

HONOURS COURSE DESCRIPTIONS

28/3/12

(Please see course guides on the web for fuller descriptions)

**(Please note that not all of these courses will be offered in 2012-13.
Please refer to the list of honours courses 2012-13 for the ones on offer)**

Civil Law (Honours)

"Rome's greatest legacy to the modern world is undoubtedly its private law. Roman law forms the basis of all the legal systems of Western Europe with the exception of England (but not Scotland) and Scandinavia. Outside Europe, the law of places as diverse as Louisiana and Ceylon, Quebec and Japan, Ethiopia and South Africa, Turkey and Chile, is based firmly on Roman law. Even in England and the countries of Anglo-American law in general, the influence of Roman law is considerable and much greater than often admitted." - Alan Watson *Roman law and comparative law* (Georgia 1991) 3ff ff.

This quote by Alan Watson provides some indication of the true value and extent of the civilian influence in modern legal systems. Legal systems are too complex to be studied in detail, but by studying the historical principles on which European law is founded, the student will gain a unique insight into the working of civil-law systems. The aim of this course is therefore to explain in depth some key aspects of early Roman Law, the various methods of law-making in the later Roman Republic and finally examine the development of the Roman Law on damage to property from the Twelve Tables (450 BC) until the time of Justinian (527 - 565 AD). By means of a detailed study of the original texts in translation it seeks to provide some understanding of the Roman - and by comparison the modern legal mind at work. Teaching will be based on primary materials with reference to extensive secondary literature. There is no particular prescribed textbook, but students will be required to do some research in the library. Students need not have taken Civil Law Ordinary and knowledge of Latin is not required.

Pre-requisites: None

Commercial Law (Honours)

This is an Honours level course which is designed for third or fourth year LL.B. students. It is an in depth study of some aspects of Scottish Commercial Law. A pass in Commercial Law (Ordinary) or in Business Law (Ordinary) is a requirement for entry to Commercial Law Honours. The course does not provide exemptions for students who intend to practice as solicitors and advocates in Scotland. In appropriate circumstances the course may be studied by ERASMUS students or Edinburgh students outside the School of Law. Advice on whether or not this is appropriate will be given by Directors of Studies.

Pre-requisites: Pass in Commercial Law and Business Entities or Business Law at ordinary level

Company Law (Honours)

This course involves more advanced study of some aspects of the subject already introduced in the Commercial law (Ordinary) or Business Entities (Ordinary) class. It has these learning objectives:

A. By building on the foundation laid in Commercial Law (Ordinary) or Business Entities (Ordinary) to develop knowledge and understanding of: Company law in the UK, with some reference to Scottish specialities; the course will cover the principles of company law, including the consequences of incorporation, the company's organs and agents, the concept of capital and its maintenance, the nature and class of company securities, the rights and obligations of shareholders (including minorities), the powers and obligations of directors and the impact of the EC. The course aims to give a modern treatment of company law, concentrating on those aspects which are both intellectually difficult and of practical importance. The course also attempts to place the legal rules in their present commercial context.

Company law is not isolated from other areas such as taxation, employment law, delict etc. However, such areas will be touched on only in so far as they relate to the topic in hand. Insolvency law as such is not part of the course, but it will inevitably be referred to and it is assumed that you have at least some knowledge of it. You are reminded that company law is constantly evolving, and you will be expected to take account of developments during the year.

B. To develop your abilities and skills in respect of:

- Using legal materials
- Practical reasoning
- Appreciation of the law in its social, economic and historical contexts
- evaluation and criticism of the law
- Research, gaining knowledge and understanding which may be applied and adapted in future; and
- Transferable skills: (a) communication skills, oral and in writing; (b) intellectual skills, of collecting, organising, evaluating, synthesising and presenting material and arguments, and including the ability to question assumptions, to frame and test hypotheses, to detect fallacies

Pre-requisites: Pass in Commercial Law and Business Entities or Business Law at ordinary level

Competition Law (Honours)

The purpose of the course is to impart to students an understanding of the rationale behind competition regulation in a free market economy, the substantive and procedural rules which comprise competition law in Scotland (that is, the relevant rules of the EC and the UK) with appropriate comparisons with other jurisdictions, the jurisdictional and substantive differences between the two systems and problems of their co-application.

Pre-requisites: None

Constitutional Law (Honours)

The aim of this course is to develop an advanced knowledge and understanding of selected aspects of constitutional law and theory. Building upon PLUS and PLAIR,

the School's Ordinary level public law courses, this Honours course takes an in-depth view of three selected areas:

- Contemporary Issues in Constitutional Law and Theory;
- Current Issues in Scottish Constitutional Law; and
- Electoral Law.

Students will be expected to develop a sophisticated sense of how to read relevant primary materials as well as the ability to engage with demanding secondary texts dealing with both substantive constitutional law and the theoretical work that helps us to understand constitutionalism in context.

Prerequisite: pass in Public Law of the UK and Scotland

Contract (Honours)

The aims and objectives of the course are to develop in each member of the class:

- a critical knowledge and understanding of the Scots law of contract in its doctrinal, comparative and social context;
- the ability to articulate that knowledge and understanding in speech and writing;
- and the capacity to carry out research in the source materials for modern contract law.

Prerequisite: pass in Contract and Unjustified Enrichment

Criminal Law (Honours)

The honours course in criminal law is an advanced course in criminal law, intended for students who have already studied the subject at ordinary level and who wish to further their knowledge of this area of law. At this level the objective is not so much to provide information as to the basic rules of the criminal law but rather to investigate the theoretical foundations of the criminal law with a view to a critical examination of those rules. Consequently, a reasonable degree of familiarity with the basic rules of the criminal law, at least of Scotland, is assumed. The course is not designed specifically to examine any particular jurisdiction and material is sometimes included from jurisdictions outside Scotland, particularly those in the English-speaking legal tradition.

This course is concerned with the scope and function of criminal law, and the proper limits of criminal law, as well as questions of doctrine and theory; how does criminal law operate and how should the criminal law best be structured? The first part of the course will consist of an advanced exploration of theoretical justifications for criminalisation, such as the harm principle, and apply those discussions about the legitimacy of the criminal law to specific contexts. This will include an examination of issues such as possession of drugs, hate crimes, prostitution, and sado-masochism. The second part of the course consists of a critical examination of key components of criminal law, such as responsibility, actus reus, mens rea, justifications and excuses, and an in-depth examination of particular sets of rules such as the definition of homicide, sexual offences.

Prerequisite: pass in Criminal Law ordinary

Criminology (Honours)

Criminology (Honours) aims to develop a critical understanding of theories concerned with crime, the institutions of law enforcement and criminal justice, and crime control. By the end of the course, you should have gained an understanding of the origins and scope of criminological arguments; recognize the range of questions and problems that have shaped modern criminology; assess critically the central concepts and substantive claims of key theoretical perspectives; appreciate the nature of theory and explanation in criminology; and evaluate the capacity of modern criminological theory to explain developments in crime and social control under contemporary conditions.

The course presumes no previous knowledge of criminology or other social sciences, there are no prerequisite courses, and it is not necessary for you to have taken Foundations of Criminology (Ordinary). The course aims, however, to assist you in developing an awareness of the strengths and weaknesses of different types of social scientific argument.

Pre-requisite: None

Delictual Liability (Honours)

This course involves more advanced study of some aspects of the subject in which Delict (Ordinary) was the foundation course. It has these learning objectives:

- A.** To develop knowledge and understanding of the Scots law of delict in comparative context.
- B.** In so doing, to develop your abilities and skills in respect of:
- Using legal materials
 - Practical reasoning
 - Appreciation of the law in its social, economic and historical contexts
 - Evaluation and criticism of the law
 - Research, gaining knowledge and understanding which may be applied and adapted in future; and
 - Transferable skills: (a) communication skills, oral and in writing; (b) intellectual skills, of collecting, organising, evaluating, synthesising and presenting material and arguments, and including the ability to question assumptions, to frame and test hypotheses, to detect fallacies and to think autonomously; (c) general skills, in managing time, working independently, and taking responsibility for your own work.

Whilst the course does not presuppose that students will proceed to the Diploma in Professional Legal Practice, it will be of value of those who do take that step.

Pre-requisite: None

EU Regulation of Culture and the Mass Media (Honours)

This course seeks to develop knowledge and understanding of the European Community. Firstly, by identifying the various mechanisms by which Community Law influences the production, distribution and mediation of cultural goods and practices across the Community. Students will be encouraged to consider why membership of the European Community has increasingly come to affect so many aspects of our lives, from what we eat to what we watch on television. The respective roles of the various Community institutions will be examined and regulatory strategies explored. Secondly, by critically evaluating the legacy of Community intervention in the cultural domain. To what extent has this led to greater cultural diversity and richness within Europe or lower standards and greater uniformity?

In so doing it aims to develop students' abilities and skills in respect of:

- * use of legal materials and legal reasoning;
- * appreciation of law in its context;
- * evaluation and criticism of law;
- * legal research, and
- * transferable skills: (a) communication skills, oral and writing; (b) intellectual skills of collecting, organising, evaluating, synthesising and presenting material and arguments; (c) general skills, in managing time, working independently and in groups, and taking responsibility for their own work.

Pre-requisite: None

European Institutions (Honours)

The European Institutions course aims to equip students with the ability to critically analyse the institutionalisation of the government of the European Union (EU). The course interprets the EU's government not as a particular organisation - such as the European Commission - but as a set of institutionalising EU regulatory practices and interactions, policy instruments and ideas.

In addition to examining the history, scope and nature of this government of the EU, we also focus on theoretical contributions that set out to interpret and explain its trajectory and methods of regulation. Throughout we aim to demonstrate that the government of the EU takes place through interactions between a wide range of public organisations and private interest groups and not just in Brussels, nor solely between the European Commission, the Council of Ministers, the European Parliament and the European Court of Justice.

The course is structured around a weekly seminar. As with all Honours-level courses, students are required to prepare for the seminar by reading compulsory set texts, and by contributing to the discussion through the advancing of arguments and ideas. The extent to which the seminars succeed as stimulating learning experiences for students will clearly mainly depend on these two aspects being fulfilled.

Pre-requisite: None

Environmental Law (Honours)

Environmental Law is a relatively recent arrival on the academic and professional scene. The purpose of the course is to develop knowledge and understanding of the

law (whether international law, European Community law or domestic law) bearing upon the protection of the environment at the global, regional, national and local levels. The course aims for an understanding of environmental problems themselves, of the policy response to them, and then of the role of the institutions and procedures of legal regulation. In doing so, the course straddles traditional disciplinary boundaries but also addresses issues in environmental law which are increasingly confronted in legal practice.

One characteristic of the subject is the predominance of major statutory schemes of regulation which have the difficulties of being rather complex and, in their detail, somewhat transient. Rapid comprehension of such schemes is a useful legal skill and we shall, in any event, be focusing on the more important elements - especially those with characteristics common to other statutory codes and illustrative of significant environmental and legal themes. Throughout the emphasis is upon maintaining a position of critical enquiry.

Pre-requisite: None

European Legal History (Honours)

The aim of this course is to provide students with an historical introduction to European Legal History and the place of Scots law within that history. By the end of the course students should have (1) a basic grasp of the general history of both the common law and civil law traditions (including feudal law and canon law) in Europe and a sense of the place of Scots law within those traditions, and (2) a detailed and specific knowledge of some particular areas of law examined within this broader framework, (3) an introduction to major historical issues and debates about European Legal History, and (4) a basic grounding in research skills and techniques in legal history, along with more refined skills in research, writing and in the discussion of material.

Pre-requisite: None

European Union Law (Honours)

This course explores EU Law from constitutional and substantive perspectives. Following a brief overview of the EU's institutional structure, the constitutional principles underpinning EU law will be studied in depth: primarily, primacy, direct effect, State liability and the role of the EU in the protection of fundamental rights. EU free movement and internal market law will include in-depth analysis of the 'four freedoms' and identification of some cross-cutting themes (e.g. accommodating non-economic values in the EU legal framework). The wider context in which EU law operates will also be considered, through seminars on, for example, the governance of the eurozone and the role of the EU as an international actor.

The aim of this course is to develop knowledge and understanding of the constitutional and substantive elements of EU law, thus building upon and further developing the study of European Union law to which students were introduced in the Ordinary course. Students should acquire an in-depth understanding of the Treaty on European Union and Treaty on the Functioning of the European Union; understand the division of competences between the EU and its Member States; be able to identify and understand the legal principles underpinning the application and operation of the EU treaties; and be able to evaluate critically the application of EU

substantive (primarily, internal market) law.

Pre-requisite: Students must have passed: European Union Law A Ordinary

Evidence: Interpretation and Evaluation (Honours)

While the majority of cases that reach the courts are decided on questions of fact, not law, the interpretation and evaluation of evidence is not taught as part of traditional courses in evidence law. This course fills this gap, by introducing students to general concepts from the forensic sciences, ranging from witness psychology to DNA evidence and forensic computing, and to the theories and methods that govern their interpretation in a legal setting. The interaction between science and law will be analysed from theoretical, legal and pragmatic perspectives. How can we evaluate different types of evidence, what makes one form of evidence more reliable than another, and to what extent do the rules of legal procedure support or are in conflict with our best scientific theories?

By the end of this course students should be able:

- understand the scientific underpinning of many forms of modern evidence
- be able to form decisions as to the reliability of proposed scientific evidence
- To critically evaluate specific items of evidence submitted, and to analyse their interaction in a complex court case
- To identify the problems posed by some types of scientific evidence

Pre-requisite: None

Family Law (Honours)

Family Law (Honours) is intended to develop and expand on knowledge acquired in Family Law (Ordinary) with a focus on specific topics within the field and on a more detailed and in-depth analysis of the issues.

The aims of this course are:

- To develop the analytical and critical skills of students by detailed examination of the contemporary problems which arise in the field of family law in Scotland, with reference to some comparative material from other jurisdictions;
- To foster critical understanding and evaluation of specific areas within the domain of family law;
- To instil in students an ability to criticise constructively current laws and to suggest and evaluate possible reforms in the light of prevailing social economic and political conditions.
- To develop the written and oral skills of students through class discussion and written assessment.

Pre-requisite: pass in Family Law ordinary

Gender and Justice (Honours)

The main aim of the Gender and Justice (Honours) course is to examine crime, the criminal law and the practice of the criminal justice system in relation to gender.

The first semester will examine differential patterns of criminal involvement between men and women and critically assess explanations for these patterns. It will also provide an overview of the operation of the criminal justice system as it relates to gender, including an examination of: sentencing patterns; and the nature and effectiveness of penal regimes that have been developed for male and female offenders.

The second semester will provide a more detailed examination of specific types of crime to include: the characteristics of victims and perpetrators; the responses of criminal justice agencies to men and women as victims and/or offenders; and the implications of this for our understanding of the nature and function of the criminal law. Using a range of case studies, it will also explore the social and political processes underpinning the sanctioning of behaviour.

The course exposes students to a variety of criminological perspectives and aims to develop the students' ability to appraise arguments critically in terms of their logical coherence and the use made of evidence. It encourages them also to think about how the theoretical knowledge can be applied to practical problems.

Pre-requisite: None

Human Rights (Honours)

This course aims to provide a comprehensive overview of international, regional and national systems for protecting human rights, and of the relationship between them, so as to build on the treatment of human rights in Public Law and Individual Rights. The course will examine the difficulties and controversies in enforcing civil and political rights, socio-economic rights and group rights, respectively. The course will also examine specialist regimes such as those relating to women, children, national minorities and indigenous peoples. Each topic will be approached so as to provide an overview of the topic and contextual examination of the practical difficulties of enforcing rights by focusing on how a particular human rights abuse has been addressed in practice. Finally, the course will cover current controversies in human rights law such as how to deal with 'transitional justice', or the debate over a bill of rights in the UK context. The course aims to be useful to those interested in human rights and legal practice, but also to human rights advocacy in a non-governmental setting, and for those interested in rights issues more generally.

Pre-requisite: None

Information Technology and the Law (Honours)

The aim of this course is to respond to the immense impact computers and the Internet are having, firstly, on substantive law, and, secondly, on the legal process and the nature of law. "Computer law" has developed since the Seventies from a patchwork of specialist applications of ordinary rules of contract, criminal law etc to a rapidly growing specialist cognate discipline. It has now expanded to embrace (or be subsumed by) the emergent field of legal regulation of the Internet. The course intends to examine the legal ramifications of computerisation and the Internet, including topics such as e-commerce, intellectual property in software and hardware, online privacy and social media, content liability, cybercrime and consumer protection on the Internet. Themes relevant throughout the course will be discussed such as the

global nature of the internet, trans-jurisdictionality, enforcement issues, regulatory theories (including self-regulation and soft law) and the competing lobbies for consumers, corporations, industry players, rights-holders and cyber-libertarians. Sources will be drawn from the legal systems of Scotland, England, the UK, the US, the EU and Australia. Particular attention will be paid to the current efforts of the EU to respond to information technologies.

Pre-requisite: passes in the ordinary courses in Commercial Law, Delict and Contract and Unjustified Enrichment.

Intellectual Property (Honours)

The aims of this course are:

- To develop the analytical and critical skills of students by detailed examination of the relevant legislation, cases, treaties and other legal instruments governing intellectual property law in the UK, Europe and beyond;
- To foster critical understanding and evaluation of areas of controversy within this area of law;
- To instil in students an ability to criticise constructively current laws and to suggest and evaluate possible reforms;
- To develop the written and oral skills of students through class discussion and written assessments.

By the end of this course students should be able:

- To identify the current law in the United Kingdom and Europe as it relates to intellectual property;
- To differentiate between the approaches of the UK, Europe and other legal systems towards the protection of intellectual property;
- To comment critically on the current state of the law in these systems;
- To identify the problems currently beleaguering the said systems in the field;
- To propose viable alternative means by which the problems could be circumvented.

Pre-requisite: None

International Law A: The Individual and International Law

Selected topics concerning the role of the individual in international affairs. The course will deal with such topics as: Diplomatic protection of nationals abroad, various aspects of international human rights law, state immunities of individuals and states before national courts, the foreign act of state doctrine, jurisdiction of states over crimes (including crimes at sea), crimes under international law, legal issues in combatting terrorism and international cooperation in the administration of justice."

Pre-requisite: None

International Law B: Inter-State Conflict and Dispute Settlement

The course is designed to develop skills of legal research, writing and analysis, by means of the study of various selected topics of international law which relate to the settlement of disputes between states (both peaceful and forcible) -- and to the ways in which modern international law has evolved, and is continuing to evolve, to deal more effectively with problems in these areas. A provisional course outline is attached to this guide.

Prior knowledge of international law:

The Ordinary course in International Law is not a prerequisite for admission to this course. At the same time, this course is not designed to be either an elementary course or a course which covers the whole field of international law. Consequently, students who have not previously taken a course in international law will probably need to undertake some independent work on their own initiative. Books which are suitable for this purpose include:

Malcolm N. Shaw, International Law (6th ed. 2008)

Peter Malanczuk, Akehurst's Modern Introduction to International Law (7th ed. 1997)

Rosalyn Higgins, Problems and Process: International Law and How We Use It (1994)

Vaughan Lowe, International Law (2007)

Pre-requisite: None

International Law of the Global Economy and the Environment

This is a course about international law relating to the regulation of the global economy and the protection of the environment, and their interaction. Topics covered include: Law-making institutions, including the UN and the WTO; sources of law; selected topics relating to international environmental law and international economic law; dispute settlement and compliance mechanisms.

Students will develop an understanding of the objectives of international protection of the environment and international regulation of the global economy; an understanding of the law-making processes and sources of law and an ability to use them in a competent manner; knowledge of selected aspects of international environmental law and international economic law and an ability to evaluate and apply them; an understanding of the mechanisms and purposes international dispute settlement and compliance procedures for economic and environment disputes.

Pre-requisite: None

International Private Law (Honours)

This course provides a detailed overview of Scottish international private law. It consists of a general introduction covering basic concepts, followed by an in-depth and critical study of selected topics in the subject. These will include family law, the law of obligations and property law.

Pre-requisite: None

International Trade Law (Honours)

This course examines the legal aspects of international trade in a broad context. The legal framework of the course is English law as well as the relevant international conventions and standard terms. English law is particularly relevant to this subject as many international sale contracts as well as carriage and cargo insurance contracts in practice are subject to English law. The course will also examine the CISG (UN Convention on contracts for the international sale of goods, Vienna 1980), standard international rules for financing arrangements by the ICC (UCP and URC) and relevant international carriage conventions. Thus while the course will look to interpret the conventions in one legal system - English law in this case - their ambit is much larger and thus the learning derived from the course.

The course examines international sale of goods which are transported by ship/road/air with emphasis on sea transport. It investigates the trade terms used in international sale contracts (in the context of English common law and Incoterms in particular) and analyses the resulting obligations of the parties regarding payment methods (with emphasis on letters of credit and bills of exchange), transportation of the goods and marine cargo insurance in the manner in which these relate to one another. Due to the international nature of each of these transactions the relevant aspects of international private law and dispute resolution are examined.

Pre-requisites: Pass in Commercial Law

Jurisprudence of Legal Concepts (Honours)

The aim of the course is to enable the students to critically discuss and evaluate for themselves value positions in relation to law and legal practice. Firstly, the very idea of a private domain and of its relation to law are discussed both directly (through readings of Hannah Arendt and others) and indirectly through the discussion of the relationships between law and justice, law and economics, public and private law and human rights and private law institutions. Secondly, traditional jurisprudential conceptions of central notions of private law such as ownership, unjustified enrichment, contract, and delict are introduced and the assumptions and value judgements underlying such concepts are analysed in such a way as to help the student interpret and develop the institutions.

Pre-requisite: None

Justice, Ethics and Law (Honours)

This course is concerned with theories and problems of justice ("the right") and ethics ("the good") in relation to law. Its key aim is to give students a sound understanding of important positions and controversies within these fields, and the ways in which these interact with – and are played out in – legal theory, doctrine and practice. We will do so through the study of some major historical philosophers (classical and enlightenment) and a broad range of more contemporary thinkers (liberal, communitarian and critical), in the process shedding light on such questions as the nature of moral values and their impact upon the law; the relationship between principles of political justice and legal institutions, and the types of community imagined – and engendered – by our legal practices. We will also seek to concretise these insights by applying them to certain specific topical issues (e.g. torture, mercy,

amnesty and humanitarianism), and inquire as to the possibilities and limits of achieving global justice through law.

The assessment regime for this course will be as follows:

Ongoing class participation (precise contours of assessment tbc): 20%
A 3000-word critical analysis and evaluation of a single text (due in January): 30%
A 5000-word research essay, on a broader topic chosen from a list: 50%

Pre-requisite: None

Labour Law (Honours)

This is an Honours level course which is designed for third or fourth year LL.B. students. It is an in-depth study of some aspects of Labour Law in the UK. The course does not provide exemptions for students who intend to practice as solicitors and advocates in Scotland.

In appropriate circumstances the course may be studied by ERASMUS students or Edinburgh students outside the School of Law. Advice on whether or not this is appropriate will be given by Directors of Studies.

Aims of the Course

- To provide an in-depth study of selected aspects of Labour Law in the UK and to promote advanced knowledge and understanding of the theory, concepts and rules of UK Labour Law in their socio-economic, institutional and historical frameworks.

Learning objectives

- A detailed knowledge and understanding of important aspects of UK Labour Law;
- Experience in critical analysis of issues and oral and written communication of the results of the analysis;
- Experience in working on your own, research and reading and understanding texts on the subject.

Pre-requisite: None

Law, Democracy and Citizenship

The aim of this course is to encourage students to think critically about the ways in which law relates to the formation and legitimation of the political communities in which we live. In particular, it asks how law contributes both to the 'who' and the 'how' of political community. In what ways is the construction of legal and constitutional order important to the various different levels of political identity in the contemporary world - the state, the sub-state nation or region, the supranational (e.g. EU) and even the international or global? How, more generally, does law help to generate, or impede, understandings and practices of citizenship, or 'membership', and how does it encourage, or impede, democratic decision-making, more generally? Behind these questions lie even more general and deeper questions about the contemporary role of law and its relationship to politics. On the one hand, is law better able to reflect and convey some models of political community (e.g. liberal models) and the ideas of citizenship and democracy associated with these, than it can others (e.g. socialist or other communitarian models? On the other hand, does

the increasing dispersal of law to sites other than the traditional state site place a new and perhaps unmanageable burden upon law *in general* in the formation and legitimation of political community?

There are a number of possible affinities and synergies between this course and other Honours options - including Constitutional Law and Justice, Ethics and Law

Pre-requisite: None

Media Law (Honours)

This course is concerned with the law relating to the communications media in this country. First, the media will be discussed in a historical and social context, with examination of the types, ownership and financing of media institutions, and exploration of the motives and means of regulation. Secondly, there will be consideration of the special regimes and laws which affect the media, including the laws applying to theatre, cinema, video, broadcasting and the press, and other mechanisms for quality control and accountability. Thirdly, there will be an examination of the limits on the scope of communication imposed by the general law, in order to protect public interests (such as reputation, confidentiality and privacy).

Pre-requisite: passes in Public Law of the UK and Scotland and Public Law and Individual Rights

Medical Jurisprudence (Honours)

This is a course in medical law. It is intended to provide a survey of the main issues in this field of law, considering both the legal and the ethical dimensions. The course is broadly divided into four components which build on each other to provide a comprehensive treatment of the discipline. Part 1 covers the fundamentals of medical law, being core principles or areas that inform development in other parts of the field. Examples include ethics, human rights, consent and negligence. Part 2 deals with reproduction and the law, including issues of liability for sub-standard ante-natal care. Part 3 engages contemporary issues in medical law, such as body as property and transplantation, and also consider areas which impact on public interest such as mental health and public health. Part 4 deals with end of life issues and also includes consideration of the perennial question of allocation of scarce resources.

Pre-requisite: None

Property Law (Honours)

The legal rules regulating the acquisition, transfer both voluntary and involuntary and restrictions on the exercise of rights in property--heritable and moveable, corporeal and incorporeal--with particular emphasis on the effectiveness of the present rules in meeting the needs of modern society.

Pre-requisite: It is RECOMMENDED that students have passed Property Law Ordinary 1 AND Property Law Ordinary 2

Punishment and Society (Honours)

Punishment and Society (Honours) examines key features of penal systems, and key sociological theories about the relationship between punishment and society. Among the types of punishment you will study are imprisonment, electronic 'tagging', restorative justice, the fine, and the death penalty. Theories about punishment and society examined include those suggested by Foucault, Durkheim, Elias and Garland; and topics studied include penal populism, punishment and culture, and risk. There are no course prerequisites for this course. The course is sociological in approach, and is suitable both for law students and for students taking degrees elsewhere in the College of Humanities and Social Sciences.

Pre-requisite: None

Taxation (Honours)

This course is concerned with the law and policy relating to taxation in the UK and elsewhere. It aims to:

- develop knowledge of tax law and policy, with particular but not exclusive focus on the UK
- develop an understanding of how particular taxes interrelate and how tax policy impacts on economic and social issues
- provide an understanding of the impact of European Community law on the UK tax system
- encourage critical understanding and evaluation of areas of controversy
- foster the ability to criticise constructively current laws and suggest and evaluate possible reforms
- to develop both oral and written communication skills through class discussion and written assessments
- to facilitate teamwork through group tasks.

By the end of the course, students should be able to

- research and identify the UK tax implications of particular strategies or transactions
- to make critical comment on the UK tax system
- make suggestions for viable alternatives
- assess the likely future development of UK tax law in an international context.

Pre-requisite: a pass in Tax Ordinary or Revenue Law

Trusts and Succession Law (Honours)

This course involves more advanced study of some aspects of the subject already introduced in the Property Law (Ordinary) class. It has these learning objectives:

By building on the foundation laid in Property Law (ordinary) to develop your knowledge and understanding of both the law of trusts and the law of succession in their social, economic, historical and comparative contexts.

Pre-requisite: pass in Trusts and Succession Ordinary

Unjustified Enrichment (Honours)

The structure of a claim for redress of unjustified enrichment. The scope of enrichment law. The internal organisation of enrichment law. Enrichment by transfer: *condictio indebiti* and error; void and voidable contracts; contracts terminated by frustration or rescission; compulsion; illegality and unenforceability. Enrichment by the act of the enriched or third party: delict or invasion of rights. Obtruding benefits: enrichment of another by improving his property; enrichment of another by payment of his debt. Defences. Measure of recovery. Third party enrichment: payment to wrong person; indirect enrichment. Unjustified enrichment and property law. Constructive trust and tracing. *Negotiorum gestio*.

Pre-requisite: none