

# ENGLISH LAW STUDIES (ELS) PROGRAMME (2016-2017) Appendix 4

## LEVEL 4

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

### 1. CONTRACT (IV)\*

#### 1.1 REVISION (I), (II) and (III)

1.2 Unjust enrichment failure of consideration, void contracts, *quantum meruit*, provision for remuneration (express, condition, no express condition)

1.3 Damages (types of loss, remoteness, measure, mitigation)

1.4 Interpretation and drafting

### 2. CIVIL LITIGATION, PRACTICE AND PROCEDURE (IV)

#### 2.1 REVISION (I), (II) and (III)

2.2 Case Study Anthony v. Cleopatra reviewed

2.3 Confidentiality, legal professional privilege. litigation privilege, inter-relationship (no blank cheque for secrecy)

2.4 Dealing with conflicts of interest

2.5 Expert evidence

2.6 Costs (principles)

2.7 Application for Summary Judgment (when and how)

2.8 Arbitration (New York Convention 1958, Uncitral Arbitration Rules 1976 – revised, Arbitration Act 1996)

2.9 Alternative dispute resolution, negotiation (between lawyers, ‘at the door of the Court’, conciliation/mediation, ombudsman, consumer groups)

2.10 Conventions, protocols and principles

2.11 Transnational business litigation issues

### 3. FAMILY LAW (III)

#### 3.1 REVISION (I) and (II)

3.2 Matrimonial Causes Act 1973 and other legislation

3.3 Children and families Act 2014

3.4 Financial arrangements

3.5 Civil partnership

3.6 Domestic violence

3.7 Not uncommon transnational scenarios

### 4. BUSINESS, COMPANY AND TAX LAW (III)

#### 4.1 REVISION (I) and (II)

4.2 Insolvencies and liquidations (Insolvency Act 1986)

4.3 Financial Services Act 2012

4.4 Corporate financing

4.5 Merger

4.6 Acquisition

4.7 Market regulation

4.8 Taxation: international aspects (double taxation agreements)

4.9 Corporate rescue and liquidations

### 5. LAW OF PROPERTY (II)\*

#### 5.1 REVISION (I)

5.2 Co-ownership (trusts of land, legal and equitable title to land, difference between joint tenancies and tenancies in common, method of severance of joint tenancies in equity, solving disagreements between co-owners (ss. 14 & 15 Trusts of Land and Appointment of Trustee Act 1996))

5.3 Servitudes, easements and profits (characteristics of easements, creation of easements and profits, express, implied and prescriptive easements)

5.4 Covenants (freehold, leasehold, positive, negative), enforceability of covenants (original parties, successors in title), running of the benefit and the burden

- 5.5 Mortgages (legal and equitable); creation, registration, cancellation, enforcement, protection of mortgages, equity of redemption
- 5.6 Buying and selling a property, the contract, the 'conveyance'
- 5.7 Equitable obligations

## **6. COMMERCIAL LAW (II)**

- 6.1 **REVISION (I) and (II)**
- 6.2 Product liability
- 6.3 ICC terms
- 6.4 Vehicles for foreign trade (subsidiary, branch, agent, representative, distributor)
- 6.5 Transport law

## **7. EQUITY AND TRUST (II)\***

- 7.1 **REVISION (I)**
- 7.2 Charitable trusts: doctrine of *cy pres*, definition of 'charity' [Charities Act 2011], heads of charitable purpose, establishing 'public benefit' under principles 1 and 2
- 7.3 Non-charitable purpose trusts: the beneficiary principle, exceptional cases where purpose trusts can be upheld, unincorporated associations
- 7.4 The fiduciary relationship and its obligations: duty not to profit from fiduciary position, trustees not to purchase trust property, fiduciary not to put himself in a position of conflict between duty and personal interest
- 7.5 Strangers as constructive trustees: accountable as constructive trustees, establishing recipient liability, establishing accessory liability
- 7.6 Who can be a trustee: appointment, removal and retirement, duty of care, duty to invest (powers in relation to investment), trustee's statutory powers of maintenance and advancement
- 7.7 Trustee's liability: breach of trust, measure of liability, protection of trustees, limitation period
- 7.8 Tracing trust property in equity: establishing the right to trace, mixed and unmixed funds, the personal action in Diplock (unjust enrichment, tracing)
- 7.9 Equitable remedies: nature of equitable remedies, types of injunction, principles applicable to the issue of interim injunctions

## **8. FINANCIAL SERVICES AND MONEY LAUNDERING**

- 8.1 What is money laundering and when is it happening
- 8.2 Recognising the signs
- 8.3 What to do and when
- 8.4 Proceeds of Crime Act 2002 (POCA)
- 8.5 Confiscation
- 8.6 Penalties
- 8.7 Financial services regulation (purpose, scope)
- 8.8 Framework of financial regulation, application to lawyers
- 8.9 Financial services issues: specified investments, specific activities, exemptions
- 8.10 Sources of relevant information

## **9. EMPLOYMENT LAW**

- 9.1 Introductory topics
- 9.2 Employment contracts
- 9.3 Protected rights
- 9.4 Discipline and dismissal
- 9.5 Redundancy
- 9.6 Unfair dismissal
- 9.7 ACAS, Employment Tribunal

## **10. INTELLECTUAL PROPERTY LAW**

- 10.1 What is intellectual property (IP): 'creations of the mind'

- 10.2 Why protect it: Article 27 of the Universal Declaration of Human Rights,
- 10.3 Types of IP: copyright, patents, trademarks, industrial designs, geographical indications
- 10.4 Copyright, Designs and Patents Act 1988, The Berne Convention, 2004 (amended 2011)
- 10.5 Copyright: categories (literary, dramatic, musical, artistic, typographical arrangement published editions, sound recording, film), duration
- 10.6 World Intellectual Property Organisation (WIPO), UK Copyright Service, UK Intellectual Property Office
- 10.7 Trademarks: Trademarks Act 1994, Madrid Protocol – WIPO, international application, Regulation (EC) No 40/94 of 20 December 1993 on the Community Trade Mark, Community Trade Marks (CTM) Regulation 207/2009/EC
- 10.8 Stopping trademark infringement, jurisdiction (Brussels Regulation 44/2001/EC, CTM Art. 97(5))

## **11. WORKSHOPS: PRACTICE COMPETENCIES AND TRANSFERABLE SKILLS**

Exercises and assessments relating to practice competencies in subjects 1-10 including: drafting witness statements and affidavits, examination in chief, cross-examination, re-examination (practice techniques), closing speeches, advising on risks, negotiation (contentious/non-contentious), negotiating techniques (listening, questioning, exploring alternatives, negotiating styles, documenting conclusions, closing a file, familiarising with standard forms, drafting contracts