

Programme Specification

Section 1: Basic Data

Awarding institution/body	UWE,Bristol
Teaching institution	UWE,Bristol
Faculty responsible for programme	Law
Programme accredited by	Joint Academic Stage Board (JASB) Most recent JASB re-validation event – April 2007, seeking validation for both Full and Part-time by Distance Learning CPE routes for five years from September 2007.
Highest award title	Graduate Diploma in Law
The Graduate Diploma in Law is not within the UWE Modular scheme	
Relevant QAA subject benchmarking group(s)	Law
Valid from 1st September 2007	Graduate Diploma in Law
Approved by	
Date	

Section 2: Educational aims of the programme

- To provide those who are eligible to follow the Common Professional Examination (CPE) route (ie primarily non-law graduates and mature students who have been given a Certificate of Academic Standing) with an academically rigorous programme of legal education, which satisfies the requirements of both the Law Society and the General Council of the Bar, for completion of the Academic Stage of Training to become a solicitor or a barrister, and which thereby prepares the successful CPE student to proceed with confidence directly onto the Vocational Stage of Training.
- To enable the student to acquire a sound knowledge and understanding of the 7 Foundations of Legal Knowledge ("Foundation Subjects") and their inter-relationship; of an eighth area of legal study, through the Independent Research Project and of the English Legal System.
- To encourage and develop a capacity for critical evaluation of the law, legal institutions and legal process.
- To provide the opportunity to practice and develop both subject specific skills, such as legal analysis and research (through coursework tasks; the Independent Research Project and preparation for workshops and seminars), as well as a range of more general skills, such as good communication, team-working and IT skills.
- To enable the student to develop the capacity to transfer both knowledge and skills from one legal area to another.
- To provide a sound foundation upon which the successful CPE student can further develop the legal competencies and knowledge necessary for a career in legal practice.
- To enable the student to develop the necessary key skills to support them as autonomous, independent and life-long learners, whether within the legal profession or not.

Section 3: Learning outcomes of the programme

To achieve the primary aims of the programme, all CPE students, whether on the Full-time or Part-time route, are offered a range of learning opportunities, comprising plenary group sessions for the whole cohort, workshops and seminars. Eligibility to study on a CPE course is based primarily on the graduate, or equivalent, skills already demonstrated by the students in another discipline or subject. CPE students are expected to adapt to the study of law in a short time and under considerable pressure. Their efforts are supported in various ways. The faculty provides, within the course fees, a set of core texts for each student's own use, in each of the seven Foundation Subjects. In addition, a range of tutors' materials eg topic or lecture outlines; workshop exercises and seminar support sheets are made available both in hard copy and on UWEonline. The students follow a carefully structured schedule of work to be completed each week, with prescribed preparation to be undertaken in advance of classes.

The demands of the CPE curriculum are heavy and the programme is designed to permit better focus of study by dividing the study of the seven Foundation Subjects, the eighth area of legal study and English Legal System into two "teaching blocks".

Three Foundation Subjects [Obligations I (Contract), Obligations II (Tort), and Criminal Law] are studied and assessed in the first teaching block, with a further three Foundation Subjects [Property Law, Equity and Trusts and Public Law] studied and assessed in the second teaching block. In addition, both the Law of the European Union and the Independent Research Project are studied "long and thin" across both teaching blocks.

For the Full-time students, each "teaching block" comprises one half of a stretched, academic year,

and

for the Part-time students, each "teaching block" comprises one stretched, academic year of study.

See also the diagrams in Section 4 and at the end of this specification

English Legal System (ELS) is studied by the combined means of a preliminary reading and study pack, which students are required to complete before starting the CPE programme, and the intensive schedule of classes held in the induction period. ELS is assessed soon after the completion of the induction period. For the Full-time cohort this will usually be at the end of the second week of the first teaching block and for the Part-time Year 1 students it will usually be at the October residential session. Legal Research skills are developed throughout the programme and form part of the explicit assessment criteria for all coursework, examinations and the Independent Research Project.

The award route provides opportunities for students to develop and demonstrate knowledge and understanding, qualities, skills and other attributes in the following areas: ...

A Knowledge and understanding

<p>Knowledge and understanding</p> <p>At the end of the programme the student will be able to demonstrate</p> <p>Knowledge and understanding of:</p> <ol style="list-style-type: none"> 1. The sources of law, legal institutions and legal process 2. The fundamental doctrines, values, concepts and principles of the seven Foundation Subjects 3. The inter-relationship between different areas of law by reference to both national and European contexts 	<p>Teaching/learning methods and strategies:</p> <p>Acquisition of 1, 2 and 3 is primarily through the plenary, seminar and workshop schedule for which a minimum of two hours preparation for each class contact hour is expected.</p> <p>Additional support for learning is provided by the tutors' materials, such as topic outlines; feedback on formative tests and summative coursework; the texts provided for each student's personal use and the range of legal materials available both in the Bolland library and via the internet. Students are encouraged to make full use of all relevant sources of law, primary and secondary and to draw upon their existing knowledge as graduates in another discipline, or their previous work experience.</p> <p>Assessment:</p> <p>The knowledge base in all 7 Foundation subjects is tested by a combination of coursework tasks (2 in each Teaching Block) and unseen examinations in <u>all</u> 7 Foundation Subjects.</p>
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B Intellectual Skills

<p>Intellectual Skills</p> <p>At the end of the programme the student will be able to demonstrate</p> <ol style="list-style-type: none"> 1. The ability to manage information drawn from a range of sources, to recognise and rank issues in terms of importance, to collate relevant evidence and to critically evaluate a range of solutions 2. The ability to act independently in the identification and execution of study tasks, without tutor guidance or tuition 3. The ability to work independently and to reflect on the learning achieved through the giving and receiving of feedback 	<p>Teaching/learning methods and strategies</p> <p>Intellectual skills are developed through the expectation that a substantial volume of new material can be processed on a weekly basis, with a view to addressing the specific tasks identified for seminar and workshop activities.</p> <p>For the purposes of the Independent Research Project, students are required to identify and plan their individual response to the allocated research topic, which, by definition will fall outside the taught syllabi of the Foundation Subjects</p> <p>Workshop and seminar discussions involve feedback from both students and tutors. Also feedback is provided on formative tests and on coursework.</p> <p>Assessment</p> <p>The marking criteria for all assessments require evidence of information management; ability to appreciate relevance of information provided and critical evaluation of the topic under consideration.</p>
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C Subject, Professional and Practical Skills

Subject/Professional/Practical Skills	Teaching/learning methods and strategies
<p>The programme of study will enable the student to develop the following subject specific skills</p> <ol style="list-style-type: none"> 1. Identification, location and retrieval of primary and secondary sources of law both in paper and electronic form 2. Application of legal knowledge to both real and hypothetical situations; culminating in the provision of reasoned conclusions supported by relevant legal authority 3. Identification, planning and execution of research in an area of law using both primary and secondary sources of law, accessed via paper sources and electronic databases as appropriate 	<p>During the course of their studies students will be presented with hypothetical situations to analyse in seminars and workshops; also in examination questions, formative tests and some coursework tasks. Some tasks will require the student to demonstrate an understanding of an established area of law and/or to evaluate proposals for reform and development of an area of law.</p> <p>Students will be expected to discuss current legal issues as and when they arise during the teaching of any given subject.</p> <p>Coursework tasks may include consideration of an emerging legal topic or of an area in which legal reform is mooted or imminent.</p> <p>Assessment</p> <p>Typical examination questions will assess 2. All examination papers require candidates to attempt some questions framed as hypothetical factual scenarios.</p> <p>Both the coursework tasks and the Independent Research Project require independent research using a full range of relevant sources of law and legal commentary.</p>

D Transferable Skills and other attributes

Transferable skills and other attributes	Teaching/learning methods and strategies
<p>At the end of the programme a student will be able to</p> <ol style="list-style-type: none"> 1. Read and discuss complex legal materials 2. Present a legal argument in a manner which is relevant to the task 3. Use the English language accurately so as to communicate effectively both orally and in writing in a manner appropriate to the audience 4. Work co-operatively within a team 5. Evaluate information provided in numerical or statistical form where relevant to the preparation or evaluation of an argument 6. Assume responsibility for their own learning 7. Use IT both for the production of word-processed documents and as a research tool 	<p>The nature of the CPE course is that students must adapt quickly to the language and terminology of the discipline of law. The texts selected by the teaching team reflect these demands.</p> <p>Clear and concise language is encouraged in all oral discussions in seminars and workshops; feedback on tests and coursework would identify weaknesses in communication skills.</p> <p>Workshop activities are based upon small groups of 4 or 5 students working together towards an agreed solution to a given problem or task. Each student should be willing to argue and persuade their colleagues as necessary</p> <p>Assessment</p> <p>Clarity of communication is required in all assessments as well as accuracy in reference to legal sources. Coursework must be word-processed unless it is produced under time controlled conditions.</p> <p>Other skills (4 & 6) are not formally assessed but the nature of the delivery of the course provides opportunities to practice and develop them, in preparation for both the vocational stage of training and for future employment, whether or not that employment is within the legal profession.</p>

Section 4: Programme Structure

ENTR Y ↓	level 1	Compulsory subjects <ul style="list-style-type: none"> English Legal System (10 credits) 	Optional subjects None	Interim Awards: None
	level 3	Compulsory subjects The 7 Foundation subjects (all 20 credits): <ul style="list-style-type: none"> Obligations I (Contract) Obligations II (Tort) Criminal law Property law Equity and Trusts Public law Law of the European Union Plus the 8th area of legal study (15 credits): <ul style="list-style-type: none"> Independent Research Project 	Optional subjects None	Prerequisite requirements None Awards: <ul style="list-style-type: none"> Graduate Diploma in Law Credit requirements To complete the Graduate Diploma in Law a student must have satisfied the examiners in each of the 7 Foundation Subjects, the 8th area of legal study and in English Legal System - in total 165 credits of which 155 are at Level H

→ GRADUATION

See also the diagrams at the end of this Programme Specification

Section 5: Entry requirements

Entrance requirements, and eligibility to study on a CPE course, are prescribed by the JASB (previously the CPE Board) as follows

(i) Non-law graduates from UK Universities (this can include students who have studied some law eg as part of a Joint Honours degree which was not a Qualifying Law Degree and those whose LLB is "stale");

(ii) Overseas graduates;

(iii) Mature persons holding qualifications deemed in study content to be the equivalent to an undergraduate degree.

Eligibility to study on a CPE course will require the supporting evidence, in some cases, of either a Certificate of Exemption (which identifies the outstanding CPE subjects to be completed) or a Certificate of Academic Standing (non-graduates). All students must bring their degree certificate, Certificate of Exemption or Certificate of Academic Standing, as appropriate, to the University at registration and the responsibility to establish eligibility rests with the student.

Section 6: Assessment Regulations

Non MAR

Yes

The current CPE Assessment Regulations are attached.

Section 7: Student learning: distinctive features and support

- Both full and part-time students have the benefit of a personal tutor (a tutor group normally comprising between 10 and 12 tutees). A personal tutor will be a member of the teaching team who sees his/her personal tutees as an academic seminar group during the year. Meetings take place at regular intervals during the academic year. Part-time students are allocated a different personal tutor for the second year of their studies to ensure maximum opportunities for contact at residential sessions. In addition, students have access to UWEonline, on which the following can be found: tutors materials, course information, links to the law library and electronic legal databases, to careers information and to a bulletin board. E-mail is encouraged as the primary method of communication.
- Each Foundation subject is taught by a team of tutors, normally three, which ensures that the high class contact hours can be maintained and the pace of the course sustained despite the temporary absence of any given member of the team.
- The subject teaching teams work across both Full-time and Part-time provision, ensuring equivalence and parity across the two modes of study.
- Students are provided by the faculty with a number of published texts for their personal use, in addition to the substantial tutors' materials that are made available to support their learning. All classes proceed on the basis that specified pre-reading has been undertaken, as identified in the detailed schedules provided by the subject teaching teams. A comprehensive teaching schedule for each subject is provided at the start of the relevant teaching block.

- Wherever possible the scheduling of teaching for the Full-time students follows the pattern of a one hour plenary session ("lecture") at the start of a week, a 2 hour workshop during that same week on the "lecture" topic and a one hour seminar on that topic in the following week.
- The majority of the class contact hours for the Full-time students consist of small or medium sized group work of an interactive nature. Weekly (one hour) seminars are held with groups of 10 to 12. These sessions provide the culmination of a student's study of a syllabus topic and would normally follow in the week after a workshop on that syllabus topic. In addition, weekly (two-hour) workshops are held, which combine 3 seminar groups to form a workshop group (30 – 33 students). In workshops students are expected to work in groups of 4 or 5 for the duration of the workshop and discussion would normally range over some material prepared in advance through to novel, previously unseen, tasks provided by the tutor during the workshop. The workshop tutor remains with the group throughout the 2-hour session and moves around the sub-groups identifying issues and facilitating the learning. Most workshops would involve exchange of views and arguments either from one sub-group to another or addressed to the workshop group as a whole. Some workshops provide an opportunity for mooting or debating an issue and many provide opportunities to draft answer plans and structure diagrams.
- Part-time students have the benefit of intensive residential days (13 days per year) during which they also spend the majority of their time in interactive learning. Some time is allocated to "plenary" sessions, during which the tutor has the opportunity to identify any issues that may have proved to be difficult to understand, to update the students on recent developments in a given area of law and to develop their understanding of good legal reasoning. These two-hour plenary sessions will involve a substantial proportion of the workshop activities made available to the full-time students and thereby provide opportunities for the practice of good analysis and legal argument. In addition, the part-time students have two seminars in each relevant Foundation subject on the second day of the residential, which enables them to cover the same areas of the syllabus as the full-time cohort.
- The division of the prescribed curriculum into two teaching blocks enables the students to concentrate on each Foundation subject to an appropriate depth. For Full-time students the academic year is divided into two teaching and assessment blocks, whereas for the Part-time students the relevant "teaching block" is one complete year of academic study.

See the diagrammatic representations of the teaching blocks appended to this specification.

- Both Full-time and Part-time students submit coursework in two Foundation subjects during the relevant teaching block. Deadlines for submission of summative coursework are scheduled to enable formative work to be undertaken and returned with feedback. A schedule of submission dates is published early in the teaching block.
- In addition, both Full-time and Part-time students are offered the opportunity to undertake formative tests in Teaching Block 1 subjects either immediately before Christmas (Full-time) or at the start of the new calendar year (Part-time). Where possible within the constraints of the timing of the Easter vacation (for Full-time students) a similar opportunity is provided for teaching Block 2 subjects. Part-time students are encouraged to consider submitting answers to seminar tasks to tutors for comment.

Section 8 Reference points/benchmarks

- The QAA Benchmark statement for Law (1998) ;
- QAA Framework for Higher Qualifications in England, Wales and NI (2001);
- SEEC Credit level descriptors (January 2002);
- "The Future Form of the CPE" as published by the CPE Board (as it then was) to inform CPE providers of their validation considerations. Future editions of this document will be provided by the JASB. The current version being contained in the Information Pack 2006 /2007 published August 2006.
- The design and delivery of the programme is informed by both the UWE Teaching and Learning Policies and by the Teaching and Learning Strategy of the Faculty of Law

This specification provides a concise summary of the main features of the programme and the learning outcomes that a typical student might reasonably be expected to achieve and demonstrate if he/she takes full advantage of the learning opportunities that are provided. More detailed information on the learning outcomes, content and teaching, learning and assessment methods of individual subjects can be found in subject specifications. See Appendix 4.

Programme monitoring and review may lead to changes to approved programmes. There may be a time lag between approval of such changes/modifications and their incorporation into an authorised programme specification. Enquiries about any recent changes to the programme made since this specification was authorised should be made to the relevant Faculty Administrator.

Graduate Diploma in Law Full-time

English Legal System
Level 1 10credits
 2 weeks preliminary study +
 Induction week.
 Assessed in September

TEACHING BLOCK 1
Early September to late January

TEACHING BLOCK 2
Early February to 2nd week of June

Obligations I (Contract) Level 3 20 credits	EITHER Coursework (25%) + exam (75%) OR exam alone (100%) C/W submission dates to be announced All examinations in late January
Obligations II (Tort) Level 3 20 credits	
Criminal Law Level 3 20 credits	

Property Law Level 3 20 credits	EITHER Coursework (25%) + exam (75%) OR exam alone (100%) C/W submission dates to be announced All examinations in June
Equity and Trusts Level 3 20 credits	
Public Law Level 3 20 credits	

Law of the European Union	Level 3- 20 credits	<u>either</u> exam (100%) <u>or</u> exam (75%) + coursework (25%)	EU exam and IRP submission assessed in June
Independent Research Project (8th area of legal study)	Level 3 - 15 credits	4000 to 5000 words	

Graduate Diploma in Law Part-time by Distance Learning

<p>English Legal System Level 1 10 credits 2 weeks preliminary study +Induction residential Assessed at 2nd residential</p>	<p>YEAR 1 13 days residential attendance plus exam week</p>		<p>YEAR 2 13 days residential attendance plus exam week</p>		
<p>Obligations I (Contract) Level 3 20 credits</p>		<p><u>EITHER</u> Coursework (25%) + exam (75%) <u>OR</u> exam alone (100%) C/W submission dates to be announced All examinations in June</p>		<p>Property Law Level 3 20 credits</p>	
<p>Obligations II (Tort) Level 3 20 credits</p>				<p>Equity and Trusts Level 3 20 credits</p>	
<p>Criminal Law Level 3 20 credits</p>				<p>Public Law Level 3 20 credits</p>	
<p>Law of the European Union Level 3 - 20 credits</p>		<p><u>either</u> exam (100%) <u>or</u> exam (75%) + coursework (25%)</p>		<p><u>EITHER</u> Coursework (25%) + exam (75%) <u>OR</u> exam alone (100%) C/W submission dates to be announced All examinations in June</p>	
<p>Independent Research Project (8th area of legal study) Level 3 -15 credits 4000 to 5000 words. Submission in mid June Year 1 students are encouraged to start their research during the summer between years 1 and 2</p>					

CPE Assessment Regulations

Interpretation

1. In these Regulations:

“the University” means the University of the West of England or its successor institution;

“the Diploma Course” means the course validated by the University for the award of its Graduate Diploma in Law and by the Joint Academic Stage Board for the purposes of satisfying the Training Regulations of the Law Society and the General Council of the Bar for the completion of the Academic Stage of Training;

“the Examining Board” means the Examining Board established as provided by Clause 5 of these Regulations;

“the Foundation Subjects” means
Obligations I (Contract) (CT)
Obligations II (Tort) (TT)
Criminal Law (CL)
Equity and the Law of Trusts (ET)
Property Law (LL)
Public Law (PL)
The Law of the European Union (EU)

“the Other Assessed Subjects” means
English Legal System (LS)
Other area of Legal Study
(Independent Research Project) (IRP)

“compensation” denotes those circumstances in which a student may be permitted to make good a marginal failure in one element of assessment by virtue of having "surplus" marks in another element of assessment, or by virtue of sufficient substantiated extenuating circumstances which affected their performance in the failed element of assessment. **Such compensation is available once only in the assessment of a student under these Regulations**

“condonation” denotes those circumstances in which a failure to achieve the pass mark in an element of assessment, or a subject, is condoned (overlooked) in the light of other factors affecting the student in question or by reference to their overall pattern of assessment marks. **Such condonation of failure is not permitted under these Regulations**

“teaching block” refers to the scheduled period of weeks within which a given subject is studied and assessed. For all students there are two teaching blocks. For the Full-time students, the academic year comprises two separate teaching blocks and for the Part-time Distance Learning students, each teaching block comprises one whole academic year.

“element of assessment” refers to summative assessment only in a subject, which can take the form of either assessed coursework or unseen written examination, or a combination of both.

2. The provisions of the Interpretation Act 1978 apply to these Regulations.

Conditions of Enrolment

3. An applicant who has satisfied the general requirements for admission to the Diploma Course shall not be enrolled as a student upon the Course unless:

- (a) the prescribed Preliminary Directed Study Course has been undertaken; and
- (b) the applicant has a sufficient command of written and spoken English to follow the Diploma Course.

Part-time Diploma Course: progression from first to second year

4 A student taking the Part-time Distance Learning Course may not proceed to the second year of that course until all subjects required to be taken in the first year of the course have been passed within these Regulations.

Time limits for Completion of the Diploma Course

5 A student must complete the Diploma Course

- (a) within three years of initial enrolment if on the Full-time Course; or
- (b) within four years of initial enrolment if on the Part-time Distance Learning Course.

Cheating and Plagiarism

6 The procedure for dealing with assessment offences (including allegations of cheating or plagiarism) shall be as laid down in the University's Regulations, subject to the following:

- (a) A student who is shown to have cheated in any formal coursework assessment or unseen written examination shall be deemed to have failed the Diploma Course and shall not normally be permitted to retake the Diploma Course.
- (b) A student who is shown to have committed plagiarism in any assessed coursework which forms part of the assessment requirements of the Diploma Course shall be awarded a mark of zero for that piece of work.
- (c) A student who is proved to have committed an offence described in paragraphs (a) and/or (b) above will be reported to the Joint Academic Stage Board.

Method of Assessment

7 (a) Students on the Diploma Course will be assessed in accordance with these Regulations, which have been approved by both the University and the Joint Academic Stage Board

(b) The results of students, who have been so assessed, are determined by the Examining Board.

Examining Board

8 The Examining Board consists of:

- (a) the Dean of the Faculty of Law;
- (b) the Associate Dean (Director of BILP);
- (c) the Diploma Course Director;
- (d) members of academic staff of the University with a substantial teaching input to the Diploma Course;
- (e) the external examiners for the Diploma Course whose appointment has been approved by the Joint Academic Stage Board;
- (f) any representative of the Joint Academic Stage Board appointed by that Board

The quorum for a meeting of the Examining Board shall be two thirds of the members eligible to attend. At meetings where results or student progress are to be determined at least one external examiner must be consulted. A senior member of the Administrative Staff of the Faculty of Law as representative of the Academic Registrar shall act as secretary to the Examining Board when it considers candidates' progress or awards.

9 The Chair of the Examining Board is the Dean of the Faculty of Law or his nominee, who shall normally be the Associate Dean (Director of BILP).

10 There must be at least two external examiners for the Diploma Course whose decision in relation to matters of assessment shall be final. An external examiner must receive and approve the draft examination papers for those subjects allocated to that examiner, and such assessed exercises and marked scripts for moderation as the Chair of the Examining Board determines or the external examiner requires. An external examiner shall also perform such other duties relating to assessment as may be required by the Academic Board or Faculty Board of Studies of the University.

11 The terms of reference of the Examining Board are:

- (a) to receive from the Diploma Course Director a report upon the outcome of applications for exemptions from any part of the Diploma Course;
- (b) to approve procedures for the nomination of external examiners by the relevant Faculty Board of Studies;
- (c) to ensure all assessed coursework and examination papers are properly scrutinised and approved;
- (d) to ensure all assessed coursework and written examinations are properly conducted;
- (e) to ensure that all assessed coursework and examination scripts are properly assessed and marked;
- (f) to make recommendations for the award on successful completion of the Diploma Course of the Graduate Diploma in Law and the award of such Diploma with Distinction or Merit;
- (g) to determine what action shall be taken, in accordance with these Regulations, in the case of a candidate failing or missing part or all of the coursework, other formally assessed exercises and /or the written examinations, or otherwise failing to comply with the requirements of the Diploma Course;

- (h) to determine, in accordance with University regulations, what action shall be taken in the case of a candidate found to have committed an assessment offence;
- (i) to make recommendations to the Diploma Course Management Committee of the Diploma Course on any matters concerned with the assessment scheme;
- (j) to be responsible for such other matters as are referred to, or required of it by the Academic Board or Faculty Board of Studies of the University or the Joint Academic Stage Board;
- (k) to act in accordance with any policy statements which may, from time to time, be issued by the Joint Academic Stage Board.

Assessment Requirements and Arrangements

12 To complete the Diploma Course successfully a student must satisfy the Examining Board:

- (a) in each of the Foundation Subjects in the assessed coursework, which shall constitute 25% of the overall assessment for each of those subjects; and
- (b) in each of the Foundation Subjects in the unseen written examinations, which shall constitute 75% of the overall assessment for each of those subjects; and
- (c) in the assessed coursework in the Other Assessed Subjects (ie LS and IRP), in which a student will be assessed on a Pass/Fail basis only.

13 Unless otherwise determined by the Examining Board the first attempt at the assessments identified in Clause 12 (above) shall be undertaken as follows:

- (a) for the assessed coursework in the Foundation subjects during those weeks in which the student is studying the relevant subject in accordance with the coursework assessment schedule determined by the Diploma Course Director and approved by the Examining Board;
- (b) for the unseen written examinations in all the Foundation Subjects, at the end of the relevant teaching block in accordance with the examination schedule determined by the Diploma Course Director and approved by the Examining Board;
- (c) for the assessed coursework in the Other Assessed Subjects at the end, or following completion, of the study of the subject concerned in accordance with the schedule determined by the Diploma Course Director and approved by the Examining Board.

14 The pass mark for all assessed coursework and unseen written examinations shall be 40% ("the prescribed pass mark").

15 A student passes the Diploma Course by:

- (a) obtaining the prescribed pass mark in both the assessed coursework and in each of the unseen written examinations in the Foundation Subjects;
- and
- (b) obtaining a pass in the assessed coursework in the Other Assessed Subjects.

16 Compensation for narrow failure in an element of assessment

(a) A student may be compensated in one element of assessment in the Foundation Subjects at a mark lower than the prescribed pass mark, but not below 35%, on the basis of strength in other assessments or on the basis of sufficient substantiated extenuating circumstances. The Examining Board may also take into account tutor's reports and any other relevant factors which may have affected the student's performance.

(b) Compensation under these Regulations is available only in relation to one element of assessment on the Diploma Course

(c) No condonation of failure in an element of assessment, or a subject, is permitted under these Regulations.

Successful Completion of the Graduate Diploma in Law

17 A student who passes the Diploma Course at the first, or other, attempt in accordance with these Regulations, shall be awarded the Graduate Diploma in Law. Only those students who successfully complete the Diploma Course at their first attempt can be considered for the award of Merit or Distinction.

18 A student who, at the first attempt passes the Diploma Course and obtains the prescribed pass mark in each of the seven Foundation Subjects with an overall average mark of at least 70% **will** be awarded the Graduate Diploma in Law with Distinction. A student who fails to attain such overall average **may** be awarded a pass with Distinction provided that no more than two marks are below 65% and normally no mark is below 60%.

19 A student who at the first attempt passes the Diploma Course and obtains the prescribed pass mark in each of the seven Foundation Subjects with an overall average mark of at least 60% **will** be awarded the Graduate Diploma in Law with Merit. A student who fails to obtain such overall average **may** be awarded a pass with Merit provided that no more than two marks are below 55% and normally no mark is below 50%.

Failure at the first attempt

20

(a) The maximum mark which may be awarded for any attempt at an element of assessment after the first, shall be the prescribed pass mark. Such prescribed pass mark (or, if lower, the mark actually awarded) shall be aggregated with the mark awarded for the other element of assessment, where appropriate, in accordance with the weighting prescribed in Clause 12 of these Regulations, to arrive at the overall mark for the subject.

(b) Assessed coursework

(i) A student will be expected to submit each piece of assessed coursework in the Foundation Subjects and in the Other Assessed Subjects in accordance with the schedule published by the Diploma Course Director at the start of each teaching block.

(ii) A student who submits a piece of assessed coursework by the prescribed submission date but who is awarded a mark of less than the prescribed pass mark (which is not compensated under these Regulations) shall be required to submit a second piece of coursework by the specified resubmission date. The maximum mark which such second piece of coursework may be awarded shall be the prescribed pass mark.

(iii) A student who submits late or makes no submission will be awarded zero marks and required to submit a second piece of assessed coursework by the specified resubmission date. The maximum mark which such second piece of coursework may be awarded shall be the prescribed pass mark.

(iv) A student who resubmits late or makes no resubmission will be awarded zero marks.

(v) A student who, in the opinion of the Examining Board, is prevented by sufficient substantiated cause from submitting assessed coursework by the specified date may be allowed to submit an alternative piece of coursework for which the mark will not be capped at the prescribed pass mark as in (iii) above.

(c) Unseen written examinations

(i) A student who fails to obtain the prescribed pass mark (which is not compensated under these Regulations) in any of the unseen written examinations in the Foundation Subjects may be permitted a second attempt. The maximum mark which can be achieved in any attempt after the first is the prescribed pass mark

(ii) A student who, in the opinion of the Examining Board, is prevented by sufficient substantiated extenuating circumstances from attempting all or any part of their first attempt at the unseen written examinations may be allowed to take an uncapped attempt at the unseen written examinations which were affected and failed.

Failure at the second attempt

21

(a) Unless the Examining Board otherwise determines, a student making a second attempt at an element of assessment under Clause 20 of these Regulations, who fails to obtain the prescribed pass mark (which is not compensated under these Regulations) in the element of assessment shall normally be deemed to have failed the Diploma Course.

(b) In deciding whether or not to permit a student a third attempt at an element of assessment, the Examining Board shall take into account the extent of the failure, the student's results in other Foundation Subjects, tutor's reports and any other relevant factors which may have affected the student's performance.

(c) A student has no automatic right to a third attempt at an element of assessment under these Regulations

Failure at the third attempt

22 A student who, by virtue of Clause 21 of these Regulations, has been permitted a third attempt at an element of assessment and who fails to achieve the prescribed pass mark (which is not compensated under these Regulations) shall be regarded as

having failed the Diploma course and shall not be permitted any further attempt at the Diploma course.

Appeals

23 An application for review of the decisions of the Examining Board shall only be made in accordance with the University's regulations relating to the review of decisions of Examining Boards.

CPE Subject Specifications

- **English Legal System** **UJXU53-10-1**

- **Obligations I (Contract)** **UJXU54-20-3**

- **Obligations II (Tort)** **UJXU55-20-3**

- **Criminal law** **UJXU56-20-3**

- **Equity and Trusts** **UJXU57-20-3**

- **Law of the European Union** **UJXU58-20-3**

- **Property law** **UJXU59-20-3**

- **Public law** **UJXU5A-20-3**

- **Independent Research Project** **UJXU5B-15-3**

University of the West of England, Bristol
SUBJECT SPECIFICATION**Code:** UJXU53-10-1 **Title:** English Legal System **Version:** 1.0**Level:** 1 **UWE credit rating:** 10 credits **ECTS credit rating:** 5 credits**Subject type:** Non MAR subject (but standard half module equivalent)**Owning Faculty:** Law**Valid from:** September 2003**Pre-requisites:** None**Co-requisites:** all 7 Foundation Subjects; and the other (8th) area of legal study (Independent Research Project)**Excluded combinations:** None**Learning outcomes:**Knowledge and understanding

On successful completion of the subject, the student will be able to demonstrate a basic knowledge and understanding of

- The main concepts and legal institutions of the English Legal System
- The nature of civil and criminal procedure and the provision of legal services
- The sources of English Law

Intellectual skills

On successful completion of the subject, the student will be able to

- Discuss the main concepts, legal institutions and procedures of the English Legal System
- Identify, retrieve and apply primary and secondary legal sources

Subject/Practical skills

On successful completion of the subject, the student will be able to

- Locate primary and secondary legal sources, both in paper and electronic form

Transferable/Key skills

On successful completion of the subject, the student will be able to

- Act independently in the ongoing study of the 7 Foundation subjects
- Undertake independent research in preparation for assessments in the 7 Foundation subjects and the Independent Research Project

Syllabus outline:

- Civil and Criminal Courts
- Civil and Criminal Procedure
- Law reform
- Professionals in the English Legal System
- Lay persons in the English Legal System
- Access to justice

Teaching and learning methods:

The aim of the subject is to provide the students with a basic understanding of the English Legal System, its concepts, institutions and procedures. In addition, the students are given a basic introduction to legal terminology, legal reasoning and legal method, which they will continue to practice and develop throughout the course. Legal Method and Research is assessed through the 7 Foundation subjects and not as part of the English Legal System subject.

The subject is studied in part by means of a detailed study pack, containing specific reading and tasks, which every student (Full and Part-time) is required to undertake before starting the CPE course. This preliminary study is used as the basis for a number of classes held during the Induction week (Full-time students) and during the first residential of the year for year 1 Part-time Distance Learning students. During these induction periods a series of lectures, seminars and workshops are held. In addition, students are provided with Library induction sessions and exercises.

Class Contact and Study Hours**Full Time CPE**

Prior to the start of the course, students are provided with a Preliminary Study Pack of independent study to be completed before Induction in September. Students are required to obtain the two books referred to below to support their independent preliminary study. It is anticipated that students will take approximately 90 hours to complete the preliminary study (ie the equivalent of two weeks of full-time study). The preliminary study is designed to prepare students for the ELS classes held at Induction and for the ELS assessment at the end of the second week of the course.

During the Induction week in September, students will normally have the following classes relating to ELS:

- A two hour Legal Method lecture
- A two hour Legal Method workshop
- A one hour ELS lecture
- A one hour Civil Justice System lecture
- A one hour Civil Justice System workshop
- A one hour Criminal Justice System lecture
- A one hour Criminal Justice System workshop

In any given academic year, there will normally be

- 5 hours of lectures
- 4 hours of workshops

Consequently, in any academic year, there will normally be 9 hours of contact time for each student.

In addition to the preliminary study and the Induction week classes, students are required to undertake private study to prepare for the ELS assessment.

Part Time CPE

Prior to the start of the course, students are provided with a Preliminary Study Pack of independent study to be completed before Induction in September. Students are required to obtain the two books referred to below to support their independent preliminary study. It is anticipated that students will take approximately 90 hours to complete the preliminary study (ie the equivalent of four weeks of part-time study). The preliminary study is designed to prepare students for the classes held at Induction and for the ELS assessment at the residential session in October.

During the Induction week in September, students will normally have the following classes relating to ELS:

- A two hour Legal Method lecture
- A one hour Legal Method seminar
- A one hour Civil Justice System lecture
- A one hour Civil Justice System seminar
- A one hour Criminal Justice System lecture
- A one hour Criminal Justice System seminar

In any given academic year, there will normally be

- 4 hours of lectures
- 3 hours of seminars

Consequently, in any academic year, there will normally be 7 hours of contact time for each student.

In addition to the preliminary study and the Induction classes, students are required to undertake private study to prepare for the ELS assessment.

Reading Strategy and Indicative sources:

Each year the teaching team identifies two texts to support the package of preliminary study provided to students before the start of the course. These two texts form the **essential** reading for students. If any **further** reading is expected, this will be indicated clearly to students. Students who have accepted the offer of a place on the course are provided with the study pack and are instructed to obtain their own copies of the two required texts. Exercises take the students through their reading with a view to enhancing their understanding and to prepare them for the seminars held during the induction period and the assessment of the English Legal System.

By way of illustration, in the 2007/2008 academic year, the two texts to support the preliminary study will be:

“Introduction to the English Legal System”, 3rd edition, M. Partington, Oxford 2006
“Learning Legal Rules”, 6th edition, J. Holland & J. Webb, Oxford 2006

Assessment

Weighting between components A and B

A: 100% B: 0%

First attempt within CPE Regulations

Component A

Candidates will be required to produce concise answers to a series of short questions, written in controlled conditions of time and place. The questions will range across the materials specified for study in the preliminary study package and the work done during the induction period.

Component B

Not applicable

Second Attempt within CPE Regulations

Further attendance at taught classes is not required

Component A

Candidates will be required to produce concise answers to a series of short questions, written in controlled conditions of time and place. The questions will range across the materials specified for study in the preliminary study package and the work done during the induction period.

Component B

Not applicable

Third and last attempt within CPE Regulations

Further attendance at taught classes is not required

Component A

Candidates will be required to produce concise answers to a series of short questions, written in controlled conditions of time and place. The questions will range across the materials specified for study in the preliminary study package and the work done during the induction period.

Component B

Not applicable

Specification confirmed by

Date

(Associate Dean/Programme Director)

University of the West of England, Bristol
SUBJECT SPECIFICATION**Code:** UJXU54-20-3 **Title:** Obligations I (Contract) **Version:** 1.0**Level:** 3 **UWE credit rating:** 20 credits **ECTS credit rating:** 10 credits**Subject type;** Non MAR subject (but standard module equivalent)**Owning Faculty:** Law**Valid from:** September 2003**Pre-requisites:** None**Co-requisites:** all other Foundation subjects, the other (8th) area of legal study (Independent Research Project) and English Legal System**Excluded combinations:** None**Learning outcomes:**Knowledge and Understanding

At the end of this subject students will be able to demonstrate:

- a sound knowledge and understanding of the concept of a contract;
- an appreciation of the place of Contract Law in the Law of Obligations;
- a general appreciation of the role and scope of the Law of Restitution;
- a sound knowledge and understanding of the factors and theories which have influenced and continue to influence the development of Contract Law;
- a sound knowledge and understanding of the principles governing the formation and discharge of contracts; the operation of principal vitiating factors and remedies for breach of contract;
- an appreciation of some of the key debates on the reform of Contract Law.

This knowledge and understanding is developed through lectures, seminars and workshop activities and are assessed in both the coursework and the examination.

Intellectual Skills

At the end of this subject students will be able to demonstrate:

- an ability to apply, highlighting areas of uncertainty, the principles of Contract Law to a range of factual scenarios;
- an ability to apply, highlighting areas of uncertainty, basic principles of restitution to a range of factual scenarios;
- skills of synthesis;
- an ability to critically analyse and evaluate existing principles of Contract Law;
- an ability to make reasoned proposals for reform of this area of law or to justify the retention of the current law

These skills are developed through seminar preparation and discussions, group work and discussions in workshops and are assessed in the examination and in any coursework assessment which is part of the assessment schedule in any given academic year.

Subject specific skills

At the end of this subject the following subject specific skills will have been developed and enhanced

- the ability to present reasoned legal argument, both orally and in writing;
- the ability to conduct effective library-based legal research;
- the ability to make effective use of ICT for legal research;
- the ability to apply existing law to problem situations;
- the ability to critically analyse and evaluate primary and secondary legal materials

These skills are developed through preparation for, and activities at, weekly seminars and workshops, and also form part of the independent research needed to complete any coursework which is set.

Transferable Skills

At the end of this subject the following subject specific skills will have been developed and enhanced:

- ICT skills;
- Study management skills;
- Oral and written communication skills;
- Team working skills;

Students will also be encouraged to adopt a pro-active approach to legal learning

Transferable skills that are developed include:

- oral and written communication skills: oral communication is developed through and evidenced by the preponderance of interactive activities involved in weekly seminars and workshops; high quality written communication skills are required any coursework task.
- time management skills: these are developed through and evidenced by the ability to cope with an intensive study in a new discipline, whilst working to a demanding schedule of class contact, preparation for classes and for assessments.
- use of IT is developed both as a research tool and for the presentation of any coursework: evidenced by requirement that all coursework be presented as word-processed documents. IT skills are also of increasing importance in the search for and retrieval of legal sources from the internet and legal databases
- Team-working is developed most obviously through workshop activities, where small group discussion (groups of 4 or 5) is followed by more general debate between subgroups, the whole workshop group and the tutor.

Syllabus outline:

1. An Introduction to the Law of Contract
What is a contract?
Contract Law as part of the Law of Obligations
A brief introduction to the Law of Restitution through the study of various areas of Contract law

The sources of Contract Law
Factors which have affected or affect the development of Contract Law

2. Agreement: Offer and Acceptance
How is the existence of an agreement determined?
What is an offer?
What is an acceptance?
Conditions of an effective offer and an effective acceptance
Revocation
3. Enforceability
Determining whether an agreement is legally enforceable
Intention to Create Legal Relations
Consideration
Role of Promissory Estoppel
Duress
4. Terms
What are the terms of the contract?
Distinction between terms and representations
Incorporation of terms
5. Breach of Contract and Remedies
The standard of performance
Principal remedies
How damages are assessed
6. Exclusion clauses, limitation clauses and unfair terms
The nature of exclusion clauses and limitation clauses
The regulation of exclusion and limitation clauses
The regulation of unfair terms
7. Privity of Contract
The general rule
The limits to the principle of privity of contract
8. Frustration and, in outline, Common Mistake
The limits of the doctrine of frustration
The consequences of frustration
The limits of the doctrine of common mistake (in outline)
The consequences of common mistake
9. Misrepresentation
10. Undue Influence

Teaching and learning methods:

The aims of this subject are:

- to provide students with a supportive framework for the study of Contract Law;
- to encourage students to critically analyse and evaluate existing Contract Law;
- to encourage students to make reasoned suggestions for the reform of Contract Law;
- to provide students with an overview of the Law of Restitution;
- to encourage students to take a pro-active approach to legal learning;
- to develop legal skills (such as research and legal argument);
- to develop transferable skills

Class Contact

Full Time CPE

The basic class contact pattern on the course for Obligations I (Contract) is as follows:

1 hour per week	plenary session in lecture room
1 hour per week	seminar discussion (max 12 students per seminar)
2 hours per week	workshop sessions (ie 3 seminar groups combined) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic

In any given academic year, there will normally be

- 15 lectures, including one or two introductory lectures and one or two revision lectures;
- 12 workshops, including an opportunity to undertake a 'winter test' (being a formative examination exercise) and a revision workshop; and
- 12 seminars (including one cycle of revision seminars)

Consequently, in any academic year, there will normally be 51 hours of contact time for each student.

Part Time CPE

In any academic year, the basic class contact for the subject is normally as follows:

At the September Induction residential session:

- 1 hour introductory lecture (whole cohort)

At each of the first for four subsequent residential sessions:

- 2 hours plenary session (whole cohort)
- 2 hours seminar sessions (max of 12 students per seminar group)

At the final residential session of the academic year:

- 4 hours plenary sessions (whole group)

Consequently, in any academic year, there will normally be 21 hours of contact time for each student.

Assessment

Assessment in any given academic year takes the form of either:

- (a) Coursework and Examination
 - (i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; and

- (ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.

OR

- (b) Examination only

An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

All students are provided with a voluntary opportunity to sit a test paper before the formal and summative assessment by examination takes place.

Reading strategy:

At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).

Any **essential** reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).

If **further reading** is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).

Students will be encouraged to make full use of the printed and electronic resources available to them through membership of the University (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.

Indicative sources:

Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.

By way of illustration, in the 2007/2008 academic year, the texts provided to students will be:

“Contract Law, Directions” 1st edition, Taylor & Taylor, Oxford 2007

“Casebook on Contract Law” 8th edition, Poole, Oxford 2006

“Statutes on Contract, Tort & Restitution” 18th edition, Rose, Oxford 2007

Assessment

Obligations 1 (Contract) is taught and examined at the same stage of the Diploma as Obligations II (Tort) and Criminal Law. In any given academic year, there will be a coursework in two of these three subjects. Consequently, in two of each three year cycle, there will be assessed coursework in Obligations I (Contract). In every academic year, there will be an unseen examination in each of the three subjects.

Weighting between components A and B

In an academic year in which there is an assessed coursework

A: 75% **B:** 25%

In an academic year in which there is no assessed coursework

A: 100%

First attempt within CPE Regulations

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Second attempt within CPE Regulations

(further attendance at taught classes is not required)

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Third and last attempt within CPE Regulations

Attendance at taught classes is not required.

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Specification confirmed by

Date

(Head of Department / Programme Director)

University of the West of England, Bristol
SUBJECT SPECIFICATION**Code:** UJXU55-20-3 **Title:** Obligations II (Tort)**Version:** 1.0**Level:** 3**UWE credit rating:** 20 credits**ECTS credit rating:** 10 credits**Subject type:** Non MAR subject (but standard module equivalent)**Owning Faculty:** Law**Valid from:** September 2003**Pre-requisites:** None**Co-requisites:** all other Foundation subjects, the other (8th) area of legal study (Independent Research Project) and English Legal System**Excluded combinations:** None**Learning outcomes:**Knowledge and understanding

At the end of this subject a student will be able to demonstrate knowledge and understanding of

- the nature of tortious liability, whether fault-based or strict liability
- the substantive law of tort, by virtue of having studied a range of nominate torts
- the relationship between liability in tort and contract within the law of Obligations
- the role of tort as a compensation system for harm caused and its relationship within the English Legal system to other compensation mechanisms
- the policy issues relevant to both the historical evolution of various torts and to their ongoing development
- the impact of the Human Rights Act 1998 on the substantive law of tort

Intellectual skills

At the end of this subject the student will be able to

- identify relevant legal principles when faced with a fictional or hypothetical scenario
- analyse the material facts in a task or make a textual analysis of the content of a relevant document
- apply the legal principles in the context of the task
- evaluate a range of solutions as appropriate to the task
- make reasoned proposals for reform in an area of law and to evaluate the proposals for reform made by others

Subject specific skills

At the end of the subject the student will be able to

- conduct independent research using both primary and secondary sources of law
- access the relevant sources whether contained in print or electronic form
- present a reasoned legal argument that demonstrates legal method skills

Transferable skills

At the end of the subject the student will have developed

- oral and written communication skills through the interactive small group sessions
- time management skills by virtue of the demanding syllabus content and personal scheduling of advance preparation for all classes which is required of students
- skills in the use of C&IT both as a research tool and for the presentation of any coursework which is part of the assessment schedule in any given academic year
- team-working skills through workshop activities, where small group discussion (groups of 4 or 5) is followed by more general debate between subgroups, the whole workshop group and the tutor.

Syllabus outline:

GENERAL PRINCIPLES OF TORTIOUS LIABILITY: elements of wrongdoing and policy considerations; critique of fault as a basis of liability and critical analysis of alternatives.

GENERAL PRINCIPLES (cont.): Parties; Defences; Remedies.

GENERAL PRINCIPLES OF THE TORT OF NEGLIGENCE:

- Duty of Care: tests for determining existence of duty of care in law and fact; policy considerations.
- Breach of Duty: standard of care of reasonable person; proof of negligence; *res ipsa loquitur*.
- Causation and Remoteness of damage: causation in fact and law; *novus actus interveniens*.
- Types of damage: pure economic loss; psychiatric damage; personal injury and death; damage to property.

SPECIFIC APPLICATIONS OF NEGLIGENCE PRINCIPLES

- Liability for negligent misstatement: *Hedley Byrne v Heller* and later developments.
- Liability for Dangerous Premises: occupiers' and non-occupiers' liability under statute and common law.
- Liability for Accidents arising at or out of work: employers' duty of care to employees compared with vicarious liability and breach of statutory duty

LAND RELATED TORTS: Nuisance ; *Rylands v Fletcher*, trespass to land

TORTS REQUIRING PROOF OF INTENTION: Illustrative examples to be selected (eg deceit; *Wilkinson v Downton*; trespass the person).

STRICT LIABILITY TORTS: as under 5 above. Illustrative examples to be selected (eg defamation; liability of a producer under Part I, Consumer Protection Act 1987).

Teaching and learning methods:

The aims of the subject are to enable the student to understand the conceptual basis of tortious liability and to acquire a sound knowledge of the main substantive areas of tort. To this end the student will be encouraged to draw contrasts and make comparisons, as appropriate, with other areas of legal liability and to evaluate the law of tort as a compensation system.

Class ContactFull Time CPE

The study of the law of tort presents a good opportunity to develop legal method skills and powers of analysis through oral and written discussion of aspects of tortious liability and the civil litigation process.

The basic class contact pattern on the subject for Obligations II (Tort) is as follows:

- | | |
|------------------|--|
| 1 hour per week | plenary session in lecture room |
| 1 hour per week | seminar discussion (max 12 students per seminar) |
| 2 hours per week | workshop sessions (ie 3 seminar groups combined) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic |

In any given academic year, there will normally be

- 15 lectures, including one or two introductory lectures and one or two revision lectures;
- 12 workshops, including an opportunity to undertake a 'winter test' (being a formative examination exercise) and a revision workshop; and
- 12 seminars (including one cycle of revision seminars)

Consequently, in any academic year, there will normally be 51 hours of contact time for each student.

Part Time CPE

In any academic year, the basic class contact for the subject is normally as follows:

At the September Induction residential session:

- 1 hour introductory lecture (whole cohort)

At each of the first four subsequent residential sessions:

- 2 hours plenary session (whole cohort)
- 2 hours seminar sessions (max of 12 students per seminar group)

At the final residential session of the academic year:

- 4 hours plenary sessions (whole group)

Consequently, in any academic year, there will normally be 21 hours of contact time for each student.

Assessment

Assessment in any given academic year takes the form of either:

- (a) Coursework and Examination
- (i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; and
 - (ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.

OR

- (b) Examination only

An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

All students are provided with a voluntary opportunity to sit a test paper before the formal and summative assessment by examination takes place.

Reading strategy:

At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).

Any **essential** reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).

If **further reading** is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).

Students will be encouraged to make full use of the printed and electronic resources available to them through membership of the University (for the purposes of both class contact preparation and research in preparation for coursework and

examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.

Indicative sources:

Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.

By way of illustration, in the 2007/2008 academic year, the texts provided to students will be:

"Law of Tort" 8th edition, Cooke, Oxford 2007

"Casebook on Torts" 9th edition, Kidner, Oxford 2006

"Statutes on Contract, Tort & Restitution" 18th edition, Rose, Oxford 2007

Assessment

Obligations II (Tort) is taught and examined at the same stage of the Diploma as Obligations I (Contract) and Criminal Law. In any given academic year, there will be a coursework in two of these three subjects. Consequently, in two of each three year cycle, there will be assessed coursework in Obligations II (Tort). In every academic year, there will be an unseen examination in each of the three subjects.

Weighting between components A and B

In an academic year in which there is an assessed coursework

A: 75% **B:** 25%

In an academic year in which there is no assessed coursework

A: 100%

First attempt within CPE Regulations

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Second attempt within CPE Regulations

(further attendance at taught classes is not required)

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Third and last attempt within CPE Regulations

Attendance at taught classes is not required.

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to

take their own, unannotated copy of the relevant statute book into the examination

Specification confirmed by

Date
(Head of Department / Programme Director)

University of the West of England, Bristol
SUBJECT SPECIFICATION

Code: UJXU56-20-3 **Title:** Criminal Law **Version:** 1.0
Level: 3 **UWE credit rating:** 20 credits **ECTS credit rating:** 10 credits
Subject type: Non MAR subject (but standard module equivalent)
Owning Faculty: Law
Valid from: September 2003
Pre-requisites: None
Co-requisites: all other Foundation subjects, the other (8th) area of legal study (Independent Research Project) and English Legal System

Excluded combinations: None

Learning outcomes

By the end of the subject, a student will be able to demonstrate:

Knowledge and understanding:

- a knowledge and understanding of the extent, scope and limitations of the general principles of liability in criminal law
- an appreciation of the underlying policy issues which underpin the criminal law
- an understanding of the difference between criminal law 'in the books' and criminal law in action
- an understanding of the meaning of the burden of proof, standard of proof and their importance in relation to criminal trials
- a realisation of the impact of the European Convention of Human Rights and the Human Rights Act 1998 on the substantive criminal law

Intellectual Skills

- an ability to apply legal concepts and principles to practical situations
- skills of analysis and synthesis
- an ability critically to evaluate existing law
- the ability to make reasoned proposals for reform of this area of law, or to justify the retention of current law

The above learning outcomes are developed by means of lectures, discussion in seminars, workshop activities, and by the student's individual study of the subject. They are assessed by any coursework which is part of the assessment schedule in any given academic year, and in the examination. Formative assessment will follow from completion of voluntary written work and the informal end of session test.

Subject/Practical Skills

- (developing) skills in independent research and in legal method
- in library use – finding primary and secondary sources
- use of electronic sources, in particular legal databases

- the ability to present a reasoned argument, orally and in writing
- problem solving skills in the context of criminal law
- analysing text - in case law, statute, and academic writing

The skills under this heading are developed by practical experience of research in the criminal law field, by seminar and workshop participation, and in preparation for them. The testing of these skills takes place in the examination, and, as far as research skills are concerned, most particularly in any assessed coursework which is part of the assessment schedule in any given academic year, which requires a student to demonstrate individual research skills in an area of the course. The coursework task will be a sustained piece of legal writing which will involve the presentation of a coherent argument in problem solving, critique or essay form – or a mixture of these.

Transferable Skills

- ability to work independently
- team working
- study management skills
- communication – various modes- electronic, written, oral
- persuasive skills
- use of information technology
- using and processing information

The teaching methods adopted are designed to develop transferable skills as set out above. The preparation that is expected before lectures and workshop activities involves the student in managing his/her own workload, and in conducting research independently. The demands of any coursework (which is part of the assessment schedule in any given academic year) preparation and presentation also have to be met in all subjects, so successful completion of the course requires a student to have achieved significant workload management skills. The use of information technology in preparation for workshops and lectures should lead to information technology awareness and skill development, and any coursework is expected to be produced in a word processed format. Seminar participation involves communication and persuasive skill development, and team working on occasion. Workshop activity requires both individual and team work in small group analysis, discussion and feedback to the whole group. Skills of communication and powers of persuasion are enhanced by this experience. Any coursework tasks and the examination lead to the exercise and development of the transferable skills as well as the subject specific skills.

SYLLABUS

1. THE NATURE OF THE CRIMINAL LAW
2. THE ELEMENTS OF A CRIMINAL OFFENCE: Actus Reus; Mens Rea.
3. STRICT LIABILITY
4. VICARIOUS AND CORPORATE LIABILITY
5. OFFENCES AGAINST THE PERSON
 - a. Unlawful Homicide - Murder; Manslaughter; Child Destruction; Suicide.
 - b. Assault and Battery: Offences Against the Person Act 1861.
 - c. Rape and Unlawful Sexual Intercourse.

6. THE GENERAL DEFENCES: - Insanity; Automatism; Diminished Responsibility; Drunkenness; Duress; Necessity; Mistake; Self Defence.
7. MODES OF PARTICIPATION: - Counselling; Procuring; Aiding and Abetting; Impeding; Concealing.
8. THE INCHOATE OFFENCES: - Conspiracy; Attempt; Incitement.
9. OFFENCES AGAINST PROPERTY: - Criminal Damage; Theft, Robbery; Burglary; Deception; Blackmail; Handling Stolen Goods; Taking a Conveyance; Going Equipped.

Teaching and learning methods:

The aims of the subject are to enable the student to understand and critically analyse the general principles of criminal law. Formal lectures are a small part of the subject, the emphasis being on student learning through preparation and participation in workshop and seminar discussion. Seminar and workshop interaction between students and staff makes for a very participative subject, and students are encouraged to become independent learners from the beginning.

Class contact

Full Time CPE

The basic class contact pattern on the course for Criminal Law is as follows:

- | | |
|------------------|---|
| 1 hour per week | plenary session in lecture room |
| 1 hour per week | seminar discussion (max 12 students per seminar) |
| 2 hours per week | workshop sessions (ie 3 seminar groups combined) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic) |

In any given academic year, there will normally be

- 15 lectures, including one or two introductory lectures and one or two revision lectures;
- 12 workshops, including an opportunity to undertake a 'winter test' (being a formative examination exercise) and a revision workshop; and
- 12 seminars (including one cycle of revision seminars)

Consequently, in any academic year, there will normally be 51 hours of contact time for each student.

Part Time CPE

In any academic year, the basic class contact for the subject is normally as follows:

At the September Induction residential session:

- 1 hour introductory lecture (whole cohort)

At each of the first for four subsequent residential sessions:

- 2 hours plenary session (whole cohort)
- 2 hours seminar sessions (max of 12 students per seminar group)

At the final residential session of the academic year:

- 4 hours plenary sessions (whole group)

Consequently, in any academic year, there will normally be 21 hours of contact time for each student.

Assessment

Assessment in any given academic year takes the form of either:

- (a) Coursework and Examination
- (i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; and
- (ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.

OR

- (b) Examination only

An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

All students are provided with a voluntary opportunity to sit a test paper before the formal and summative assessment by examination takes place.

Reading strategy:

At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).

Any **essential** reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific

references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).

If **further reading** is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).

Students will be encouraged to make full use of the printed and electronic resources available to them through membership of the University (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.

Indicative sources:

Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.

By way of illustration, in the 2007/2008 academic year, the texts provided to students will be:

"Criminal Law Textbook" 2nd edition, Heaton, Oxford 2006

"Cases and Materials on Criminal Law" 5th edition, Dine Gobert & Wilson, Oxford 2006

"Statutes on Criminal Law" 17th edition, Glazebrook, Oxford 2007

Assessment

Criminal Law is taught and examined at the same stage of the Diploma as Obligations I (Contract) and Obligations II (Tort). In any given academic year, there will be a coursework in two of these three subjects. Consequently, in two of each three year cycle, there will be assessed coursework in Criminal Law. In every academic year, there will be an unseen examination in each of the three subjects.

Weighting between components A and B

In an academic year in which there is an assessed coursework

A: 75% **B:** 25%

In an academic year in which there is no assessed coursework

A: 100%

First attempt within CPE Regulations

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Second attempt within CPE Regulations

(further attendance at taught classes is not required)

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Third and last attempt within CPE Regulations

Attendance at taught classes is not required.

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Specification confirmed by

Date

(Head of Department / Programme Director)

University of the West of England, Bristol
SUBJECT SPECIFICATION

Code: UJXU57-20-3 **Title:** Equity and Trusts **Version:** 1.0

Level: 3 **UWE credit rating:** 20 credits **ECTS credit rating:** 10 credits

Subject type: Non MAR subject (but standard module equivalent)

Owning Faculty: Law

Valid from: September 2003

Pre-requisites: None

Co-requisites: all other Foundation subjects, the other (8th) area of legal study (Independent Research Project) and English Legal System

Excluded combinations: None

Learning outcomes:

By the end of the subject, students will be able to demonstrate:

Knowledge and understanding

- an appreciation of the development, role and scope of the law of equity
- a sound knowledge and understanding of the concept of a trust
- a sound knowledge and understanding of equitable rights and remedies
- an understanding of the principal uses of the trust in modern society
- an understanding of the obligations placed on trustees and on other fiduciaries

Intellectual skills

- an ability to apply, highlighting areas of uncertainty, legal concepts and principles to a range of practical scenarios
- skills of analysis and synthesis
- an ability critically to evaluate existing law
- an ability to make reasoned proposals for reform of this area of law or to justify the retention of the current law

The above learning outcomes are developed by means of lectures, seminar discussion, workshop activities and by the student's individual study of the subject. They are assessed by any coursework which is part of the assessment schedule in any give academic year, and in the examination.

Subject specific skills

- the ability to present reasoned legal argument, both orally and in writing
- the ability to conduct effective library-based legal research
- the ability to use electronic sources for legal research
- problem solving skills in the context of equity and trusts
- the ability critically to analyse and evaluate primary and secondary legal materials

These skills are developed through preparation for, and activities at, weekly seminars

and workshops and also form part of the independent research needed to complete any coursework which is part of any assessment schedule in any given academic year.

Transferable skills

- oral and written communication skills
- study management skills.
- use of information technology
- team working
- the ability to learn and research independently
- communicative and persuasive skills

The teaching methods adopted are designed to develop transferable skills as set out above. The preparation that is expected before classes involves the student in managing his/her own workload, and in conducting research independently. The demands of any coursework preparation and presentation also have to be met in all subjects, so successful completion of the course requires a student to have achieved significant workload management skills. The use of IT in preparation for classes should lead to IT awareness and skill development, and coursework is expected to be produced in a word processed format. Seminar participation involves communication and persuasive skill development. Workshop activity requires both individual and team work in small group analysis, discussion and feedback to the whole group. Communicative and persuasive skills are enhanced by this experience. Any coursework tasks and the examination lead to the exercise and development of the transferable skills as well as the subject specific skills.

Syllabus outline:

1. **INTRODUCTION:** outline of the historical development of equity; the meaning of equity and analysis of the relationship between equity and the common law; the nature of equitable interests; maxims of equity; the doctrine of the bona fide purchaser.
2. **THE TRUST CONCEPT:** the nature of trusts and equitable rights; analysis of the trust concept and evaluation of traditional definitions; comparison with other concepts; classification of trusts; discretionary and protective trusts.
3. **FORMALITIES:** capacity and formalities for creation of trusts and dispositions of equitable interests; certainty and the effects of uncertainty; other requirements for validity; implication for the trust of the settlor's insolvency (in outline).
4. **CONSTITUTION OF TRUSTS:** completely and incompletely constituted trusts; covenants to settle and their enforceability; exceptions to the rule that equity will not assist a volunteer.
5. **RESULTING, IMPLIED AND CONSTRUCTIVE TRUSTS:** definitions, categories and overlap between such trusts; secret trusts.
6. **CHARITABLE TRUSTS:** definition and nature of public trusts; comparison with private trusts and benefits of charitable status; cy-pres doctrine; the role of Charity Commissioners.

7. TRUSTS OF IMPERFECT OBLIGATION: definition and comparison of non-charitable purpose trusts with public trusts; examination of limits of present day validity.
8. TRUSTEES (GENERAL PRINCIPLES): duties and discretions; requirements and limitations regarding capacity, appointment, retirement, removal and control of trustees; vesting and divesting of trust property on appointment and retirement.
9. TRUSTEES' DUTIES TOWARDS TRUST PROPERTY: safeguarding the trust assets; the duty to invest and the meaning and economics of investment; the duty to distribute.
10. TRUSTEES' DUTIES TOWARDS BENEFICIARIES: maintaining equality between beneficiaries and the technical rules of administration and apportionment; the duty to provide accounts and information.
11. POWERS OF TRUSTEES: delegation, maintenance and advancement.
12. FIDUCIARY NATURE OF TRUSTEESHIP: the rationale of the principle that a trustee must not profit from the trust; remuneration, purchase of trust property and the making of incidental profits by trustees.
13. VARIATION OF TRUSTS: analysis of the rule in *Saunders v Vautier*; applications pursuant to the Variation of Trusts Act 1958; other means of effecting variations.
14. BREACH OF TRUST: liability of trustees; personal and proprietary remedies; relief; limitation of actions and laches.
15. EQUITABLE REMEDIES: consideration of general principles; specific performance; injunctions, defences.

Teaching and learning methods:

The aims of the subject are to enable the student to appreciate the relationship of equity to law; to understand the conceptual basis of the trust; to acquire a knowledge of the main substantive areas of trust law; and to appreciate the nature and scope of equitable remedies.

Students will be encouraged to evaluate the present day relevance of established equitable doctrines, to appreciate the creativity of equity in developing basic equitable principles and extending their areas of application, and to gain an understanding of the principal uses of the trust in modern society. Students will be encouraged to make links with other areas of study where appropriate, particularly property law and contract. Evidential matters will also be considered where appropriate - for example, with regard to formalities, equitable presumptions and secret trusts.

The study of the law of trusts provides a demanding opportunity to develop legal method skills and analytical ability through oral and written discussion.

Class Contact

Full Time CPE

The basic class contact pattern on the subject for Equity and Trusts is as follows:

- | | |
|------------------|--|
| 1 hour per week | plenary session in lecture room |
| 1 hour per week | seminar discussion (max 12 students per seminar) |
| 2 hours per week | workshop sessions (ie 3 seminar groups combined) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic |

In any given academic year, there will normally be

- 13 lectures, including one lecture and one revision lecture;
- 12 workshops, including a revision workshop; and
- 11 seminars (including one cycle of revision seminars)

Consequently, in any academic year, there will normally be 48 hours of contact time for each student.

Part Time CPE

In any academic year, the basic class contact for the subject is normally as follows:

At the September Induction residential session:

- 1 hour introductory lecture (whole cohort)

At each of the first for four subsequent residential sessions:

- 2 hours plenary session (whole cohort)
- 2 hours seminar sessions (max of 12 students per seminar group)

At the final residential session of the academic year:

- 4 hours plenary sessions (whole group)

Consequently, in any academic year, there will normally be 21 hours of contact time for each student.

Assessment

Assessment in any given academic year takes the form of either:

- (a) Coursework and Examination
- (i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; and
 - (ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response

to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.

OR

(b) Examination only

An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

Reading strategy:

At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).

Any **essential** reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).

If **further reading** is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).

Students will be encouraged to make full use of the printed and electronic resources available to them through membership of the University (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.

Indicative sources:

Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of

legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.

By way of illustration, in the 2007/2008 academic year, the texts provided to students will be:

“Equity and the Law of Trusts” 10th edition, Pettit, Oxford 2005

“Maudsley & Burn’s Trusts and Trustees: Cases & Materials” 6th edition, Burn Virgo & Maudsley, Oxford 2002

“Statutes on Property Law” 15th edition, Thomas, Oxford 2007

Assessment

Equity and Trusts is taught and examined at the same stage of the Diploma as Property, Public and European Union Law. In any given academic year, there will be a coursework in two of these four subjects. Consequently, in one of each two year cycle, there will be assessed coursework in Equity and Trusts. In every academic year, there will be an unseen examination in each of the three subjects.

Weighting between components A and B

In an academic year in which there is an assessed coursework

A: 75% **B:** 25%

In an academic year in which there is no assessed coursework

A: 100%

First attempt within CPE Regulations

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Second attempt within CPE Regulations

(further attendance at taught classes is not required)

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Third and last attempt within CPE Regulations

Attendance at taught classes is not required.

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Specification confirmed by

**Date
(Head of Department / Programme Director)**

University of the West of England, Bristol
SUBJECT SPECIFICATION**Code:** UJXU58-20-3 **Title:** Law of the European Union **Version:** 1.0**Level:** 3 **UWE credit rating:** 20 **ECTS credit rating:** 10 credits**Subject type:** Non MAR subject (but standard module equivalent)**Owning Faculty:** Law**Valid from:** September 2003**Pre-requisites:** None**Co-requisites:** all other Foundations subjects, the other (8th) area of legal study (Independent Research Project) and English Legal System**Excluded combinations:** None**Learning outcomes:**

At the end of this subject students will be able to demonstrate:

Knowledge and understanding

- Knowledge and understanding of the principal issues of substantive law of the EC/EU
- An appreciation of the underlying social, economic and political issues that underpin the European Community
- Knowledge and understanding of the law making process of the EU/EC
- An appreciation of the institutional structures of the EU/EC

These skills are developed through lectures and seminar activities and are assessed in any coursework which is part of the assessment schedule in any given academic year, and examination.

Intellectual skills

- Skills of analysis and synthesis
- An ability to evaluate critically existing law
- An ability to apply problem-solving techniques to complex legal and factual situations

These skills are developed through lectures and seminar activities and are assessed in any coursework which is part of the assessment schedule in any given academic year, and examination.

Subject /practical skills

- An ability to conduct effective legal research
- An ability to present reasoned legal argument (both orally and in writing)

- Problem solving skills in the context of EU/EC law
- An ability to find, analyse and evaluate primary and secondary EU/EC law

These skills are developed through preparation for and participation at seminars. The ability to research using both primary and secondary sources also form part of the independent research skills needed to complete any coursework which is part of the assessment schedule in any given academic year.

Transferable skills

Skills that are developed include:

- Oral and written communication skills: oral communication is developed through and evidenced by interactive activities involved in the seminars. High quality written communication skills are required for any coursework and for the examination tasks.
- Time management skills: these are developed through and evidenced by the ability to cope with an intensive study in a new discipline, whilst working to a demanding schedule of class contact, preparation for classes and for assessments.
- Use of IT is developed both as a research tool and for the presentation of coursework. IT skills are also of increasing importance in the search for and retrieval of legal sources from the internet and legal databases.
- Team-working is developed most obviously through seminar activities, where small group discussion (groups of 4 or 5) is followed by more general debate between the whole seminar group and the tutor.

Syllabus outline:

1. Introduction
The historical, economic and political context of European integration
The relationship between the UK and the EU
2. Institutions of the European Union
The European Commission
The European Parliament
The Council of Ministers, COREPER, and the European Council
The European Court of Justice and Court of First Instance
3. Law-making in the European Community
Forms of secondary legislation
Legislative processes in the EC
Influencing the decision making process
4. Jurisdiction of the ECJ and CFI
Preliminary references
Enforcement proceedings
Review of acts of the institutions
5. General Principles of EC law
Supremacy of EC law
Direct effect and direct applicability
Indirect effect
State liability
Protection of individual rights

Proportionality

6. Free Movement of Goods
Customs duties and charges having equivalent effect
Discriminatory internal taxes of a Member State
Quantitative restrictions and measures having equivalent effect
7. Free Movement of Persons
Free Movement of Workers (and their families)
The self-employed (Free Movement of Services and Right of Establishment – including the application of rules to the legal profession)
8. Competition Policy
Anti-competitive agreements (Art.81)
Abuses of a dominant position (Art.82)
9. Social Policy – including anti-discrimination measures (in outline)

Teaching and learning methods:

The aims of the subject are to:

- provide the student with knowledge and understanding of the nature and workings of EC law and law-making structures and processes;
- provide the student with an appreciation of the pervasive nature of EC law and of its importance and effect on domestic UK law;
- enhance the student's independent study and research skills; and
- develop the student's critical awareness and understanding of major components of EC law and European economic integration.

The emphasis throughout the subject is to provide the student with the opportunity and facilities to question, understand, analyse and evaluate EC law in its historical, political, economic, social and practical context.

Class Contact

Full Time

The basic class contact pattern in the subject is as follows:

- one hour per week lecture session (whole cohort)
(24 lectures across the academic year)
- one hour every three weeks seminar session (max 12 students per group)
(7 seminars across the academic year)

Consequently, in any academic year, there will normally be 31 hours of contact time for each student.

Part Time CPE

EU Law is taught across both year 1 and year 2 of the part time CPE. All teaching is in the form of whole group plenary sessions comprising:

- At the year 1 Induction residential session: one hour of introductory lecture
- At each of the remaining residential sessions in year 1: one our plenary session
- At the year 2 Induction residential session: one hour of plenary revision of year 1 materials and one hour introductory lecture of year 2 material

- At each of the next three residential sessions in year 2: two hours plenary session
- At the March residential session in year 2: one hour plenary session
- At the final year 2 residential session: one hour revision of year 1 material and one hour revision of year 2 material

Consequently, over the course of the two academic years of the EU Law course, there will normally be 17 hours of contact time for each student.

Lectures on the Full Time course.

The principal purposes of lectures are to:

- provide students with an overview of a particular topic;
- stress the important issues within the topic;
- explain the more difficult issues within a topic; and
- stimulate interest in the topic and provide alternative views.

Students are given pre-reading of the topic to be considered in the lectures, so that students can attend the lectures having done some preliminary preparation.

Seminars on the Full Time course and Plenary sessions on the Part Time course.

These are fully inter-active teaching sessions, where students have the opportunity to raise questions and issues and to contribute to discussions. Seminars involve problem-solving and the analysis and synthesis of conceptual and contextual issues. Students are expected to fully participate in seminar discussions. The principal functions of seminars include:

- (a) to monitor the acquisition by students of knowledge, understanding and skills mentioned in the Learning Outcomes; and
- (b) to allow students to evaluate, analyse and synthesis legal materials and issues in an inter-active environment.

Typically, a seminar session may involve:

- consideration of some self-test questions given to students in advance (the principal functions of which are to guide students in their preparation for the seminar; to ensure broad coverage of subject matter within the topic, and to highlight important and more difficult issues within the topic); and
- consideration of a problem based scenario (the principal functions of which are to consider specific areas within a topic in more detail; to stress the importance of students adopting a logical methodology to dealing with such scenarios, and to illustrate the practical application of EC/EU law in fact-based scenarios).

Assessment

Assessment in any given academic year takes the form of either:

- (a) Coursework and Examination
 - (i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; and

- (ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.

OR

- (b) Examination only

An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

Reading strategy:

At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).

Any **essential** reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).

If **further reading** is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).

Students will be encouraged to make full use of the printed and electronic resources available to them through membership of the University (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.

Indicative sources:

Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one

year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.

By way of illustration, in the 2007/2008 academic year, the texts provided to students will be:

“EU Law” 9th edition, Steiner & Woods, Oxford 2005

“Cases & Materials on EU Law” 8th edition, Weatherill, Oxford 2007

“EU Treaties & Legislation” 18th edition, Foster, Oxford 2007

Assessment

EU Law is taught and examined at the same stage of the Diploma as Property, Public and Equity & Trusts. In any given academic year, there will be a coursework in two of these four subjects. Consequently, in one of each two year cycle, there will be assessed coursework in EU Law. In every academic year, there will be an unseen examination in each of the three subjects.

Weighting between components A and B

In an academic year in which there is an assessed coursework

A: 75% **B:** 25%

In an academic year in which there is no assessed coursework

A: 100%

First attempt within CPE Regulations

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Second attempt within CPE Regulations

(further attendance at taught classes is not required)

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Third and last attempt within CPE Regulations

Attendance at taught classes is not required.

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Specification confirmed by

Date

(Head of Department / Programme Director)

University of the West of England, Bristol
SUBJECT SPECIFICATION

Code: UJXU59-20-3 **Title:** Property Law **Version:** 1.0
Level: 3 **UWE credit rating:** 20 credits **ECTS credit rating:** 10 credits
Subject type: Non MAR subject (but standard module equivalent)
Owning Faculty: Law
Valid from: September 2003
Pre-requisites: None
Co-requisites: all other Foundation subjects, the other (8th) area of legal study (Independent Research Project) and English Legal System

Excluded combinations: None

Learning Outcomes

By the end of the subject, a student will be able to demonstrate:

Knowledge and Understanding

- a knowledge and understanding of the concept of a property right
- an understanding of the practical distinction between legal and equitable rights in land
- an appreciation of how the law attempts to balance the needs of purchasers and third parties
- a sound knowledge and understanding of the framework of the systems of registered and unregistered land
- an appreciation of the importance of the trust in its various guises in the law of property
- an understanding of the variety of estates and interests held in land and how they interrelate
- an appreciation of the different methods by which interests in land may be enforced
- an appreciation of the practical application of the principles of property law

These skills are developed through lectures, seminars and workshop activities and are assessed in any coursework which is part of the assessment schedule in any given academic year, and the examination.

Intellectual Skills

- skills of analysis and synthesis
- an ability to critically evaluate existing principles of property law
- an ability to relate legal principles to a range of practical situations
- an ability to critically evaluate the development of property law and make reasoned proposals for reform

These skills are developed through seminar preparation and discussions, group work and discussions in workshops and are assessed in any coursework which is part of the assessment schedule in any given academic year, and the examination.

Subject specific skills

- the ability to carry out effective legal research using hard copy
- the ability to carry out effective legal research using electronic sources
- the ability to find and evaluate primary and secondary legal materials
- the ability to present reasoned legal argument, both orally and in writing
- the ability to solve problems by identifying and analysing relevant facts and applying legal principles

These skills are developed through preparation for weekly seminars and workshops and also through the completion of any coursework which involves independent research on a topic not necessarily within the taught syllabus.

Transferable Skills

- communication skills
- team working
- use of information technology
- study management skills

Oral communication is developed through and evidenced by the many and varied interactive tasks involved in weekly seminars and workshops; high quality written communication skills are particularly required for and developed through any coursework task (where a coursework is part of the assessment schedule in any given academic year).

Time management skills – these are developed through and evidenced by the ability to cope with an intensive study in a new discipline, whilst working to a demanding schedule of class contact and preparation for classes and assessments

Use of IT is developed both as a research tool and for the presentation of coursework and evidenced by a requirement that all coursework be word-processed. IT skills are also of increasing importance in the search for and retrieval of legal sources from the internet and legal databases

Team-working is developed most obviously through workshop activities, where small group discussion (groups of 4 or 5) is followed by more general debate between subgroups, the whole workshop group and the tutor.

Syllabus outline:

1. INTRODUCTION: Property rights; ownership of land; doctrine of tenure; doctrine of estates; formalities in land.
2. PROTECTION OF PROPERTY RIGHTS
The bona fide purchaser
Registration of land charges
Registration of title
3. METHODS OF HOLDING LAND
Trusts of land

Co-ownership
The rule against perpetuities

4. THE LEASEHOLD ESTATE
Requirements, creation and termination of leases
Leasehold covenants – enforceability and remedies
5. INCUMBRANCES OVER LAND
Easements
Mortgages
Covenants in freehold land

Teaching and learning methods:

The aim of the subject is to give the student a thorough knowledge of the methods by which a most important commodity, land, may be held: the rights and interests a person may hold over a particular parcel of realty and those incumbrances which others may have over the land. It will aim to show how persons not party to the original agreement may be bound by property rights and give a practical introduction to the transfer of title to land and rights over land.

The subject will require the student not merely to obtain a thorough understanding of modern practical problems but will also aim to enhance that understanding by viewing these problems in a historical and social context.

Class Contact

Full Time CPE

The basic class contact pattern for Property Law is as follows:

- | | |
|------------------|---|
| 1 hour per week | plenary session in lecture room |
| 1 hour per week | seminar discussion (max 12 students per seminar) |
| 2 hours per week | workshop session (ie 3 seminar groups combined for purposes of interactive consideration of practical tasks and discussion of current syllabus topic) |

In any given academic year, there will normally be

- 13 lectures, including one lecture and one revision lecture;
- 12 workshops, including a revision workshop; and
- 11 seminars (including one cycle of revision seminars)

Consequently, in any academic year, there will normally be 48 hours of contact time for each student.

Part Time CPE

In any academic year, the basic class contact for the subject is normally as follows:

At the September Induction residential session:

- 1 hour introductory lecture (whole cohort)

At each of the first for four subsequent residential sessions:

- 2 hours plenary session (whole cohort)
- 2 hours seminar sessions (max of 12 students per seminar group)

At the final residential session of the academic year:

- 4 hours plenary sessions (whole group)

Consequently, in any academic year, there will normally be 21 hours of contact time for each student.

Assessment

Assessment in any given academic year takes the form of either:

- (a) Coursework and Examination
- (i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; and
- (ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.

OR

- (b) Examination only

An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

Reading strategy:

At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).

Any **essential** reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).

If **further reading** is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).

Students will be encouraged to make full use of the printed and electronic resources available to them through membership of the University (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.

Indicative sources:

Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.

By way of illustration, in the 2007/2008 academic year, the texts provided to students will be:

"Textbook on Land Law" 11th edition, MacKenzie & Phillips, Oxford 2006

"Maudsley & Burn's Land Law Cases & Materials" 8th edition, Burn, Oxford 2004

"Statutes on Property Law" 15th edition, Thomas, Oxford 2007

Assessment

Property is taught and examined at the same stage of the Diploma as Equity & Trusts, Public and European Union Law. In any given academic year, there will be a coursework in two of these four subjects. Consequently, in one of each two year cycle, there will be assessed coursework in Property. In every academic year, there will be an unseen examination in each of the three subjects.

Weighting between components A and B

In an academic year in which there is an assessed coursework

A: 75% **B:** 25%

In an academic year in which there is no assessed coursework

A: 100%

First attempt within CPE Regulations

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Second attempt within CPE Regulations

(further attendance at taught classes is not required)

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Third and last attempt within CPE Regulations

Attendance at taught classes is not required.

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Specification confirmed by

Date
(Head of Department / Programme Director)

University of the West of England, Bristol
SUBJECT SPECIFICATION**Code:** UJXU5A-20-3 **Title:** Public Law**Version:** 1.0**Level:** 3 **UWE credit rating:** 20 **ECTS credit rating:** 10 credits**Subject type:** Non MAR subject (but standard module equivalent)**Owning Faculty:** Law**Valid from:** September 2003**Pre-requisites:** None**Co-requisites:** all other Foundation subjects, the other (8th) area of legal study (Independent research project) and English Legal System**Excluded combinations:** None**Learning outcomes:**Knowledge and Understanding

At the end of this subject students will be able to demonstrate:

- knowledge and understanding of the working of the UK constitution
- an appreciation of the theoretical principles which underlie it.
- An appreciation of the significance of human rights at the European and national level.
- A sound knowledge and understanding of the legal machinery for the protection of human rights
- A sound knowledge and understanding of the substance and procedure of judicial review.

These skills are developed throughout the course, in lectures, seminars and workshops and are assessed in any coursework which is part of the assessment schedule in any given academic year, and examination.

Intellectual skills

At the end of this subject students will be able to demonstrate:

- Skills of analysis and synthesis in examining constitutional law
- Skills of evaluation and criticism in the study of the continuing process of constitutional reform,
- Problem solving skills in the application of the law in areas such as human rights and judicial review.
- An ability to make reasoned proposals for constitutional reform.

These skills are developed through preparation for and discussion in seminars and workshops, are assessed in examinations and form an important part in any coursework which is part of the assessment schedule in any given academic year.

Subject specific skills

At the end of this subject the following subject specific skills will have been developed and enhanced:

- the ability to research using both legal and non-legal materials, particularly using electronic sources,
- the capacity to become aware of and comment on current developments, often on a daily basis.
- the ability to present reasoned legal and constitutional argument, both orally and in writing
- the ability to evaluate a wide range of written materials, both legal and non-legal

These skills are developed in preparation for and participation in seminars and workshops and in the preparation of the assessed coursework.

Transferable skills

At the end of this subject the following skills will have been developed and enhanced.

- Oral communication skills are developed in seminars and particularly in workshops, where individual students may be called on to present arguments for or against a proposition, either to a group within the workshop or to the whole plenary session.
- Skills of persuasive advocacy are developed through workshop and seminar debate.
- Written communication skills of a high order are required for any coursework tasks.
- IT skills are developed through the research necessary for any coursework which is part of the assessment schedule in any given academic year and for the preparation for classes; students are referred to relevant sites on the Internet and are expected to use a variety of research tools.
- students are expected to make connections across subject boundaries; for example between public law and european union law, and between human rights and criminal law.
- Teamworking is developed in workshop activities, where co-operative work is the norm. For example, students may be asked to divide a range of tasks among themselves, or to prepare and present a joint defence of a proposition.

Syllabus outline:

PART A. CONSTITUTIONAL LAW

1. Nature of the UK constitution
Comparison with written constitutions.
2. Sources of the UK constitution
Written sources

Constitutional conventions

3. Constitutional theory
Constitutionalism
Rule of Law
Separation of Powers
4. The Supremacy of Parliament
Traditional theories
Impact of the EC
Devolution
5. Parliament
Electoral systems
Functions and powers of the House of Commons
Parliamentary privilege
Functions and reform of the House of Lords
6. Government
The royal prerogative
Prime Minister and Cabinet
Ministerial responsibility

PART B. ADMINISTRATIVE LAW

1. Judicial review
Natural Justice
Ultra vires
Remedies and procedures
2. Liability of public authorities
Tortious liability
Crown proceedings
Public Interest Immunity
3. Tribunals, Inquiries and Ombudsmen

PART C RIGHTS AND LIBERTIES

1. Human Rights
The European Convention on Human Rights
The Human Rights Act
2. Freedom of expression
Obscenity
Official Secrecy
Breach of Confidence
The Freedom of Information Act
3. Freedom to protest
Police powers
Public order offences.

Teaching and learning methods:Class ContactFull Time CPE

The basic class contact pattern of the subject for Public Law consists of:-

One hour per week plenary session in lecture room

One hour per week seminar discussion in groups of not more than 12

Two hours per week workshop session, for student discussion of work prepared in advance, debate on aspects of the syllabus, and application of the law to practical situations.

In any given academic year, there will normally be

- 13 lectures, including one lecture and one revision lecture;
- 12 workshops, including a revision workshop; and
- 11 seminars (including one cycle of revision seminars)

Consequently, in any academic year, there will normally be 48 hours of contact time for each student.

Part Time CPE

In any academic year, the basic class contact for the subject is normally as follows:

At the September Induction residential session:

- 1 hour introductory lecture (whole cohort)

At each of the first for four subsequent residential sessions:

- 2 hours plenary session (whole cohort)
- 2 hours seminar sessions (max of 12 students per seminar group)

At the final residential session of the academic year:

- 4 hours plenary sessions (whole group)

Consequently, in any academic year, there will normally be 21 hours of contact time for each student.

Assessment

Assessment in any given academic year takes the form of either:

(a) Coursework and Examination

- (i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; and
- (ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an

appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.

OR

(b) Examination only

An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

Reading strategy:

At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).

Any **essential** reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).

If **further reading** is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).

Students will be encouraged to make full use of the printed and electronic resources available to them through membership of the University (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.

Indicative sources:

Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one

volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.

By way of illustration, in the 2007/2008 academic year, the texts provided to students will be:

“Constitutional & Administrative Law” 14th edition, Bradley & Ewing, Pearson Longman

“British Government & The Constitution; Text, Cases & Materials” 6th edition, Turpin & Tomkins, Cambridge

“Statutes on Public Law & Human Rights” 17th edition, Wallington & Lee, Oxford 2007

Assessment

Public Law is taught and examined at the same stage of the Diploma as Property, European Union Law and Equity & Trusts. In any given academic year, there will be a coursework in two of these four subjects. Consequently, in one of each two year cycle, there will be assessed coursework in Public Law. In every academic year, there will be an unseen examination in each of the three subjects.

Weighting between components A and B

In an academic year in which there is an assessed coursework

A: 75% **B:** 25%

In an academic year in which there is no assessed coursework

A: 100%

First attempt within CPE Regulations

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Second attempt within CPE Regulations

(further attendance at taught classes is not required)

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

Third and last attempt within CPE Regulations

Attendance at taught classes is not required.

In an academic year in which there is an assessed coursework

Component A

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Component B

1 Coursework task

In an academic year in which there is no assessed coursework

Component A

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

Specification confirmed by

**Date
(Head of Department / Programme Director)**

SUBJECT SPECIFICATION

Code: UJXU5B-15-3 **Title:** Independent Research Project **Version:** 1.0

Level: 3 **UWE credit rating:** 15 credits **ECTS credit rating:** 7.5 credits

Subject type: Non MAR subject (but Project module equivalent)

Owning Faculty: Law

Valid from: September 2003

Pre-requisites: None

Co-requisites: all 7 Foundation subjects and English Legal System

Excluded combinations: None

Learning outcomes:Knowledge and understanding

On successful completion of the subject, the student will be able to

- Demonstrate their knowledge and understanding of a specific area of law within an identified topic which falls outside the syllabus content of the Foundation subjects

Intellectual skills

On successful completion of the subject, the student will demonstrate their ability to

- Plan and implement an appropriate legal research strategy in the context of a legal topic

Subject/Practical skills

On successful completion of the subject, the student will be able to

- Select relevant authorities and apply them in their response to the task
- Critically evaluate the subject matter of the project
- Produce a coherent response to the research task, as identified

Transferable/Key skills

On successful completion of the subject, the student will be able to

- communicate their understanding of the subject matter of the project in a manner and style appropriate to the task
- Show time and information management skills by responding to a specific task requiring research in an area of law on which there has been no tuition
- Work independently, over an extended period of time, in planning and executing an appropriate research strategy

Syllabus outline:

The subject matter of any given student's project will be determined by the anonymous allocation of a research task to each student. The list of tasks will be prepared by members of the teaching team, and will reflect their teaching and research interests. In line with the JASB requirements for the "eighth area of legal study", the research topics will fall outside the taught syllabi of the 7 Foundation subjects.

Teaching and learning methods:

The aim of the subject is to provide an opportunity for a sustained piece of independent research in an area of law additional to those areas studied within the 7 Foundation subjects.

Students will be provided with a minimum of two dedicated sessions to prepare them to embark on the research. These sessions will expand upon the basic introduction to legal method and research contained in the induction period. As the year progresses, all students are provided with multiple opportunities to develop their legal research skills (through preparation for seminars and workshops and the coursework tasks in each of the Foundation subjects).

Students will be provided with a list of tasks and asked to express their 1st, 2nd and 3rd choices. This process will take place in mid September for Full-time students and immediately after the summer examination period for Year 1 Part-time students. An allocation of topics will be made by the Director, the Deputy Director and the Assessments Officer, using candidate numbers only. A cap may have to be imposed on the number of students able to submit a project response to a given topic. If the demand is higher than can be accommodated, a ballot using candidate numbers will be used and the unsuccessful candidates will be allocated to their 2nd choice wherever possible.

The submission date for the project will normally be the Friday afternoon of the second week of the summer examination period.

Reading Strategy:

In view of the nature of the project (being an independent research project), there is no prescribed reading for the module.

Students will be encouraged to make full use of the printed and electronic resources available to them through membership of the University (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the CPE curriculum to develop their information retrieval and evaluation skills in order to identify relevant

resources effectively. Many project topics may require some research in non-legal materials.

Assessment

Weighting between components A and B : N/A

First attempt within CPE Regulations

Component A

A 4000 to 5000 word response to a specific task

Second attempt within CPE Regulations

Component A

Resubmission of a 4000 to 5000 word response to the allocated task

Third attempt within CPE Regulations

Component A

Resubmission of a 4000 to 5000 word response to the allocated task

Specification confirmed by

Date

(Associate Dean/Programme Director)