



SCHOOL OF LAW

DESCRIPTION OF MASTERS MODULES

- **Bilingualism in Wales and other European Countries**
- **Comparative Corporate Governance**
- **Competition Law**
- **Consumer Law**
- **Credit and Security Law**
- **Employment Law**
- **European Union Internal Market Law**
- **Industrial Property Law**
- **Intellectual Property Law**
- **International Banking Law and Capital Markets**
- **International Commercial Arbitration Law**
- **International Corporate Finance Law and Merger Regulation Law**
- **International Environmental Law**
- **International Financial Instruments Law**
- **International Insurance Law**
- **International Sales Law**
- **International Taxation Law**
- **Law of Devolution in Wales and Europe**
- **Legal Research Methods**
- **Public Law in Wales**
- **Shipping and Maritime Commerce Law**
- **The Legal Regulation of Health and Social Care in England and Wales**
- **World Trade Law**

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BILINGUALISM IN WALES AND OTHER EUROPEAN COUNTRIES *

This module examines the legal provisions for promoting and protecting the Welsh language within Wales and the linguistic rights of speakers of minority languages in other European countries and regions. The module will:

- assess the historical development and promotion of the rights and protection offered to the minority languages in question
- consider the reasons for choosing to promote and protect the minority languages
- consider the way they have been protected
- assess the benefits and problems to which those methods have given rise, together with attempted or postulated solutions to those problems

- consider what is the actual and potential impact of membership of the European Union and adherence to the Council of Europe's Charter for Regional or Minority Languages

* Commencing September 2009

COMPARATIVE CORPORATE GOVERNANCE

In the light of world- wide scandals and subsequent government and public loss of confidence in the financial markets, the reform of corporate governance is recognised to be of central importance to effective business management and development. This module should thus appeal to all those engaged in corporate management and particularly to those managers or lawyers contemplating new business ventures.

Although the initial focus will be on the law of the UK, a comparative approach will be adopted and encouraged and consideration will be given to materials from the US, Commonwealth Countries, other European Union Member States, East Asia and China. The broad intention is to provide a road map for international corporate governance and to promote examples of good practice based on appropriate international case studies.

COMPETITION LAW

The module will consider the theory of competition, comparative competition law regimes:

- UK competition law in relation to monopolies, mergers, restrictive practices and price-fixing cartels
- EU competition law in particular Articles 81 & 82 EU Treaty
- restrictive practices
- vertical and horizontal restraints and abuse of a dominant position
- competition litigation and enforcement,
- the inter-relationship of competition and intellectual property law
- EU Merger Control Regulation.
- EU regulation of state aids.

CONSUMER LAW

Increasingly managers operate in an environment where they must be very conscious of the regulation of the supply of goods and services to consumers as huge costs can arise if there are failures. This module will focus on the main areas of legal liability and the pitfalls that can arise if an organisation does not comply with the relevant consumer protection rules both in the UK and Europe. Specific areas include:

- the legal regulation of advertising and unfair trading and marketing practices
- the consumer sale contract in relation to goods and services, consumer product safety regulation, food safety law
- producers' liability for defective products
- the enforcement of consumer legislation, in particular the work of the Office of Fair Trading
- examination of consumer credit
- a review of EU consumer policy and consumer action plans.

CREDIT AND SECURITY LAW

The supply of credit is the lifeblood of industry but of course a lender will require security. This course will examine in detail the provisions relating to the regulation of the supply of credit to consumers and business. Specific topics include:

- the provision of credit to consumers - the Consumer Credit Acts 1974 & 2006, the EU Consumer Credit Directive and attempts to create a single European market in credit – issues examined will include the licensing and regulation of credit grantors, truth in lending, information and content of agreements, cancellation rights, joint liability of retailers and creditors, consumer debt and enforcement of credit agreements and regulation of unfair credit transactions;
- the main forms of credit transactions and contracts used in the provision of credit to businesses
- the legal regulation and impact of the main forms of security provided – proprietary securities, security over intangibles e.g. intellectual property and non-proprietary securities and ‘quasi-securities’ such as retention of title clauses in contracts for the supply of goods
- securities provided by companies e.g. fixed and floating charges and the impact if these are not properly registered under companies legislation
- the impact of the granting of security on third party lenders and the impact of insolvency and priority claims if the borrower becomes insolvent.

EMPLOYMENT LAW

Modern Employment Law is both complex and imposes major compliance costs on employers if broken. This course will focus on the main issues of employment law:

- the difference between employees and independent contractors
- the contract of employment
- core employee rights
- minimum wage legislation
- trade union representation and rights – including the regulation of industrial action
- the closed shop
- freedom of movement of workers within the EU
- the operation of the employment tribunal system and the rules relating to unfair dismissal and proscribed forms of discrimination against employees on grounds of sex, sexual orientation, age, disability and racial origin etc
- the regulation of employee safety - the main principles of health and safety legislation and the rules in criminal prosecutions for corporate manslaughter.

EUROPEAN UNION INTERNAL MARKET LAW

The European Union is now one of the most powerful trading blocs in the world. This module examines the main body of legal principles which underpin the creation of the Internal Market. This will demonstrate the key role played by the European Commission in ensuring that the Common Market came to fruition, and the role of the European Court of Justice jurisprudence in ensuring that EU Member States respected their obligations under the EC Treaty. The course will concentrate on the following areas:

- Customs Duties - the extent to which EC law prevents Member States levying charges on goods when they cross from one Member State to another.
- Internal Taxation - the limits to which a Member State can use National Taxation regimes to discriminate against imports from other Member States
- Goods - how the Jurisprudence of the European Court of Justice has forced Member States to abolish quantitative restrictions on the movement of goods between Member States
- Services - how EC law has impacted on the provision of services between Member State
- Establishment - how EC law has facilitated the establishment of companies to establish secondary bases of operations in other Member State without discrimination

INDUSTRIAL PROPERTY LAW

The course will consist of seminars relating to the history and development of industrial property law in a UK, EU and international context. Seminars on the law relating to trade secrets, the registration of patents, the rights of the patent owner, infringing acts and defences to a patent infringement action. The legal remedies provided to a patent owner and the treatment of biotechnological patents. The protection of original designs of products – including artistic copyright, the UK unregistered design right and the EU registered and unregistered design rights. The law of passing-off, unfair competition and protection of geographical indications. The registration of trade marks, absolute and relative grounds of objection, trade mark infringement actions, defences, remedies and problems posed by parallel importing and the ‘grey market’.

INTELLECTUAL PROPERTY LAW

The course will consist of seminars on the fundamentals of intellectual property law, the definition and scope of copyright; the authorship, ownership, duration and qualification for copyright protection. The rights of copyright owners and actions for infringement of copyright and the defences to an infringement action. The course will also consider the civil, criminal and administrative remedies available to a copyright owner for breach of copyright. The non-economic rights of authors or ‘moral rights’. The protection of performers rights, including both economic and moral rights. The exploitation of copyright works, including both the individual and collective licensing of such works and the assignment of such works. The work of the Copyright Tribunal – its jurisdiction and decisions. The interaction between the quasi-monopoly rights conferred by copyright law and the operation of UK and EU competition law. The control and regulation of unconscionable music contracts in the entertainment industry.

INTERNATIONAL BANKING LAW and CAPITAL MARKETS

This module will provide students with a sound understanding of the law and practice of modern international banking. It will examine the legal framework of international banking and related legal issues and consider current trends in international and UK banking. There will be detailed analysis of the regulation and prudential supervision of banks in the UK and EU, with emphasis on capital adequacy and assessment of

banking risks, and the use of prudential techniques in risk management. International banking facilities will be examined, with particular reference to syndicated loans, security interests and lender liability. Students will also gain an appreciation of the main features of international capital markets, focusing on international bond issues. The international banking industry will be discussed in the wider context considering important contemporary issues such as money laundering and issues of environmental and social responsibility and the ramifications of the so-called 'credit crunch' crisis in 2007-08..

INTERNATIONAL COMMERCIAL ARBITRATION LAW

The module is divided into three parts:

- the theoretical and institutional structure of arbitration - a historical overview and a comparative analysis of arbitration and litigation
- an examination of the legal framework within which arbitral disputes are resolved - specific aspects of international commercial arbitration such as the 1958 New York Convention on the Recognition and Enforcement of Arbitral Awards, the extent and timing of judicial review of awards, grounds for refusing recognition or enforcement of awards, and interim measures of protection
- a review of the principles and practices of international commercial arbitration - recent developments in international commercial arbitration, the emergence of converging arbitral rules an overview of the arbitral institutions in China, Hong Kong and Japan

INTERNATIONAL CORPORATE FINANCE LAW AND MERGER REGULATION LAW

This module focuses on the study of leading caselaw and selected legislation from several common law countries such as the USA, Britain, Ireland, and Canada, Australia and New Zealand and other appropriate examples from China, India and civil law jurisdictions as well as relevant European Union laws pertinent to the main legal frameworks applicable in the following areas:

- Debt Subordination
- Debt Factoring
- Conceptual Problems with using Corporate Books Debts as Security for corporate loans
- Insider Dealing & Market Manipulation
- Stock Exchange – the Single Passport regime for EU-wide capital raising
- The European Merger Regulation for large European mergers
- The United States Merger regime

INTERNATIONAL ENVIRONMENTAL LAW

Environmental problems transcend national boundaries and require concerted international action. Yet in the main, enforceable legal regulation can be delivered only through national legal systems which may diverge in terms of concepts values, methods and priorities. Such international norms that have developed are often regarded as vague, evasive and sometimes contradictory. Moreover environmental concerns raised by states or businesses are also sometimes are sometimes regarded as a cloak for other objectives such as competitive advantage. There are

also wider ethical concerns centring upon whether environmental policies should be concerned only with human welfare.

This module will provide an introduction to the main internationally recognised environmental principles and concepts. This will be followed by selective studies of particular areas of concern. These are intended to exemplify the way in which the international principles are converted (or not) into European and national law. Main topics include:

- The nature of international environmental norms.
- Environmental Values and Ethics
- Sustainable development
- The precautionary principle
- The polluter pays principle
- Environmental rights
- Environmental liability
- Nature conservation and biodiversity
- Integrated pollution prevention and control
- A special topic to be chosen and researched by the student and presented to the group, e.g. GMOs.

INTERNATIONAL FINANCIAL INSTRUMENTS LAW

This course will examine the often complex contractual and security documents used in major financial transactions such as syndicated loans and project finance. A comparative approach will be taken and there will be particular emphasis on transactions involving business in various jurisdictions. There will be an examination of the detailed covenants, borrowing restrictions etc insisted on by the lenders; typical security requirements, choice of law and forum clauses; arbitration and alternative dispute resolution procedures; limitation of liability clauses; liquidated damages clauses and entire contract clauses. Precedent agreements will be examined and best practice in drafting such contracts and securities will be examined.

INTERNATIONAL INSURANCE LAW

Insurance plays a very important role in the world of commerce and is one of the methods used to manage risk. Insurance contracts are governed by the rules of general law of contract and the module will explore the nature and scope of the contract of insurance, evaluate its salient features, consider the general principles of insurance, and examine the relationships between the parties to the contract. The module also involves the examination of the statutes (MIA 1906) and common law of insurance, and considers in detail the key elements of insurance: the fundamental principles of insurable interest, utmost good faith (disclosure and representations), subrogation, assignment and contribution and the principles of indemnity (for non-life insurance). In addition, the module examines the formation of insurance contracts; the terms of contract; construction and causation; claims under policy; different types of insurance (property, life, liability and motor insurance etc), and insurance intermediaries. The recent development of the case law and reform on Insurance Law are also discussed.

INTERNATIONAL SALES LAW

International Sales Law is concerned with the law of sale of goods of a cross-border kind. The main focus of the course is to examine the legal relationship between parties who sell and buy goods from each other. The course will commence with a brief introduction to the international sales law. The Sale of Goods Act 1979 and its relevance to international sale contracts will be examined, in particular implied terms and the passing of risk and property. The various sales contracts under Incoterms and case law, i.e. CIF, FOB are to be examined, with particular focuses on flexibility of FOB contracts and the importance of documents in CIF contracts under common law. Agents play an important role in international sale of goods. So an outline of the roles of agents and their impact on international sale are also considered.

INTERNATIONAL TAXATION LAW

International Income Taxation involves the study of the basic principles of income taxation of international transactions involving taxpayers of several European countries (including the United Kingdom, the Netherlands, France, Germany, Ireland), the United States, Australia, Canada and Japan. The course of study includes:

- The jurisdictional nexus used by the various countries to impose income taxation on international transactions
- The determination of the tax base in the various countries examined for the imposition of the income tax
- Comparative analysis of the various source rules used by the various countries studied
- The methods used by several countries examined to provide relief from double taxation of international transactions
- An overview of the transfer-pricing rules used in the various countries

The module will provide the student with an examination of the representative legal regimes in the area of international income taxation, through an integrated study of its theoretical and practical aspects. It will also provide the student with an appreciation of how different source rules, different methods to mitigate double taxation and different transfer pricing rules influence decisions in the international trade area. Students will have the opportunity to explore new international tax policy issues that can foster international trade.

LEGAL RESEARCH METHODS

This semester one module is compulsory for all LLM degrees and aims to develop legal and research skills required for the study of legal systems and legal issues at Masters Level.

Part 1 deals with the process of undertaking legal research both nationally and in the context of EC law, ECHR jurisprudence and international law. This covers legal sources, statutory interpretation, hierarchies of authority, law as social history and critical legal theory. It will include a focus on developing comparative legal study techniques and on the distinctions between common law and civil law systems.

Part 2 will provide guidance on the practical aspects of undertaking legal research i.e. include developing critique techniques, making oral presentations of a legal

argument. Students will also be encouraged to develop skills in writing legal arguments in a critical and evaluative manner.

LAW OF DEVOLUTION IN WALES AND EUROPE

This module will examine the legal provisions relating to the devolved legislative, administrative and judicial administrations in Wales, the United Kingdom and in other European regions and nations, with particular reference to the Welsh Assembly Government and the National Assembly for Wales. It will assess

- the reasons for devolution in several European countries
- the manner in which it has been achieved
- the benefits and problems to which it has given rise, together with attempted or postulated solutions to those problems
- whether there is, or can be, a universal model for devolution in Europe will be considered.

THE LEGAL REGULATION OF HEALTH AND SOCIAL CARE IN ENGLAND AND WALES

The legal distinction between health care and social care is unclear, with no clear separation between the responsibilities of social service authorities to provide care services on the one hand and to provide health services on the other. Clients and patients are required to negotiate services resulting in controversial consequences, and the necessity for judicial intervention and review. The statute law and case law in this area is complex and growing rapidly, and the purpose of this module is to provide a critical overview in the hope that the understanding provided will contribute in due course to judicious decision making and the enhancement of service provision. Issues such as access to free residential and nursing care for the elderly and allocation of resources in the National Health Service will be looked at.

PUBLIC LAW IN WALES

Public Law in Wales will explore the interface between the Welsh Assembly Government, the National Assembly for Wales and Welsh local authorities and other public bodies in relation to the implementation and enforcement of the law relating to fields devolved by Schedule 5 of the Government of Wales Act 2006. The module will also consider:

- the working of the Local Government Partnership Council, the Local Partnership Schemes and the proposed Local Service Boards
- issues of governance and standards and ways of legally challenging decisions
- the work of the Welsh Administrative Ombudsman
- Welsh planning law - the operation of local planning authorities and the role of the Welsh Assembly Government, planning inquiries and planning policy.

SHIPPING AND MARITIME COMMERCE LAW

This module will examine the legal position in relation to the conduct of marine affairs in a commercial setting, with particular reference to contemporary admiralty law and the carriage of goods by sea. Students will understand the origins and evolution of

the system and appreciate the ancient basis for many of the modern rules of maritime law. They will examine the distinct types of contractual regimes employed in the carriage of goods by sea and its relationship with other modes of transportation of goods. They will also consider the legal regime in operation whereby maritime property is lost, damaged or retrieved at sea. The wider international context of commercial maritime law will also be discussed, examining the various alternatives to the UK approach as employed in a number of other key regions for maritime trade. The controversial issues of ownership, registration, arrest and jurisdiction in respect of vessels will also be considered.

[NB This module will not be offered in the session 2008/08]

WORLD TRADE LAW

The module will study in depth aspects of the regulation of international trade through the General Agreement on Tariffs and Trade (GATT) and the World Trade Organisation. It will consider the institutional framework of the treaty scheme, the removal of tariff barriers to trade, international control of dumping and subsidies, intellectual property rights under the TRIPs Agreement, environmental, health and labour conflicts, protection of human rights, services and dispute resolution. Specific issues will be examined, in particular, whether 'regionalism' goes against the philosophy of free trade, whether trade should be free or fair (or are both possible) and whether the substantive GATT rules and dispute settlement mechanisms are in practice fair to poor countries. Coming from a variety of jurisdictions students will be expected to offer comparative insights to the group.