW103.I Irish Legal System:** This module comprises a general introduction to legal study, to the sources and institutions of Irish Law and to legal method. The module covers the historical background to Irish Law and the growth of the legal system including the constitutional and legal steps leading to the creation of the Republic of Ireland and Northern Ireland. The legislative, administrative and judicial system of the Republic of Ireland is examined in detail. The module will include exercises in analysing statutes and case law.

**LW212 Labour Law I:** This module concentrates on the development of labour law and of employment rights. Key issues include the nature and terms of the employment contract, the impact of European labour provisions, institutional regulation of labour law in Ireland and the European rights. A particular focus is on equality law (including gender, race and disability discrimination in employment).

**LW225 Land Law I:** The aim of the module is to familiarise students with the principles and concepts governing ownership and use and occupation of land in the Republic of Ireland. Topics for study will include the nature of Land Law and its historical background, tenure and the doctrine of estates, the fee simple, fee tail and life estate, settlements of land, the influence of Equity, adverse possession, licences and proprietary estoppel, rights of residence, elements of Succession Law.

**LW4104 Administrative Law II:** This module will deal with more advanced public law issues including the following; (1) Procedures for applying for judicial review. (2) Tribunals of Inquiry and similar bodies, including an examination of their role and their relationship with the courts. (3) Constitutionalism: models of constitution-making. (4) The key elements of the British Constitution including parliamentary sovereignty, the rule of law, devolution, the prerogative and conventions. (5) The liability of public bodies in contract and tort.

**LW371 Alternative Dispute Resolution:** The objective of this course is to examine the expanding alternatives to court based litigation in the resolution of disputes. After a review of civil practice and procedure in the Irish courts, the course concentrates on the philosophy and methodologies of alternative dispute resolution (ADR). This includes a detailed analysis of domestic arbitration law. The course also deals with other forms of binding ADR, e.g. international commercial arbitration, mediation - arbitration (med-arb), and adjudication; as well as non-binding forms such as mediation \ conciliation and collaborative law. An important element of the course is that dealing with the principals of negotiation, in particular the Harvard Negotiation Method.

**LW231 Company Law II:** The module will examine the nature, issue, allotment and maintenance of capital; Mortgages, charges and receivership. Company membership, shares and debentures, share certificates and share transfers. The law relating to company management, administration, mergers, take-overs, monopolies, companies, capitalism and industrial democracy. The EU company law harmonisation programme. The legal process and problems of company liquidation and dissolution.

**LW370 Comparative Disability Law:** This module will deal with the law and policy affecting individuals with disabilities. It will take as its starting point an examination of the general concept of equality and its application in the field of disability. Specialist topics shall include consideration of the relevant portions of transportation law, education law, housing law, employment law and planning law. The scope of the module shall be comparative in nature and shall cover in particular the relevant UN, US, Canadian, Australian, Irish and European laws.

**LW227 Constitutional Law I:** This module examines Irish constitutional history and includes a basic introduction to constitutional theory. Its primary focus is on the 1937 Constitution as a constitutive instrument of statehood and in exploring this theme there is a detailed consideration of the doctrine of separation of powers as it applies in Ireland.

**LW413 Criminal Law II:** This module is concerned with the principal offences known to Irish law. We begin with the Inchoate Offences – Incitement, Conspiracy, and Attempts. The most serious offences – homicide, non-fatal offences, and sexual offences are then considered and the module will end with a consideration of the principal property offences and the inchoate offences.

**LW365 Criminology:** This module will deal with certain fundamental questions connected with criminal justice policy, the measurement of crime and the interpretation of criminal statistics, explanations of criminal behaviour, certain typologies of crime notably white-collar crime and sexual offending, policing, penology and sentencing practice.

**LW232 Housing Law & Policy:** This new course will explore traditional housing law areas such as mortgages, property law, landlord and tenant law, succession, family law, conveyancing, planning and standards. It will also explore new perspectives in this distinct and expanding area of Irish housing law and policy including EU law, international and European human rights law and developments in consumer rights. Of particular concern will be the relationship between law reform options and the social and other policies of the EU. The course will take into account evolving European capital markets as well as the move towards Social Inclusion and rights-based approaches emanating from the United Nations and Council of Europe.

**LW358 Environmental Law II:** This module will examine the legal aspects of a number of different sources of pollution including water pollution (inland and coastal), air pollution, waste, noise etc. The Common Law nuisance principles and the Rule in Ryland v Fletcher will be examined, as well as recent case law in this area. Recent domestic legislation (in particular the Water Pollution Act and the Air Pollution Act) as well as EC developments will be considered, particularly from the point of view of monitoring and penalties for breach. The role of environment impact assessments will also be considered.

**LW265 Equity II:** This module deals with the law relating to the institution of the trust. Topics covered include the nature and development of the trust, classification of trusts, substantive and formal requirements for valid trusts, secret and half-secret trusts, incompletely constituted trusts, presumed and automatic resulting trusts, the presumption of advancement, trusts of the family home, constructive trusts, benefits obtained by trustees and other fiduciaries, institutional and remedial constructive trusts, purpose trusts; charitable and non-charitable purpose trusts; the requirements of public benefit and of charitable intention, the beneficiary principle, rules against remoteness, the doctrine of cy-près. The office, powers and duties of trustees.

**LW504 European Union Law II:** The module deals with the substantive law of the European Union. Particular emphasis is given to the basic freedoms of Community law, the free movement of goods, the free movement of persons, the freedom of establishment, the freedom to provide services, the free movement of capital, and the free movement of payments. Consideration is also given to Union policies such as competition policy, the common agricultural policy, regional policy, industrial policy and social policy. Comparative reference is made to the policies of other European organisations, such as the Organisation for Economic Cooperation and Development.

**LW419 Health and Safety Law:** This module places Health and Safety Law in a national and international legal context providing students with an appreciation of the broad legal and policy objectives in this area. This module aims to show how on-going changes in this field affect the obligations imposed on employers both in terms of their employees and their obligations to third parties. Illustrations of health and safety negligence range from tragic cases of death and injury in industrial or manufacturing environments to income-threatening illnesses like RSI or stress in office situations. Students will address regulatory problems relating to such issues as the control of major hazards and emerging occupational health issues.

**LW356 Industrial and Intellectual Property Law:** This module will examine the legal protection granted by statute and the common law to industrial and intellectual property. It will examine patent law, copyright and trade mark law, beginning first with an examination of the economic justification for such rights and then proceeding to examine the different sections in detail. Consideration will also be given to breach of confidence and EC competition law as it bears upon intellectual property rights.



**LW364 International Trade Law:** The objective of this course is to: provide students with an introduction and a clear understanding of the foundations of international trade law. It examines the legal structure of global trade relations under the auspices of the World Trade Organization (WTO) to provide students with the tools necessary to recognise, analyse and apply WTO law.

**LW3119 Jurisprudence:** This module deals with the foundational ideas and doctrines of the Western legal order which will be compared and contrasted with those of non-Western and totalitarian legal regimes. It will be divided into three broad areas: (a) the history of western legality, constitutionalism, the rule of law, the tension between natural and positive law; (b) schools of legal thought including the historical, formalist, sociological, realist, critical legal studies, law and economics; (c) selected issues such as distributive justice, civil disobedience, law in totalitarian regimes.

**LW216 Labour Law II:** This module examines three important types of legal relationship; that between an employee and his/her employer, that between a trade union and an employer, and the relationship between an individual trade union member and the union itself. Particular consideration will be paid to important legislative developments in the areas of the parental rights of employees, occupational health and safety, unfair dismissals, transfers of undertakings and industrial relations law. The module will also examine the increasingly important role of the European Union in this area of law as well as the emergence of key principles of domestic constitutional law relevant to employment. The module will also examine the issue of collective labour law, freedom of association and the law relation to trade disputes.

**LW226 Land Law II:** The aim of this module is to familiarise students with principles and concepts governing ownership and use and occupation of land in the Republic of Ireland. Topics for study will include registration of title, registration of deeds, incorporeal hereditaments, covenants, future interests, co-ownership, family property, mortgages, including judgment mortgages.

**LW3152 Law and Analytics:** Lawyers and technologists are now using software tools as a means of analysing legal information, including case law, legislation, and practice data. This module explores the use of analytics for and by lawyers. Incorporating insights from the use of analytics in other disciplines, and decades of experience in the development of business information systems, it provides students with an opportunity to develop critical perspectives on the appropriateness of legal analytics in different contexts while also building their practical data management and analysis skills through hands-on projects.

**LW3153 The Protection of Prisoner Rights under International Law:** This course is designed to provide students interested in prisons and human rights with insights into how international law protects prisoners, and how it might better do so. Students will explore and compare the legal standards governing prison regimes developed by UN and regional human rights systems. They will examine how these standards have become specialised to better address the specific needs of particular categories of prisoners. To understand how effective these rights are in practice, students will analyse the systems used to oversee prisoners' rights at the UN, regional and domestic levels. Students will analyse how rights evolve through discussions of the revision of global and regional soft law and the development of social, economic and cultural rights for prisoners. Finally, students will explore how rights are applied in (or to prevent) specific custodial scenarios – arbitrary detention and death row. Throughout the course and during the final lecture in particular, students will develop their critical legal writing skills.

**LW3158 Animal Law:** The aim of this module is to give students an understanding of law relating to animals in context. It will cover both animal welfare and animal rights. Students will become familiar with Irish legislation, the Animal Health and Welfare Act 2013, which governs the area in Ireland along with its legislative predecessors and relevant case law. It will also cover UK law for comparative purposes and European law. It will consider the status of animals in their historical context and in the contemporary world, engaging with ethical and political debates on the treatment of different animals as farm animals, companion animals, wild animals, and so on. Students will gain an appreciation of the historical, theoretical and global setting of animal law. The emergence of technological innovations such as the creation of human-animal hybrids will be studied as a means to interrogate the manner in which animals are used in comparison with humans. The emergence of debates on personhood for animals and court cases in the Americas and other jurisdictions shall be scrutinised. By the end of the module students will have gained a knowledge of literature and arguments in law and in other disciplines, such as philosophy, where appropriate.

**\*LW3128 International Protection of Human Rights II:** This module builds upon *International Protection of Human Rights I*. It introduces students to discrete but related areas of public international law such as international criminal law, international humanitarian law and international refugee law; to various regional human rights systems (Africa and Europe) and select countries with particular human rights problems (Palestine and Colombia); to several critical perspectives on international human rights law, such as feminism and Third World Approaches to International Law (TWAIL); and to selected substantive issues of increasing concern globally, such as the rights of trafficked persons, accountability for human rights violations caused by businesses and human rights and climate change. The module gives students the opportunity to gain further insight into human rights law systems, norms, theories and approaches to practice. The module is intended to broaden students' awareness of the diversity and malleability of international human rights law, and to increase their appetite for and skills in independent research and reflection.

**\*LW3131 European Human Rights Law - Systems & Themes II.** This module, taught over two semesters, will examine the European Union and Council of Europe systems for protecting fundamental and human rights with a particular focus on the doctrine of the Court of Justice of the European Union and the European Court of Human Rights. The module will consider how both supranational systems co-exist and, also, how they co-exist with national legal systems with a particular focus on their impact in Ireland. It will analyse the case law of both courts under the Charter and Convention on a thematic basis clustering substantive provisions of both instruments under the following broad headings:

Human Dignity, Integrity of the Person and the Right to Life

Privacy and Family Life

Due Process and related rights

Freedoms (including Expression, Assembly, Manifestation of Religious Belief, Commercial Freedoms etc.)

Equality and Non-Discrimination

Property rights

Socio-economic rights

**\*(Module can only be taken by students who have taken Part I):**

**LW3150 Family and Child Law:** The objective of this course is to examine the role of law in regulating family life in Ireland. The first semester of the course focuses on marriage, marriage equality, marital breakdown, civil partnership, cohabitants' rights, ancillary orders & domestic violence. The second semester focuses on the rights of children, and family issues concerning children, including adoption, child protection, guardianship, custody, access and the legal position of children born through donor-assisted human reproduction (DAHR) and surrogacy.

**LW323 Public International Law:** The module is an introduction to the basic legal rules of the international political system. The issues discussed include the problem of rule-making in the international system, the recognition of States and Governments, the rules relating to jurisdiction and current disputes over extraterritorial jurisdiction, human rights and self-determination, the acquisition and loss of State territory, the law of the sea and of air and outer space, the law of treaties, the use of force, and rules relating to State liability for wrongful actions such as liability for acid rain. A number of case studies will deal with topics of particular contemporary interest. The final section of the module is a consideration of the extent to which rules of international law can be said to constrain State behaviour.

**LW3109 Tort:** The aim of this module is to give students a firm grasp of the principles governing the law of torts and to examine in detail a number of selected torts. While the primary focus will be on the law of torts in Ireland, frequent reference will be made to other common law jurisdictions where many of the legal principles governing this area have been derived. Following a brief introduction, the fundamental principles of causation and remoteness will be examined. The remainder of the module will be dedicated to an examination of selected torts, including those of trespass, negligence, liability (vicarious, employers and occupiers), nuisance and defamation. The module will conclude with an examination of defences and remedies.