



NUI Galway
OÉ Gaillimh

IRISH LAW AWARDS 2019 

WINNER
Law School of the Year  NUI Galway
OÉ Gaillimh

Visiting Students Law Guide 2020/2021 Everything You Need To Know For the Year Ahead

**School of Law
Academic Booklet
2020-2021**

**Scoil an Dlí
Leabhrán Acadúil
2020-2021**



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law@nuigalway.ie

Please note that the information contained in this document is subject to change.

September 2020

Welcome / Fáiltiú



Dear Student

I am delighted to welcome you to the School of Law at NUI Galway.

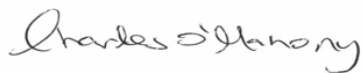
You are undertaking your legal education at a very challenging time. I would like to acknowledge your decision to continue with your legal education amidst the uncertainties of this unprecedented global health crisis. The global pandemic is significantly transforming the ways that we study, work, live and engage with our communities. Your ability to adapt to these changes will serve you well as you complete your studies and prepare for your career.

Since 1849 the School of Law has been delivering innovative legal education in a dynamic school dedicated to impactful, high quality legal research. We have over 800 undergraduate and postgraduate students, over 40 academic staff, a range of undergraduate and postgraduate programmes and exciting clinical legal education opportunities. We emphasise student-focused, research-led teaching delivered in a supportive and intellectually challenging environment.

The School is passionate about research that meets the highest standards of scholarship, informs your learning and engages with current societal challenges, impacting public debate and informing government policy. Our contribution to public policy has never been more important. Equally the contributions that you will make as you embark upon your professional life have the potential for significant impact.

These are extraordinary times with significant challenges and opportunities. The graduate attributes you acquire throughout your degree and your flexibility in adapting to the new learning environment ensures that you develop a wide range of knowledge, skills and dispositions that will stand to you as you embark upon your career.

My colleagues and I look forward to working with you over the course of the academic year and wish you well with your studies.



Dr Charles O'Mahony

Head of School

School of Law

PROGRAMME CONTACTS



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GENERAL INFORMATION

ONLINE TEACHING

Visiting students will be taught online for both Semester 1 and 2. Specific lecture times for you will be indicated on your timetable.

SCHOOL SUPPORT

All queries relating to programmes, modules, examinations, etc. should be raised with the School Administration Office in the first instance by emailing law@nuigalway.ie or by logging onto the School of Law website and clicking on the 'Ask' icon on the bottom right of the page <http://www.nuigalway.ie/business-public-policy-law/school-of-law/students/>

The School of Law administration team are available to support you throughout the semester. Please email law@nuigalway.ie to book an online appointment with one of the team.

The School of Law administration offices are located on Floors 2 and 3, Tower Two, Arts/Science Building. However, due to the public health guidelines the school office will not have on-campus office hours.

ACADEMIC STAFF

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SCHOOL ADMINISTRATION

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LIBRARY



library@nuigalway.ie



<http://www.library.nuigalway.ie/>

Effective use of the library is a crucially important part of legal education. Students should take advantage of every opportunity to familiarise themselves with the library and the services it offers. Nowadays, many excellent services are available through electronic sources (located on the ground floor of the library). Training sessions are available and details may be found at the information desk located in the library.

***CHANGES TO LIBRARY** for this academic year 2020-2021

Users will need to reserve a seat in advance to gain admission as capacity will be significantly reduced under 2-metre social distancing and there will be no access to the book shelves (but borrowing will be facilitated via Click and Collect).

Full details of the Library Guidelines can be found here [Library Guidelines](#)

AVAILABILITY OF PHOTOCOPIED MATERIAL

Some module reading material is available on a pay-as-you-get basis in photocopied form, and can be purchased from the print shop Media Linn located opposite the Student Union's shop on campus.

EXAMINATIONS

Students must present for the first sitting of their examinations. Repeat examinations are confined to those who fail at the first attempt. Repeat Examinations will be held in the Autumn Examination session, typically in the month of August.

For academic year 2020/2021 examinations for Semester One will be held online from 11th to 22nd January 2021. Marks are awarded out of 100% and the pass mark is 40%.

STANDARDS

40% or above	Third Class Honours
50% or above	Second Class Honours, Grade 2
60% or above	Second Class Honours, Grade 1
70% or above	First Class Honours

ADVISORY

It can be difficult adjusting to University life as well as being away from home and friends. There are people you can talk to within the School of Law and within the NUI Galway wider community including the student health and the counselling services <https://www.nuigalway.ie/counsellors>.

You are encouraged to avail of any such services if you are finding it all a bit overwhelming and lonely. This is a common feeling so don't hesitate to approach someone to talk about it. Indeed, the staff at the School of Law are friendly and helpful and would be glad to discuss issues and assist any student who might have a difficulty.

ACADEMIC CALENDAR

Monday, 28 September 2020	Semester 1 Begins
Friday, 18 December 2020	Teaching Ends
Monday, 11 January 2021	Examinations Begin
Friday, 22 January 2021	Examinations End
Monday, 8 February 2021	Semester 2 Begins
Friday, 7 May 2021	Teaching Ends
Tuesday, 18 May 2021	Examinations Begin
Friday, 4 June 2021	Examinations End

SCHEDULE OF MODULES FOR VISITING STUDENTS

SEMESTER 1

<u>Code</u>	<u>Module Name</u>	<u>ECTS</u>	<u>Examination</u>
LW4103	Administrative Law I	5	Two hour exam
LW229	Company Law I	5	Two hour exam
LW333	Comparative Competition Law	5	Two hour exam
LW227	Constitutional Law I	5	Two hour exam
LW202	Contract Law I	5	Two hour exam
LW409	Criminal Law I	5	Two hour exam
LW357	Environmental Law I	5	Continuous Assessment
LW263	Equity I	5	Two hour exam
LW503	European Union Law I	5	Two hour exam
LW3130	European Human Rights Law - Systems & Themes I	5	Two hour exam
LW513	Evidence I	5	Two hour exam
LW356	Industrial and Intellectual Property Law	5	Two hour exam
LW3127	International Protection of Human Rights I	5	Two hour exam
LW103.I	Irish Legal System	5	Two hour exam
LW212	Labour Law I	5	Two hour exam
LW225	Land Law I	5	Two hour exam
LW379	Legal & Business Ethics	5	Two hour exam

SEMESTER 2

<u>Code</u>	<u>Module Name</u>	<u>ECTS</u>	<u>Examination</u>
LW4104	Administrative Law II	5	Two hour exam
LW374	Banking Law	5	Continuous Assessment
LW231	Company Law II	5	Two hour exam
LW370	Comparative Disability Law	5	Two hour exam
LW228	Constitutional Law II	5	Two hour exam
LW205	Contract Law II	5	Two hour exam
LW413	Criminal II	5	Two hour exam
LW365	Criminology	5	Two hour exam
LW398	English Land Law	5	Two hour exam
LW358	Environmental Law II	5	Continuous Assessment
LW265	Equity II	5	Two hour exam
LW504	European Union Law II	5	Two hour exam
LW514	Evidence II	5	Two hour exam
LW419	Health and Safety Law	5	Two hour exam
LW383	Information Technology Law	5	Two hour exam
LW3119	Jurisprudence	5	Two hour exam
LW216	Labour Law II	5	Two hour exam
LW226	Land Law II	5	Two hour exam
*LW3131	European Human Rights Law - Systems & Themes II (Module can only be taken by students who have taken Part I)	5	Two hour exam

YEAR-LONG

<u>Code</u>	<u>Module Name</u>	<u>ECTS</u>	<u>Examination</u>
*LW127	Family Law	10	Two hour exam
*LW323	Public International Law	10	Two hour exam
*LW3109	Tort	10	Two hour exam

****LW---* (only available to students visiting for the full year)**

Every effort will be made to offer the modules as listed, each module may not be available every year. Modules are offered subject to availability of staff and sufficient demand. **Please note that your timetable may change during the year. The most up-to-date timetable can be found on www.nuigalway.ie/law/timetables**

SYLLABI OF MODULES

LW4103 Administrative Law I: This module will examine the following fundamental issues in public law. (1) The courts, judicial decision-making, judicial independence and accountability. (2) The ingredients of fair decision-making, including the rule against bias and the other elements of constitutional justice. (3) Legitimate expectations. (4) The supervisory jurisdiction of the High Court by way of judicial review, including the scope of public law remedies and their discretionary nature. (5) A case study in one of the above areas.

LW229 Company Law I: This module examines the legal classification of organisations, structures for the conduct of business especially the single trader, partnership, company and the co-operative society, the formation of a company by registration under the Companies Acts, the concepts of corporate personality, limited liability and ultra vires, the law relating to the Memorandum and Articles of Association, the definition, function and legal duties of company promoters and directors, majority rule and minority rights.

LW333 Comparative Competition Law: The aim of the course is to familiarise students with the manner and extent to which the law operates to regulate the market behaviour of businesses, and to enquire into the validity and practical implications of such control. Systems to be studied in detail are those of the EU and Ireland with frequent comparative reference made to UK and US law.

Specific topics include the concept of and perceived need for competition, historical development of competition law, the various types of market structure and behaviour subject to control; the law relating to (i) restrictive trade practices, (ii) concentrations of economic power; procedural and enforcement issues.

LW227 Constitutional Law I: This module examines Irish constitutional history and includes a basic introduction to constitutional theory. Its primary focus is on the 1937 Constitution as a constitutive instrument of statehood and in exploring this theme there is a detailed consideration of the doctrine of separation of powers as it applies in Ireland.

LW202 & LW205 Contract I & II: These modules examine areas of contract law such as formation, contractual terms, capacity to contract, privity of contract, agency, vitiation, discharge, remedies and restitution.

LW409 Criminal Law I: In this module, we will be concerned with the general principles of criminal liability. We will consider the philosophical foundations of the criminal law, and the elements of liability. The module will end with a consideration of the principal general defences.

LW357 Environmental Law I: This module treats the legal regime regulating planning and development in Irish Law. The Irish planning code and issues of statutory interpretation and public law arising therefrom are examined. The module looks at the institutions of planning control, the application for planning permission, participation by objectors, the appeal process and judicial review of planning decisions and compensation for refusal of development.

LW263 Equity I: This module deals with the historical development of Equity and equitable remedies and doctrines. Topics covered include the origins and development of Equity, the relationship between Equity and Common Law, the maxims of equity, equitable interests and equities, conflicts of legal and equitable rights, priorities and the doctrine of notice. The module will also examine the equitable remedies, including the following: perpetual, interlocutory, interim, mandatory and *quia timet* injunctions, the *Mareva* injunction and *Anton Piller* order, specific performance, rescission, rectification and declaration, tracing, promissory and proprietary estoppel. Finally, the module will examine the concepts of donatio mortis causa

and constructive fraud including fraud, undue influence, unconscionable transactions and abuse of confidence.

LW503 European Union Law I:

The module is an introduction to the role of the institutions of the European Union in promoting European integration. Consideration is given in particular to the functions of the Commission, the European Parliament, the Council and the Court of Justice. Comparative reference is made to the institutional development of other European organisations, such as the Council of Europe.

LW3130 European Human Rights: This module is primarily concerned with the growing body of jurisprudence emerging from the European Commission and Court of Human Rights and, to a lesser extent, the European Court of Justice, under the European Convention on Human Rights. The historical development of human rights law in Europe will be examined and consideration will be given to the status of the Convention in the domestic law of member states of the Council of Europe. Particular attention will be paid to its legal status and impact in Ireland and Northern Ireland. The case law of the Court of Human Rights will be examined in a thematic way and the various interpretative approaches adopted by the Court will be appraised critically. The European Social Charter and the increasingly significant Organisation for Security and Co-operation in Europe will also be considered. (See also International Protection of Human Rights below.)

LW513 & LW514 Evidence I & II: These modules will examine relevance and admissibility, similar facts, character evidence, evidence of opinion, hearsay evidence, privilege, estoppel, evidence improperly obtained, judicial notice, presumptions, witnesses, corroboration, the criminal justice (Evidence) Act 1924, the burden of proof.

LW356 Industrial and Intellectual Property Law: This module will examine the legal protection granted by statute and the common law to industrial and intellectual property. It will examine patent law, copyright and trade mark law, beginning first with an examination of the economic justification for such rights and then proceeding to examine the different sections in detail. Consideration will also be given to breach of confidence and EC competition law as it bears upon intellectual property rights.

LW3127 International Protection of Human Rights: This module deals with the efforts of the international community of States to promote and to protect human rights. The strategies that the international community pursues are examined in detail in the context of a number of areas which vary somewhat each academic year, but usually include the following: civil and political rights, economic, social and cultural rights, children's rights, women's rights, the right to self-determination, and the rights of refugees. The roles of the United Nations and of number of other global organisations are discussed. In the latter part of the module, consideration is given to the taking of sanctions for human rights violations and to the influence of human rights concerns on the making of foreign policy. (See also European Human Rights above.)

LW103.I Irish Legal System: This module comprises a general introduction to legal study, to the sources and institutions of Irish Law and to legal method. The module covers the historical background to Irish Law and the growth of the legal system including the constitutional and legal steps leading to the creation of the Republic of Ireland and Northern Ireland. The legislative, administrative and judicial system of the Republic of Ireland is examined in detail. The module will include exercises in analysing statutes and case law.

LW212 Labour Law I: This module concentrates on the development of labour law and of employment rights. Key issues include the nature and terms of the employment contract, the impact of European labour provisions, institutional regulation of labour law in Ireland and the

European rights. A particular focus is on equality law (including gender, race and disability discrimination in employment).

LW225 Land Law I: The aim of the module is to familiarise students with the principles and concepts governing ownership and use and occupation of land in the Republic of Ireland. Topics for study will include the nature of Land Law and its historical background, tenure and the doctrine of estates, the fee simple, fee tail and life estate, settlements of land, the influence of Equity, adverse possession, licences and proprietary estoppel, rights of residence, elements of Succession Law.

LW379 Legal & Business Ethics: After a general introduction to ethics this module examines the nature and role of the legal profession, including the employed or in-house lawyer. The ethical responsibilities of lawyers and persons in business are examined domestically and comparatively. The module will also deal with the enforcement of ethical codes and examine selected relevant topics to be prescribed from time to time by the professor responsible.

LW4104 Administrative Law II: This module will deal with more advanced public law issues including the following; (1) Procedures for applying for judicial review. (2) Tribunals of Inquiry and similar bodies, including an examination of their role and their relationship with the courts. (3) Constitutionalism: models of constitution-making. (4) The key elements of the British Constitution including parliamentary sovereignty, the rule of law, devolution, the prerogative and conventions. (5) The liability of public bodies in contract and tort.

LW374 Banking Law: The legal position and regulation of banks and the banker-customer relationship are explored in this module. The legal duties and liabilities of banks to customers and third parties are examined in relation to banking transactions, the provision of advice, and confidentiality requirements. The legal regulation of both electronic and paper-based banking will be considered.

LW231 Company Law II: The module will examine the nature, issue, allotment and maintenance of capital; Mortgages, charges and receivership. Company membership, shares and debentures, share certificates and share transfers. The law relating to company management, administration, mergers, take-overs, monopolies, companies, capitalism and industrial democracy. The EU company law harmonisation programme. The legal process and problems of company liquidation and dissolution.

LW370 Comparative Disability Law: This module will deal with the law and policy affecting individuals with disabilities. It will take as its starting point an examination of the general concept of equality and its application in the field of disability. Specialist topics shall include consideration of the relevant portions of transportation law, education law, housing law, employment law and planning law. The scope of the module shall be comparative in nature and shall cover in particular the relevant UN, US, Canadian, Australian, Irish and European laws.

LW228 Constitutional Law II: This module examines the fundamental right guaranteed by the Irish Constitution. This includes a consideration of the doctrine of unenumerated rights developed under that instrument and the particular issues of constitutional theory that arise in relation to fundamental rights jurisprudence generally.

LW202 & LW205 Contract I & II: These modules examine areas of contract law such as formation, contractual terms, capacity to contract, privity of contract, agency, vitiation, discharge, remedies and restitution.

LW413 Criminal Law II: This module is concerned with the principal offences known to Irish law. We begin with the Inchoate Offences – Incitement, Conspiracy, and Attempts. The most serious offences – homicide, non-fatal offences, and sexual offences are then considered and the module will end with a consideration of the principal property offences and the inchoate offences.

LW365 Criminology: This module will deal with certain fundamental questions connected with criminal justice policy, the measurement of crime and the interpretation of criminal statistics, explanations of criminal behaviour, certain typologies of crime notably white-collar crime and sexual offending, policing, penology and sentencing practice.

LW398 English Land Law. The aim of this module is to familiarise students with the principles and concepts governing Land Law in England and Wales. A solid grounding in Irish Land Law is required. Topics for study will include: an outline of the 1925 legislation and the doctrine of estates, land charges and the Land Charges Act, 1912, settlements and the Settled Land Acts, 1925, trusts for sale, co-ownership, the rule against perpetuities, leases and tenancies, mortgages, registration of incumbrance and title, licences, adverse possession, restrictive covenants, easements and profits a prendre, succession law and family provision claims.

LW358 Environmental Law II: This module will examine the legal aspects of a number of different sources of pollution including water pollution (inland and coastal), air pollution, waste, noise etc. The Common Law nuisance principles and the Rule in Ryland v Fletcher will be examined, as well as recent case law in this area. Recent domestic legislation (in particular the Water Pollution Act and the Air Pollution Act) as well as EC developments will be considered, particularly from the point of view of monitoring and penalties for breach. The role of environment impact assessments will also be considered.

LW265 Equity II: This module deals with the law relating to the institution of the trust. Topics covered include the nature and development of the trust, classification of trusts, substantive and formal requirements for valid trusts, secret and half-secret trusts, incompletely constituted trusts, presumed and automatic resulting trusts, the presumption of advancement, trusts of the family home, constructive trusts, benefits obtained by trustees and other fiduciaries, institutional and remedial constructive trusts, purpose trusts; charitable and non-charitable purpose trusts; the requirements of public benefit and of charitable intention, the beneficiary principle, rules against remoteness, the doctrine of cy-près. The office, powers and duties of trustees.

LW504 European Union Law II:

The module deals with the substantive law of the European Union. Particular emphasis is given to the basic freedoms of Community law, the free movement of goods, the free movement of persons, the freedom of establishment, the freedom to provide services, the free movement of capital, and the free movement of payments. Consideration is also given to Union policies such as competition policy, the common agricultural policy, regional policy, industrial policy and social policy. Comparative reference is made to the policies of other European organisations, such as the Organisation for Economic Cooperation and Development.

LW513 & LW514 Evidence I & II: These modules will examine relevance and admissibility, similar facts, character evidence, evidence of opinion, hearsay evidence, privilege, estoppel, evidence improperly obtained, judicial notice, presumptions, witnesses, corroboration, the criminal justice (Evidence) Act 1924, the burden of proof.

LW127 Family Law: The module will be divided into two main parts (a) marriage and the law of matrimonial causes and (b) the law relating to children. Topics to be covered under (a) include marriage, nullity, judicial separation, divorce, family property, maintenance. Under (b) custody, guardianship, adoption, taking children into public care, international abduction of children. Issues such as domestic violence, the rights of cohabitants, and related social issues such as social welfare and family support systems, will also be considered.

LW419 Health and Safety Law: This module places Health and Safety Law in a national and international legal context providing students with an appreciation of the broad legal and policy objectives in this area. This module aims to show how on-going changes in this field affect the obligations imposed on employers both in terms of their employees and their obligations to third parties. Illustrations of health and safety negligence range from tragic cases of death and injury in industrial or manufacturing environments to income-threatening illnesses like RSI or stress in office situations. Students will address regulatory problems relating to such issues as the control of major hazards and emerging occupational health issues.

LW383 Information Technology Law: This module examines the use of computers and other aspects of information technology in legal research and practice and in the administration of justice generally. The legal problems created by the use of such technology are also examined, such as data protection, computer crime, legal problems of Electronic Data Interchange, legal protection of interests in software, integrated circuits and other related topics.

LW3119 Jurisprudence: This module deals with the foundational ideas and doctrines of the Western legal order which will be compared and contrasted with those of non-Western and totalitarian legal regimes. It will be divided into three broad areas: (a) the history of western legality, constitutionalism, the rule of law, the tension between natural and positive law; (b) schools of legal thought including the historical, formalist, sociological, realist, critical legal studies, law and economics; (c) selected issues such as distributive justice, civil disobedience, law in totalitarian regimes.

LW216 Labour Law II: This module examines three important types of legal relationship; that between an employee and his/her employer, that between a trade union and an employer, and the relationship between an individual trade union member and the union itself. Particular consideration will be paid to important legislative developments in the areas of the parental rights of employees, occupational health and safety, unfair dismissals, transfers of undertakings and industrial relations law. The module will also examine the increasingly important role of the European Union in this area of law as well as the emergence of key principles of domestic constitutional law relevant to employment. The module will also examine the issue of collective labour law, freedom of association and the law relation to trade disputes.

LW226 Land Law II: The aim of this module is to familiarise students with principles and concepts governing ownership and use and occupation of land in the Republic of Ireland. Topics for study will include registration of title, registration of deeds, incorporeal hereditaments, covenants, future interests, co-ownership, family property, mortgages, including judgment mortgages.

LW323 Public International Law: The module is an introduction to the basic legal rules of the international political system. The issues discussed include the problem of rule-making in the international system, the recognition of States and Governments, the rules relating to jurisdiction and current disputes over extraterritorial jurisdiction, human rights and self-determination, the acquisition and loss of State territory, the law of the sea and of air and outer space, the law of treaties, the use of force, and rules relating to State liability for wrongful actions such as liability for acid rain. A number of case studies will deal with topics of particular

contemporary interest. The final section of the module is a consideration of the extent to which rules of international law can be said to constrain State behaviour.

LW3109 Tort: The aim of this module is to give students a firm grasp of the principles governing the law of torts and to examine in detail a number of selected torts. While the primary focus will be on the law of torts in Ireland, frequent reference will be made to other common law jurisdictions where many of the legal principles governing this area have been derived. Following a brief introduction, the fundamental principles of causation and remoteness will be examined. The remainder of the module will be dedicated to an examination of selected torts, including those of trespass, negligence, liability (vicarious, employers and occupiers), nuisance and defamation. The module will conclude with an examination of defences and remedies.

***LW3131 European Human Rights Law - Systems & Themes II. (Module can only be taken by students who have taken Part I):**

This module, taught over two semesters, will examine the European Union and Council of Europe systems for protecting fundamental and human rights with a particular focus on the doctrine of the Court of Justice of the European Union and the European Court of Human Rights. The module will consider how both supranational systems co-exist and, also, how they co-exist with national legal systems with a particular focus on their impact in Ireland. It will analyse the case law of both courts under the Charter and Convention on a thematic basis clustering substantive provisions of both instruments under the following broad headings:

1. Human Dignity, Integrity of the Person and the Right to Life
2. Privacy and Family Life
3. Due Process and related rights
4. Freedoms (including Expression, Assembly, Manifestation of Religious Belief, Commercial Freedoms etc.)
5. Equality and Non-Discrimination
6. Property rights
7. Socio-economic rights

***LW127 Family Law:** The module will be divided into two main parts (a) marriage and the law of matrimonial causes and (b) the law relating to children. Topics to be covered under (a) include marriage, nullity, judicial separation, divorce, family property, maintenance. Under (b) custody, guardianship, adoption, taking children into public care, international abduction of children. Issues such as domestic violence, the rights of cohabitants, and related social issues such as social welfare and family support systems, will also be considered.

***LW323 Public International Law:** The module is an introduction to the basic legal rules of the international political system. The issues discussed include the problem of rule-making in the international system, the recognition of States and Governments, the rules relating to jurisdiction and current disputes over extraterritorial jurisdiction, human rights and self-determination, the acquisition and loss of State territory, the law of the sea and of air and outer space, the law of treaties, the use of force, and rules relating to State liability for wrongful actions such as liability for acid rain. A number of case studies will deal with topics of particular contemporary interest. The final section of the module is a consideration of the extent to which rules of international law can be said to constrain State behaviour.

***LW3109 Tort:** The aim of this module is to give students a firm grasp of the principles governing the law of torts and to examine in detail a number of selected torts. While the primary focus will be on the law of torts in Ireland, frequent reference will be made to other common law jurisdictions where many of the legal principles governing this area have been derived. Following a brief introduction, the fundamental principles of causation and remoteness will be examined. The remainder of the module will be dedicated to an examination of selected torts,

including those of trespass, negligence, liability (vicarious, employers and occupiers), nuisance and defamation. The module will conclude with an examination of defences and remedies.