School of Law
Module Descriptions and Suggested Preparatory Work for

LLB Law (M100)
LLB English and French Law (with Maitrise: Masters 1) (M122)
LLB Laws (Including Year Abroad) (M120)
LLB Law and Human Rights
LLB Law and Philosophy
LLB Law and Politics
BA Law and Human Rights
BA Philosophy and Law
BA Politics and Law

2012-13

Welcome

It is our pleasure that you have chosen to study in the School of Law at the University of Essex. We hope that you find the following information useful as an introduction to the LLB and BA programmes of legal study.

This pack contains information about what modules you will be studying in your first year, together with information about those modules and some suggested preparatory reading.

Please note that this pack only relates to law modules. If you are studying for a joint degree (one where you take modules in more than one department or school) then module information and preparatory reading for your non-law modules will be provided by the partner department.
Your first year of study

Study at the University of Essex is divided into modules, which are assigned a credit value depending upon how long you study them: 15 credit modules are studied over a single term; 30 credit modules are studied across the whole academic year. The first year of study for all programmes in the School of Law contains a mixture of 15 and 30 credit modules.

The tables below indicate what you will be studying in your first year.

**LLB Law**

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**LLB English and French Law (with Maitrise: Masters 1)**

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**LLB Laws (Including Year Abroad)**

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* If you are studying the four-year M120 scheme with a year abroad in a country that requires a foreign language (Germany, France, Italy or Spain) you will not study Criminal Law (LW104), but will study the language of your chosen destination country.

**LLB Law and Human Rights**

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**LLB Law and Philosophy**

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<td>CS101 The Enlightenment</td>
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LW101 Contract Law

Module Outline
This 15 credit module will introduce students to key aspects of contract law. It will build on knowledge acquired in the Foundations of the Law of Obligations module taught in the autumn term and will also serve as a bridge for other optional commercial law courses that students may wish to study in subsequent years.

Syllabus
1. Terms of the Contract:
   - Interpretation of terms: express and implied; terms and representations; certainty (1 week)
2. Control of Unfair Terms
   a. Common Law
   b. Statute (2 weeks)
3. Vitiating Factors:
   a. Misrepresentation
   b. Other vitiating factors – mistake, frustration, illegality (3 weeks)
4. Damages for breach of contract:
   a. Principles of compensation - expectation and reliance
   b. The severity of breach and relationship with damages
   c. Assessment of Damages – principles of remoteness and other relevant principles (3 weeks)

Learning & Teaching Methods: 2 hours of lectures per week and 4 x 1 hour tutorials plus a revision class in the Summer Term.

Assessment: 100% coursework

Coursework: 1 coursework essay to be completed under timed conditions in the Spring Term.

Suggested Preparation for LW101:
An indicative syllabus is provided here, but because this module is taught during Term 2 there is no need for you to do any preparatory reading at this stage – concentrate on the modules you will be studying in Term 1.
**LW104 Criminal Law**

**Module Outline**
This 30 credit module, which is taught across the academic year, introduces students to the substantive criminal law of England and Wales. This will involve a study of the law governing criminal liability. Given the breadth of the criminal law, the potential scope for this module is immense, and it is, therefore, not possible to cover every aspect of the criminal law in the time available. However, the elements of criminal liability, and the key offences and defences will be explored. The course commences with a brief outline of preliminary matters, which includes an overview of the classification of criminal offences and an introduction to the theory of criminal law. This is followed by an examination of the general elements of criminal liability, i.e. the requirements of *Actus Reus* and *Mens Rea*. Following from this, particular crimes will be examined. The offences examined include: homicide offences, non-fatal offences against the person, non-consensual sexual offences, and certain property offences. Strict liability offences will also be examined. The module then moves on to examine the general defences available on a criminal charge, which include mental condition offences which affect a person’s capacity to commit an offence, and other general offences, namely duress, necessity, and public/private defence. Finally, the topics of inchoate crime and parties to crime will also be covered.

**Syllabus:**
1. An Introduction to Criminal Law
   2. The Elements of Crime 1: Actus Reus
   3. The Elements of Crime 2: Mens Rea
      a. Intention
      b. Recklessness
      c. Negligence
      d. Strict Liability
      e. Concurrence
   4. Homicide
      a. Murder
      b. Voluntary Manslaughter: Loss of Control & Diminished Responsibility
      c. Involuntary Manslaughter: Constructive Manslaughter, Gross Negligence Manslaughter, Reckless Manslaughter
      d. Corporate Manslaughter
   5. Offences Against the Person: Assault & Aggravated Assault, Harassment, Racially or Religiously Aggravated Assaults
   6. Non-Consensual Sexual Offences: Rape, Sexual Assault, Assault by Penetration, Causing a Person to Engage in Sexual Activity
   7. Property Offences
      a. Theft
      b. Robbery
      c. Burglary & Aggravated Burglary
      d. Criminal Damage
   8. Defences 1: Incapacity
      a. Infancy
      b. Insanity
      c. Automatism
      d. Mistake
      e. Intoxication
9. Defences 2: Other General Defences
   a. Duress
   b. Duress of Circumstances
   c. Necessity
   d. Public/Private Defence
10. Inchoate Crimes: Encouragement/Assistance, Conspiracy, and Attempt
11. Parties to Crime

**Learning & Teaching Methods:** 2 hours of lectures per week and 10 x one hour tutorials.

**Assessment:** 30% Coursework Mark, 70% Exam Mark

**Coursework:** One formative (take home exam paper) assignment in the Autumn term. One piece of summative coursework in the Spring term that consists of 2,500 words in length comprising two parts, an essay and a problem question

**Exam Duration and Period:** 3:15 hour exam during Summer Examination period.

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<tr>
<th>Suggested Preparation for LW104</th>
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<tr>
<td>We feel that it is not necessary for you to do any preparatory reading for this module. However, if you would like to do some background reading we suggest: Michael Allen, <em>Criminal Law</em>, 11th Ed (Oxford University Press, 2011). This will be one of the required textbooks for the module. You will be provided with a more extensive list of required and recommended textbooks at the start of the first term. In the meantime, please do not purchase any books. We will recommend which books you should purchase for this module when you arrive at the start of term.</td>
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LW105 Academic Legal and Professional Skills
LW107 French Law and Methodology I

Module Outline
This module is compulsory for students of the LLB English and French laws with Maitrise I. It gives an overview of the French legal system, focuses on the legal methods specific to French law (especially dissertation, commentaire d’arrêt and cas pratique) and familiarises students with French legal culture. Students will acquire an in depth understanding of the style of reasoning of French law, both public and private. The module is shaped in such a way that students learn to think and work in French law alongside the English legal system. At the end of the two modules, students have the necessary background to pursue their studies in French law in the partner universities in France.

The module is divided between lectures and tutorials. Lectures are taught simultaneously to students of both French Law and Methodology I and French Law and Methodology II. Tutorials for the former are run separately, with exercises given every week to practice French legal methodology and to receive feedback on how to gain and improve the skills necessary French legal writing.

The content of the module alternates. One year the students are taught public law, the next they are taught private law. If they are taught public law in French Law and Methodology I then they will learn private law the following year in French Law and Methodology II and vice versa.

Syllabus
Different syllabuses are taught in alternate years:

Year related to Public Law
First term: constitutional law
- Theories of the state
- Sovereignty
- Principle of the separation of powers – comparative perspective
- History of the French Constitution since the French Revolution
- The French Constitution of 1958
- The institutions of the French Republic (President, Government, Parliament, Judiciary)
- The Constitutional Council
- The protection of fundamental rights and freedoms
- Decentralisation in constitutional law

Second term: administrative law
- Features and principles of administrative law
- Administrative bodies
- French administrative courts (especially the Conseil d’État)
- Legal position of the individual vis-à-vis of the administration
- Administrative acts and their legal consequences
- Policing of the administration and its principles
- Public service and its principles
- Regulation – with comparative perspective
- Liability of public bodies
Year related to Private Law
First term: French legal system

Due to their specificity, the following concepts are kept in French:

- French institutions,
- notion de règle de droit, droit objectif/droits subjectifs,
- sources du droit: normes, rôle du juge et de la loi
- droit des personnes: état civil, nom, personne
- droit des biens: patrimoine; introduction à la propriété et possession (visiting professor as guest speaker)

A historical perspective will be given from time to time. Comparative law will also be introduced whenever appropriate

Second term: obligations
- Principles of obligations and historical background
- Formation of contract – consent
- Formation of contract – subject-matter and counterpart
- Effects of contract – between parties and towards third parties
- Remedies in case of breach of contract
- General rules applicable to all obligations: temporal modalities, joint and several liability and extinction
- Reforms of French contract law: the contribution of comparative law and European law
- French law of Torts: principles; evolution; categories (responsabilité du fait personnel, du fait d’autrui, du fait des choses); préjudice, causation (lien de causalité); excuses and exemptions (causes d’exonération); harm (préjudice)
LW108 Foundations of Obligations

Module Outline
This new 15 credit module will act as an introduction to the study of contract and tort and set them in the wider framework of the common law of obligations. The main aim will be to introduce students to key concepts in the separate disciplines of contract and tort. However the module will also highlight the interplay between contract, tort and restitution in order to demonstrate the significance in practice of these distinct branches of the law of obligations.

Syllabus
The first five weeks of teaching will provide an overview of fundamental aspects of contract law and explain the relationship of contract law to other branches of the law of obligations. This part of the foundation module will serve as the introduction to a ten week Contract Law module which will be taught in the following spring term. The second five weeks of teaching will provide an overview of the law of negligence and serve as an introduction to the ten week module Tort Law.

Contract
1. The common law of obligations – the role of contract, tort and restitution (1 lecture)
2. Establishing Agreement: offer and acceptance, consideration, intention to create legal relations, certainty and privity (6 lectures)
3. Failure of Contracts and Remedies: conditions, warranties and innominate terms; the nature of breach, damages based both on restitution and expectation, specific performance (2 lectures)

Negligence
4. The Duty of Care: Donoghue through to Caparo and beyond (3-4 Lectures)
   a. The Foreseeability of Harm
   b. Proximity
   c. Fairness, Justice and Reasonableness
5. Breach of Duty (1-2 Lectures)
   a. The Standard of Care: The ‘Man on the Clapham Omnibus’/Skilled, Professional, Juvenile or Infirm Defendants
   b. Factors Influencing a Finding of Breach
6. Causation and Remoteness (3-4 Lectures)
   a. Successive/Overtaken Torts and Joint Liability
   b. Cumulative Torts
   c. Causal Indeterminacy
   d. Novus Actus
   e. The Egg-Shell Skull Rule
   f. The Remoteness Rule
7. Limitations and Defences (1 Lecture)
   a. Contributory Negligence
   b. Volenti Non Fit Injuria

Learning & Teaching Methods: 2 hours of lectures per week and 4 x 1 hour tutorials
Assessment: 100% coursework
Coursework: One essay to be submitted in the first week of the Summer term
**Suggested Preparation for LW108**

We feel that it is not necessary for you to do any preparatory reading for this module. However, the following books will be used as texts for the module.

Mullis and Oliphant *Tort Law* (Palgrave, London)
LW109 Foundations of Property Law

Module Outline
This 15-credit module, which you will study in Term 2 (Spring Term) will provide you with an introduction to the fundamental principles of the law of property in England and Wales. Together with the 15-credit Land Law and Equity & Trusts modules, which LLB students will study in the second or third year (depending on degree-course), it is designed to satisfy the property law requirements of the professional bodies for those students who intend to practise law in England and Wales. It is designed to provide students with a sound understanding of the key features of property law and of the framework within which the property lawyer operates, and the wide range of matters this covers.

The LW109: Foundations of Property Law module will cover:

- Types of property: real property; personal property; intellectual property;
- Equitable principles, equitable remedies and historical basis of the trust;
- Definitions and conceptual distinctions: ownership (legal and equitable), occupation and possession;
- Acquisition of property interests:
  - Finding chattels: rights of finders and land-owners; treasure etc.;
  - Gifts, *donationes mortis causa* etc.;
  - Trusts of the family home (constructive trusts and resulting trusts) and proprietary estoppel [excluding consideration of rights consequent upon divorce or dissolution of a civil partnership];
- Transfer of property and creation of property interests: formalities for transfer of land and declarations of trust;
- Testamentary dispositions of property: wills & intestacy.

Learning & Teaching Methods: 2 hours of lectures per week and 4 x 1 hour tutorials
Assessment: 100% coursework
Coursework: One essay to be submitted in the first week of the Summer term

Suggested Preparation for LW109
An indicative syllabus is provided here, but because this module is taught during Term 2 there is no need for you to do any preparatory reading at this stage – concentrate on the modules you will be studying in Term 1.

We will suggest (optional) preparatory reading for LW109: Foundations of Property Law towards the end of Term 1, so that you can do the reading, if you wish, during the vacation.
LW110 Public Law I

Module Outline
This 30 credit module, taught across the academic year, aims to introduce students to the fundamentals of the UK Constitution and the foundations of judicial review. The module commences with examination of the basic features and principles of the United Kingdom constitution: the nature of the constitution; the structure of governmental power; the sources of constitutional rules; and the fundamental principles underpinning the constitution of the United Kingdom. The module then moves on to consider the powers and functions of the three branches of government: executive, legislative and judicial. This will include discussion of need for accountability in relation to governmental power and the mechanisms through which this is achieved. Consideration of the judicial branch will include an introduction to judicial review. Finally the module will examine the framework for protection of human rights under the Human Rights Act 1998.

Syllabus
1. The nature of the UK constitution; written and unwritten constitutions
2. Sources of constitutional rules: statute, cases, the royal prerogative, constitutional conventions, treaties
3. Key principles of the UK constitution: parliamentary sovereignty, the rule of law, the separation of power
4. Executive power
   - The nature and exercise of executive power
   - The political accountability of executive power, including ministerial responsibility
   - The legal accountability of executive power, including judicial review
5. Legislative power
   - The nature and exercise of legislative power
   - The legislative process
   - Parliamentary sovereignty
6. Judicial power
   - The nature and exercise of judicial power
   - Judicial review
7. Human Rights
   - The European Convention on Human Rights and its requirements
   - The protection of human rights under the Human Rights Act 1998
8. Constitutional Reform
   - The need for constitutional reform and shape such reforms might take, including the constitutional reform proposals of the current government

Learning & Teaching Methods: 2 hours of lectures per week and 8 x one hour tutorials.
Assessment: 25% Coursework Mark, 75% Exam Mark
Coursework: One formative essay written under timed conditions in the Autumn term. One summative essay to be submitted in the Spring Term.
Exam Duration and Period: 3:00 hour exam during Summer Examination period.
Suggested Preparation and Reading Materials for Public Law I
The most important thing you can do in preparation for Public Law I is to familiarise yourself with the workings of the UK political system. Read a quality newspaper (*The Times, The Daily Telegraph, The Guardian, The Independent, The Financial Times*); watch *Newsnight* on BBC 2 or the news on Channel 4; listen to *Today, The World at One*, or *The World Tonight* on Radio 4; read political commentary and blogs online. Be aware of politics happening around you and engage with current events.

The following book will be used as the core text for the module and you will need to purchase a copy:

*Public Law: Text, Cases and Materials*, by Andrew Le Sueur, Maurice Sunkin and Jo Eric Khushal Murkens (OUP, 2010).