

LEVEL 3

October-June: 250 hrs.: 100 hrs. compulsory class attendance; 150 hrs. independent study time: = 10 ECTS/20 UK credits

1. CONTRACT (III)*

1.1 REVISION (I) AND (II)

- 1.2 Analysis and interpretation of contractual clauses
- 1.3 Remedies (compensatory, liquidated, punitive, nominal), equitable remedies (specific performance, injunction, restitution)
- 1.4 Rescission
- 1.5 Reformation
- 1.6 Assignment (non-assignable rights, by operation of law)
- 1.7 Agency (capacity to be an agent, creation, effects, commercial agents)
- 1.8 Third parties (privity of contract, Contracts (Rights of Third Parties) Act 1999, third parties and negligence, exemption, Himalaya' clause)
- 1.9 Contracts with the consumer: unfair contracts terms, Consumer Rights Act 2015 (Sale of Goods Act 1979, 'distance contracts', Consumer Contracts (Information, Cancellation, Additional Charges) Regulations 2013 ("Consumer Contract Regulations 2013"), application to lawyer-client retainers.

2. CIVIL LITIGATION, PRACTICE AND PROCEDURE (III)

Case Study: Anthony v. Cleopatra continued

2.1 REVISION (II)

- 2.2 Disclosure (inspection, strategy)
- 2.3 Applications (CPR Part 23)
- 2.4 Summary judgment (Part 24), striking out (CPR Part3 & 24)
- 2.5 Requests for further information (CPR Part 18)
- 2.6 Admissions (CPR Part 14)
- 2.7 Interim remedies and security for costs (CPR Part 25)
- 2.8 Offers to settle (CPR PART 36), 'Calderbank' offers
- 2.9 Case management and directions (CPR Part 3)
- 2.10 Evidence overview (CPR Part 32), testing evidence with cross examination
- 2.11 Preparing 'bundles'
- 2.12 Trial (the road map), judgment, appeal, enforcement

3. CRIMINAL LAW (II)*

3.1 REVISION (I)

- 3.2 Role of police, charge, prosecution, courts, sentences, prisons, bail, report, compensation, minors' rights
- 3.3 Categories of crimes (offences against the person, sexual offences, public order offences, offences against property, forgery, personation, cheating)
- 3.4 Specific offences; Homicide (murder, manslaughter [voluntary manslaughter, manslaughter by gross negligence, corporate manslaughter])
- 3.5 Non-fatal offences against the person (assault, battery, consent, ss18, 20 and 47- Offences against the Person Act 1861)
- 3.6 Theft and related offences (Theft Act 1968, theft, robbery, making off without payment, burglary, aggravated burglary, blackmail, handling stolen goods)
- 3.7 Fraud (Fraud Act 2006, fraud by false representation, fraud by failing to disclose information, fraud by abuse of position, obtaining services dishonestly, possession of articles for fraud)
Damage to property (Criminal Damage Act 1971, destroying or damaging property, destroying or damaging property with intent endanger life, arson)

4. FAMILY LAW (II)

4.1 REVISION (I)

- 4.2 Parents and the rights of children

- 4.3 Children in care (foster parents, adoption)
- 4.4 Human Rights Act 1998 (family law, divorce, children)
- 4.5 Families and the elderly

5. BUSINESS, COMPANY AND TAX LAW (II)

- 5.1 **REVISION (I)**
- 5.2 UK Corporate Governance Code
- 5.3 European directives
- 5.4 Financial Services and Markets Act 2000
- 5.5 History and principles of taxation
- 5.6 Connecting factors (residence, domicile, nationality)
- 5.7 Personal taxation
- 5.8 Business taxation
- 5.9 Sales taxes and duties
- 5.10 Double taxation (principles, conventions, effect)

6. LAW OF PROPERTY (I)*

- 6.1 What is land? What is property? (movable, immovable, real, personal)
- 6.2 Protocol 1 Art.1 of the European Convention on Human Rights
- 6.3 Title (freehold/fee simple, leasehold, tenancy, legal interest, equitable interest)
- 6.4 Adverse possession: (factual possession, intention to possess, without owner's consent, *nec clam, nec vi, nec precario*), fee simple title, difference with prescriptive easement
- 6.5 Distinguishing rights to occupy and use (lease and licence)
- 6.6 Requirements for a valid deed and valid contract in relation to land (s.40 Law of Property Act 1925, s.2 Law of Property (Miscellaneous Provisions) Act 1989, for new interests in land, sale, transfer, lease, mortgage)
- 6.7 Unregistered land: role of title deeds, law to protect interests, registration of land charges, doctrine of Notice
- 6.8 Registered land: estates which are registrable, protecting interests, interests that override registration, interests that need to be protected by entry on the Register
- 6.9 Leasehold: formalities for creating a lease, landlord and tenant covenants, effect of assignments and sub-lettings, termination of lease
- 6.10 Public Rights and Access
- 6.11 Trust Property

7. CONSTITUTIONAL AND ADMINISTRATIVE LAW*

- 7.1 What constitution?
- 7.2 The rule of law: definition, key concepts, legal status, twin pillars of the British Constitution (rule of law, parliamentary sovereignty – A.V. Dicey, 1885), Magna Carta 1215
- 7.3 Separation of powers and core institutions: parliament, cabinet and central government, judiciary, crown, the people, checks and balances
- 7.4 Interaction between crown prerogative and parliament
- 7.5 Legislation (enactment and repeal), devolution (nature, status)
- 7.6 Government power: accountability to parliament, collective and individual ministerial responsibility
- 7.7 Police and public order: breach of the peace, Public Order Act 1986, Public Order Act offences, processions and assemblies
- 7.8 Human Rights Act: civil liberties, interaction with European Convention on Human Rights (Rome 1950)
- 7.9 Judicial Review: illegality (wrong person, unlawful sub-delegation, error of law or fact, *ultra vires*, relevant/irrelevant considerations, fettering discretion); irrationality (proportionality); procedural Impropriety (statutory procedures, breach of natural justice, bias, no fair hearing, no reasons given); legitimate expectation; additional grounds, CPR Part 54
- 7.10 The Administrative Court
- 7.11 European Communities Act 1972, Brexit, repeal Bill

- 7.12 Relationship EU law and national law (*The Factortame Case*), remedies for breach of EU law
- 7.13 Colonies
- 7.14 Constitutional Reform Act 2006
- 7.15 Constitutional and Reform and Governance Act 2010
- 7.16 Parliamentary Voting and Constituencies Act 2011
- 7.17 Trade unions

8. COMMERCIAL LAW (I)

- 8.1 Sale of Goods and Services: legislation, business to business and consumer to consumer contracts (Supply of Goods (Implied Terms) Act 1973, Sale of Goods Act 1979, Sale and Supply of Goods Act 1994, Supply of Goods and Services Act 1982, Unfair Contract Terms Act 1977; 'consumer contracts' (trader supplying consumer), Consumer Rights Act 2015
- 8.2 Representations
- 8.3 Terms and guaranties
- 8.4 Seller's obligations: title, quality, quantity
- 8.5 Buyer's obligations: acceptance, payment,
- 8.6 Transfer of property: Non-specific Goods, Specific Goods
- 8.7 Reservation of right of disposal
- 8.8 Remedies and compensation
- 8.9 The 'Four Freedoms' and effect on commerce
- 8.10 EU free movement of goods (customs duties and charges (articles 20-30 Treaty on the Functioning of the European Union – TFEU), discriminatory taxation (direct and indirect discrimination, non-tariff barriers to trade (quantitative restrictions, selling arrangements, derogation), objective justification (article 110 TFEU, ECJ 20 February 1979 ('Cassis de Dijon Case' 120/78), measures having an effect equivalent to quantitative restrictions – MEQR's)
- 8.11 EU free Movement of citizens (workers, self employed, economically inactive and their families, equal treatment and access to employment, article 45 TFEU
- 8.12 EU free movement of capital (TFEU articles 63-66, what are they? Annex 1 Directive 88/361/EEC, definition types of capital movement, when and why liberalised)
- 8.13 EU right of establishment and freedom to provide services (TFEU articles 49 and 56, Directive 2006/123)
- 8.14 Competition law (art. 101-102 TFEU, agreements restricting competition, horizontal and vertical agreements, cartels [price fixing, market sharing], exceptions, abuse of dominant position [unfair pricing, limiting production, refusing to innovate to the prejudice of consumers, Commissions powers of investigation, imposition of fines, rules of procedure Council Regulation (EC) 1/2003, key factors, checks and balances, national competition authorities, application of art. 101-102

9. EQUITY & TRUSTS (I)*

- 9.1 What are trusts
- 9.2 Reason for trusts
- 9.3 Property in trust
- 9.4 Settlor, trustee, beneficiary
- 9.5 Types of trust
- 9.6 Creation and requirements of express trusts (intention to create, subject matter, certainty of objectives)
- 9.7 Formalities for an express *inter vivos* trust
- 9.8 Constitution of express *inter vivos* trust (transfers to trustees, declaration of self as a trustee)
- 9.9 Resulting trusts (how they arise, when presumed)
- 9.10 Half secret and secret trusts (creation)
- 9.11 Trusts and the family house, establishment of a constructive trust (legal title in name of both parties, sole party, express declaration and agreement as to equitable ownership, direct and indirect contribution, evaluating share of each party)
- 9.12 Equitable remedies (nature of, types of injunction, principles applicable to interim injunctions)
- 9.13 "Equity will not assist the volunteer"
- 9.14 Tax Implications of trusts

10. WORKSHOPS: PRACTICE COMPETENCIES AND TRANSFERABLE SKILLS

Exercises and assessments for practice competencies in Subjects 1-9 including correspondence updating client, in- tray tests, Watson-Glaser tests, submitting an application, giving written legal advice, preparing bundles for trial, skeleton arguments, addressing the Court properly, opening speeches, introducing a case to the court in support of a submission in argument, working on language and voice skills, setting up a private limited company, registering a trade mark, buying a house (firm projects and student teaching)