LLB (Hons) Open Learning: Year 1 Modules

LA0588 EU Law [LLB OL] (CORE, 30 Credits)

SYNOPSIS OF MODULE
The module is designed to introduce students to the law and institutions of the European Union. It begins with an historical overview of the development of the EU from its origins in the 1951 European Coal & Steel Community to the present day EU. This is followed by a look at the EU's institutions, with an emphasis on the European Court of Justice, and the various sources of EU law. The module continues by examining the preliminary rulings procedure, the extent to which EU law can be enforced in national courts, state liability, European Citizenship - a rapidly developing area - and substantive EU law in the form of the free movement of goods and persons. The module is designed to develop students' skills in legal research, critical analysis, and problem-solving.

INDICATIVE READING LIST OR OTHER LEARNING RESOURCES
5. Busby, N. & Smith, R. (eds), Core EU Legislation (2008), Palgrave Macmillan

OUTLINE SYLLABUS
1. The development of the European Community and the European Union.
2. The Institutions of the EU
3. Sources of EU Law
4. The legislative process in the EU
5. The Preliminary Rulings Procedure
6. EU Law in the national courts: Direct effect and Indirect effect
7. State Liability
8. The Free Movement of Goods
9. European Citizenship / Free movement of persons

AIMS OF MODULE
To enable students to recognise the impact of EU law on the domestic legal system and to appreciate those areas of EU Law which confer/impose legally enforceable rights and obligations
To introduce and develop knowledge and understanding of:
 *the institutions of the EU and the EU's law-making procedures;
 *fundamental principles of EU law (direct effect, indirect effect, state liability);
 *the purpose and operation of the preliminary rulings procedure;
 *Substantive EU law on the free movement of goods and persons.
To critically analyse certain aspects of EU Law.

LEARNING OUTCOMES
Students should be able to
*Appreciate the impact of EU law on the Member States and on individuals
*Understand the relationship between the European Court of Justice and national courts
Recognise the EU law dimension in a given factual scenario and consider the possibility that EU law may confer legally enforceable rights and obligations

Identify, find and use sources of EU law, including electronic sources

Apply EU legal principles to a given factual scenario in order to solve problems and offer advice

Critically analyse certain areas in EU Law

PREREQUISITES

COREQUISITE(S)

DISTANCE LEARNING DELIVERY

In addition the materials are made available via the e-learning portal

* Students have access to on-line databases
* Students have access to the university library and the library's services for distance learning students
* Students are given the name of their tutor and support staff to contact (by email and telephone) in relation to the module
* Students have the opportunity to look at some past exam papers via the e-learning portal

LEARNING, TEACHING AND ASSESSMENT STRATEGY

Students are expected to carry out independent learning to read the materials provided and to prepare case studies and essay questions.

a Summative assessment and rationale for tasks

* Unseen, closed-book, examination

b Additional formative assessment - detail of process and rationale

Practice case studies and essay questions as well as past exam papers are made available via the eLP. Students are encouraged to submit answers for feedback.

c Indication of how students will get feedback and how this will support their learning

Feedback on the practice case studies and essay questions will be available on the eLP. Students submitting their answers to the module tutor receive individual feedback.

IMPLICATIONS FOR CHOICE

LA0890 Property 1 [LLB OL] (CORE, 30 Credits)

SYNOPSIS

Property 1 involves the study of land law as it applies in England & Wales. It enables you to understand the rights people have in land (i.e. estates and interests) and to appreciate what rights will bind someone who purchases land. You will learn the different estates and interests that exist in land (e.g. leases, easements, mortgages etc) and you will learn how to work out if existing rights in land continue to bind someone who buys land. For example, if land is subject to a restrictive covenant that prevents it from being used for business purposes, will that covenant be enforceable against a new owner of the land? Given that land is bought and sold every day, these questions are vitally important in practice.

Indicative reading list or other learning resources

Essential reading:
Module website available through the e-learning portal.

Outline syllabus

1. Introduction to land law.
2. Estates and interests.
3. Registered title to land.
4. Unregistered land.
5. Co-ownership and trusts of land.
6. The lease-licence distinction.
7. The enforceability of licences (concentrating on contractual licences)
8. Leases: the leasehold estate, the enforceability of leasehold covenants and the remedies available for breach of a covenant.
10. Easements.
11. Freehold covenants.

Aims of module

1. To provide a comprehensive introduction to land law in England and Wales.
2. To provide a detailed understanding of some of the areas of land law.
3. To develop skills in statutory interpretation and case analysis.
4. To develop legal problem solving skills and thereby allow for the practical application of the knowledge obtained.
5. To introduce students to some of the documents used in a Conveyancing transaction.

Learning outcomes

On completion of the module students should be able to:

1. Explain the doctrine of estates and be able to identify whether a legal estate or a legal or equitable interest exists in a given situation.
2. Understand the scheme for registered title and how ownership and third party rights are reflected on the register.
3. Demonstrate an understanding of the issue of priority and the way in which you ascertain whether a purchaser is bound by existing third party rights where the title to the land is registered.
4. Understand the issue of priority in relation to unregistered land and the application of the doctrine of notice and the land charges register.
5. Demonstrate knowledge of the two types of co-ownership and severance.
6. Understand the use of the trust of land and the relevant provisions of the Trusts of Land and Appointment of Trustees Act 1996.
7. Be able to apply the lease-licence distinction in order to ascertain whether a given document constitutes a lease or a licence.
8. Explain the rules for enforcing a contractual licence against the grantor and a successor to the grantor.
9. Understand the leasehold estate including the usual leasehold covenants and the remedies for a breach of a covenant.
10. Demonstrate the application of the rules for the enforceability of leasehold covenants (both the old and new rules).
11. Understand what an easement is and be able to apply the rules for ascertaining whether an easement has arisen in a given scenario.
12. Understand, and be able to apply, the rules governing the enforcement of freehold covenants.
13. Continue to develop skills in statutory interpretation, case analysis, critical analysis and written communication.

Pre-requisite(s)

None

Co-requisite(s)

None

Learning and teaching strategy

The materials are available on the e-learning portal. A study schedule sets out a timetable for study and indicates the work and preparation required at each stage of the module's progression. The workbook indicates the essential reading from the textbook which is required for each stage of the module.

Students have the opportunity to submit diagnostic work for feedback.

Students can participate in a Discussion Board (on the e-learning portal) which puts them in contact with other open learning students so that they can discuss land law issues with their peers.

Assessment and feedback strategy

a. Summative assessment and rationale for tasks

The format of the examination is as follows:

*3 hours duration; 3 Written Questions from a choice of 6; each question equally weighted plus 15 Multiple Choice Questions (weighted the equivalent of 1 Written Question).

The module tutors selects the appropriate balance of assessment by way of Written Question and Multiple Choice Question while retaining a minimum requirement for at least 50% of the assessment to be by way of Written Question so as to guarantee assessment of learning outcomes beyond knowledge and understanding.

The availability of Multiple Choice Questions as a method of assessment enables rigorous assessment of knowledge and understanding across the syllabus where this is appropriate.

b. Additional formative assessment - detail of process and rationale

Students are provided with a range of sample Multiple Choice Questions via the E Learning Portal. These are the same style of question as will appear in the final examination. The questions enable students to read a narrative explanation of the reasons why particular answers are right or wrong. This helps students to understand the nature, style and difficulty of questions they will encounter in the examination and assist their understanding of the law.

Students are also provided with at least one sample essay question and one sample problem question via the E Learning Portal. These questions are the same style of questions as will appear in the final examination. The questions enable students to attempt an answer for themselves and then read a model answer provided by the module tutor. This helps students to understand the type of question they will face in the final examination and assists their understanding of the law. It also helps them to appreciate the skills required to write concisely and coherently in the discipline of the examination room.

On the part time degree there will also be classroom based formative opportunities.

c. Indication of how students will get feedback and how this will support their learning
There is automated feedback via the E Learning Portal - the Multiple Choice Questions contain answers which include a narrative explanation of why the answer is correct or incorrect. The Essay and Problem Questions include a complete model answer together with additional notes or guidance if appropriate. Additional feedback and support is available from the module team.

Implications for Choice

None

LA0891 Tort [LLB OL] (CORE, 30 Credits)

SYNOPSIS

The Law of Tort is concerned primarily with the circumstances in which one person may seek compensation for a civil wrong (other than a breach of contract) committed by another, and with the form and measure of compensation where liability is established. The overall aim is to provide students with an understanding of the principles of liability in relation to specific torts (such as negligence, nuisance and defamation), and of the way in which compensation is assessed, with reference in particular to personal injury claims (which in practice account for the vast majority of tort claims). The impact of the Human Rights Act will also be considered where relevant.

Indicative reading list or other learning resources

Essential Reading

Chris Turner and Sue Hodge, Unlocking Torts, Hodder Arnold

Additional Reading

Rogers, Winfield & Jolowicz on Tort, Sweet & Maxwell

Lunney & Oliphant, Tort Law Text & Materials, Oxford University Press

Hepple & Matthews, Tort Cases & Materials, Oxford University Press

Richard Kidner, Casebook on Torts, Oxford University Press

Blackstone's Statutes, Contract, Tort & Restitution, Oxford university Press

Outline syllabus

1. Introduction to the nature and function of tort, including general principles of tortious liability.
2. Intentional interference with the person.
3. The elements of negligence: Duty, breach and damage, including principles of causation and remoteness.
4. The duty of care as applied to particular relationships (for example employer/employee and occupier/entrant) and to particular types of loss, notably psychiatric harm and pure economic loss.
5. Breach of statutory duty.
7. Nuisance.
8. Defamation.
10. Remedies.

Aims of module

To introduce students to the nature and general principles of tortious liability.
To enable students to acquire a knowledge and understanding of the substantive legal rules relating to specific torts.
To develop the effective use of source materials, including electronic sources.
To develop an analytical approach to the interpretation of the substantive legal rules and thereby develop the ability to apply those rules to factual problems.
To encourage the adoption of a critical approach to the law.

Learning outcomes

Students should be able to:

-Demonstrate detailed knowledge and understanding of selected areas of substantive law.
-Appreciate the significance of tort as a means of compensating accident victims.
Analyse factual problems, identify the legal issues which arise, and apply the relevant legal principles to the facts in order to reach a reasoned solution to those problems.

Find and use primary and secondary legal sources, including electronic sources.

Present knowledge and arguments in an appropriate and intelligible manner.

Pre-requisite(s)
None

Co-requisite(s)
None

Distance learning delivery

The module will be delivered via the eLP site which will contain the following:

- A workbook explaining the different areas in the syllabus and indicating essential reading from the textbook.
- Self test questions at the end of each chapter for students to test their understanding.
- A study schedule including seminar questions.
- An answer book to questions in the workbook.
- A variety of material relating to assessment, including past examination papers, suggested answers to selected questions and guidance on the correct approach to the answering of problem-based questions.
- Recorded lectures will be provided as the year progresses.

Learning and teaching strategy

In line with other OL modules the topics to be covered are set out in a workbook which is accessible on the e-learning portal. A study schedule sets out a timetable for study and indicates the work and preparation required at each stage of the module’s progression. The workbook indicates the essential reading from the textbook which is required for each stage of the module.

Students have the opportunity to submit diagnostic work for feedback.

Assessment and feedback strategy

a. Summative assessment and rationale for tasks

The format of the examination is as follows:

* 3 hours duration; 3 Written Questions from a choice of 6; each question equally weighted plus 15 Multiple Choice Questions (weighted the equivalent of 1 Written Question).

The module tutors selects the appropriate balance of assessment by way of Written Question and Multiple Choice Question while retaining a minimum requirement for at least 50% of the assessment to be by way of Written Question so as to guarantee assessment of learning outcomes beyond knowledge and understanding.

The availability of Multiple Choice Questions as a method of assessment enables rigorous assessment of knowledge and understanding across the syllabus where this is appropriate.

b. Additional formative assessment - detail of process and rationale

Students are provided with a range of sample Multiple Choice Questions via the E Learning Portal. These are the same style of question as will appear in the final examination. The questions enable students to read a narrative explanation of the reasons why particular answers are right or wrong. This helps students to understand the nature, style and difficulty of questions they will encounter in the examination and assist their understanding of the law.

Students are also provided with at least one sample essay question and one sample problem question via the E Learning Portal. These questions are the same style of questions as will appear in the final examination. The questions enable students to attempt an answer for themselves and then read a model answer provided by the module tutor. This helps students to understand the type of question they will face in the final examination and assists their understanding of the law. It also helps them to appreciate the skills required to write concisely and coherently in the discipline of the examination room.

On the part time degree there will also be classroom based formative opportunities.

c. Indication of how students will get feedback and how this will support their learning

There is automated feedback via the E Learning Portal - the Multiple Choice Questions contain answers which include a narrative explanation of why the answer is correct or incorrect. The Essay and Problem Questions include a complete model answer together with additional notes or guidance if appropriate. Additional feedback and support is available from the module team.

Implications for Choice

None

Please note: the information in this document is correct at the time of printing (09/12/2019) but may be subject to change.

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LL0892 Property 2 [LLB OL] (CORE, 30 Credits)

Synopsis of module
This module aims to build upon knowledge acquired through property 1 and to introduce students to the substantive law of equity and trusts. It begins with an historical overview of the development of equity. This is followed by study of the creation of trusts (both express and implied). The next topic is Charitable trusts, an area which lends itself well to critical analysis. Next is non-charitable purpose trusts where students study the situations in which these trusts can be valid. Students then study the powers and duties of trustees, breach of trust and the remedies for this including tracing. A critical approach is fostered throughout.

The module is designed to develop students' skills in legal research and critical analysis.

Where appropriate, the module makes use of real and realistic scenarios and activities to add practical context to the students' learning.

Indicative reading list or other learning resources
J. Martin: Hanbury and Martin, Modern Equity, Sweet and Maxwell
R. Edwards and N. Stockwell: Trusts and Equity, Oxford University Press
R. Smith, L. Murrell and D. Rook (eds): Conversion Course Companion for Law, Oxford University Press
Todd and Watt: Cases and Materials on Equity and Trusts, Oxford University Press

E-learning portal site and materials

Outline syllabus
* The creation of express trusts (including capacity, formalities, certainty and constitution)
* Resulting and constructive trusts
* Charitable trusts
* Non-charitable purpose trusts
* Trustees' powers and duties
* Breach of trust
* Fiduciary relationships and fiduciary obligations
* Tracing

Aims of module
To build on the knowledge of constructive and resulting trusts acquired in Property 1,
To examine the creation and administration of express trusts,
To examine the operation of particular equitable remedies,
To provide an opportunity to further develop their skills in utilising paper and electronic sources to pursue independent legal research,
To enhance a student's ability to critically evaluate the current law and proposals for change.

Learning outcomes
Students should:
* Be able to demonstrate their knowledge and understanding of the major principles of substantive trusts law
* Be able to demonstrate an awareness of some of the practical applications of trusts principles
* Be able to analyse factual scenarios so as to identify relevant trust law principles, and to apply those principles to finding solutions to the problems raised in the scenario
* Be able to demonstrate an ability to locate and make effective use of legal source materials

Pre-requisite(s)
Property 1 module

Co-requisite(s)
None
Distance learning delivery

The module will be delivered via the eLP site. This site will contain the following:

* A workbook explaining the different areas in the syllabus.
* Self test questions will at the end of each chapter for students to text their understanding.
* A study schedule.
* Seminar questions
* An answerbook to the self-test questions in the workbook
* Links to relevant jurisprudential sites
* Additional audio/visual lectures will be provided as the year progresses.
* A variety of useful information as to assessment - e.g. past questions and 'marked' essays.
* Additional interactive materials to be developed incrementally.

Learning and teaching strategy

As with other OL modules, the required study is set out in a workbook and is also accessible through the e-learning portal. A study schedule sets out a timetable for study and indicates the work and preparation required at each stage of the module's progression. The module is fully supported through Blackboard.

Students consider questions throughout their study of the module. This helps them expand on the material studied in the workbook and allows them to apply the substantive law to factual scenarios.

Assessment and feedback strategy

a. Summative assessment and rationale for tasks

The assessment in Property 2 requires students to conduct in-depth and up-to-date research into an area of the syllabus specified by the assessment tutor. This assessment is a 3000 word maximum unsupervised coursework comprising a Written Component (80%) and Research Trail (20%). The written component may be made up of one or more coursework questions. A key aim of this assessment is to test students' legal research and writing skills and their ability to evaluate and / or critique the law and or policy and practice in this subject area.

The assessment is structured as follows:

Answers to a written question - = 80% of the marks
Research trail - 500 words = 20% of the marks

Students are provided with the area for research and guidance on conducting legal research. They are also provided with guidance on the E Learning Portal as to the nature and purpose of a research trail and examples of research trails.

This form of assessment requires students to conduct, demonstrate and evidence in-depth legal research.

b. Additional formative assessment - detail of process and rationale

Students are provided with guidance on the E Learning Portal as to the nature and purpose of a research report. They will also be given a sample research report to assist them in constructing their own.

On the part time degree there will also be classroom based formative opportunities.

c. Indication of how students will get feedback and how this will support their learning

Students receive written comments on their coursework.

Implications for Choice

None

**LA0893 Public Law [LLB OL] (CORE, 30 Credits)**

Synopsis of module

Overall Aims:

The module, a core subject for both the Bar Standards Board and the Solicitors Regulation Authority aims to give students an appreciation of the relationship between the citizen and the state and the relationships between the various organs that make up the state. This is done by studying the constitution in depth and then studying police powers, public order law and judicial review.

Summary of Learning Outcomes:

At the end of the module students should have a detailed knowledge of Public Law in England and Wales. Students should be able to analyse critically the system and its perceived weaknesses. Students should be able to demonstrate ability to undertake research on a public law topic and to produce a synthesis of doctrinal and policy issues in relation to a topic. Students should be able to communicate knowledge and/or arguments clearly both orally and in written English in order to contribute effectively to group work.

Overview of learning and teaching methods:

The module is delivered online. A range of materials including a module handbook and hyperlinked workbook, online webcasts and interactive materials are provided via the elearning portal. A Public Law blog is operated by the Module Tutor and students are actively encouraged to participate in the blog by adding their comments and views and taking part in discussions. Students are provided with a study schedule to direct their studies. They are provided with a range of formative feedback opportunities including opportunities for self-testing. They are supported by access to a module
Assessment

The module is assessed by means of:
(a) students' contributions to group discussion and submission
(b) individual oral presentation on what the students have learned through the process of research and subsequent collaboration

Indicative reading list or other learning resources

Barnett, H: Constitutional and Administrative Law (9th ed) (Cavendish)
Bradley, A and Ewing, K: Constitutional and Administrative Law (15th ed) (Pearson)
Elliott, M and Thomas R: Public Law (Oxford)
Loveland, I: Constitutional Law: A Critical Introduction, (5th ed) (Butterworths)
Allen and Thompson: Cases and Materials on Constitutional and Administrative Law (10th ed) (OUP)
Smith, Spain and Glancey: Core Statutes on Public Law and Civil Liberties 2011-12 (Palgrave MacMillan)
Bingham, T: T The Rule of Law (Penguin)

Students are also referred to additional reading throughout the provided study materials.

Outline syllabus

1. Sources and nature of the UK Constitution
2. The Rule of Law
3. The Legislative Supremacy of Parliament
4. Scrutiny of the Executive
5. Judicial Review of Administrative Action
7. Police Powers
8. The Law Relating to Public Order

Aims of module

The module is intended to develop legal and general intellectual skills, discuss legal theory, develop knowledge of human rights issues and promote European legal awareness.

The module aims to introduce students to the UK constitution and develop their knowledge and interest in the module by referring to specific topics to illustrate the themes that run through the module.

LEARNING OUTCOMES

* To develop a critical knowledge and understanding of the main sources of the UK Constitution
* To develop the ability to engage with, research, evaluate the strengths and weaknesses of, and to critically analyse particular theoretical foundations of the following doctrines that underpin the UK Constitution:
  * The Separation of Powers
  * Parliamentary Supremacy
  * The Rule of Law
* To develop a critical understanding of the mechanisms by which Parliament scrutinises the work of the government and holds them to account
* To develop an understanding of the role of Judicial Review in the UK Constitution
* To be able to problem solve and construct legal arguments by analysing factual scenarios and identifying relevant legal issues in the following areas:
  * Judicial Review
  * Police Powers
  * Public Order
* To develop a critical understanding of the Human Rights Act 1998 and the European Convention of Human Rights and Fundamental Freedoms
* In order to achieve the above outcomes students will need to be able to demonstrate the following:
  * an ability to use primary and secondary sources and to relate these sources to areas of study
  * students will have developed legal research skills using electronic and paper sources and be able to identify, locate and retrieve a range of legal source materials
  * students will be able to present legal information clearly, accurately and in an appropriate style
  * students will be able to understand and use English language appropriately in relation to legal matters
  * students will be able to present knowledge or an argument comprehensively
  * students will be able to read and analyse technical or complex legal materials
  * ability to communicate clearly in writing and orally
  * ability to manage their time and meet deadlines
  * ability to work independently and as part of a group
  * a range of IT skills

Pre-requisite(s)
None

Co-requisite(s)
None

Distance learning delivery

The module is delivered entirely by distance learning. Materials are made available via the module e-learning portal site. These materials include a module handbook and a workbook which provides an explanation of key principles and through which students have the ability to hypertext link to
Students are also provided with a study schedule; a package of webcast materials which include links to other resources; access to a public law blog, twitter feed, seminar materials and points of answer; and guidance on the assessment.

Students will be provided with access to online databases. Students will have access to the university library and the library services for distance learning students. Students will be given the names of their tutors to contact (by email and telephone) in relation to the module.

Learning and teaching strategy

Students are taught by Distance Learning as detailed above. They have the opportunity to contact the module tutor to discuss any aspect of the syllabus and have a wiki facility to be able to participate in peer feedback and collaborative work. They must read through the Workbook which contains hyperlinked materials and watch the webcasts and accompanying materials, instructions and self test questions. They should also read the textbook as directed and engage with the seminar materials provided.

To engage students in discussion with each other, and with the subject, students are
(a) required to undertake research into doctrinal and policy issues both individually and as part of a group
(b) engage in discussion with other students in light of the findings of their research with a view to preparing a single group response to the question posed which will be uploaded to a stated destination in the form of a group blog entry
(c) required to upload an individual oral presentation to the elp summarising their research findings, which other students can listen to

(where technology does not permit a student to upload their oral presentation this can be recorded on dvd and submitted to the university with a written document instead provided to the other students on the elp, alternatively students may provide evidence from an appropriate person such as a tutor, or qualified legal professional that they have presented orally, with a written version of the presentation again being provided to the discussion board)

Assessment and feedback strategy

a Summative assessment and rationale for tasks

(a) The assessment in Public law will require students, within groups, to conduct in-depth and up-to-date research into an area of the syllabus specified by the assessment tutor. The group must upload their research, in the form of a blog entry, to a specified destination. The group will receive a collective mark for this task.

(b) Each student must then upload an individual oral presentation of their findings lasting no longer than 10 minutes to the elp discussion board. Students will receive an individual mark for this task. Recognising that in some jurisdictions technology and internet connections may pose problems in this regard where such problems arise students will instead be permitted to upload a word document detailing their research findings. In such case, however, students must nonetheless demonstrate their ability to communicate orally in English, either by submitting a recording of their presentation on DVD, or by providing written evidence from an appropriate person such as a tutor, or qualified legal professional that they have presented orally, with a written version of the presentation again being provided to the discussion board.

The assessment is structured as follows:

Group blog entry - 40%
Individual oral presentation - 60%

b Additional formative assessment - detail of process and rationale

Students will be provided with a range of Multiple Choice Questions via the E Learning Portal to enable them to assess the development of their knowledge and understanding as the module progresses. Students will also be provided with a sample question of the type that will be used for the assessment, plus a model answer

c Indication of how students will get feedback and how this will support their learning

There is automated feedback via the E Learning Portal - the Multiple Choice Questions contain answers which include a narrative explanation of why the answer is correct or incorrect.

Students will also have a wiki facility to allow peer feedback and assistance on group work and individual work.

Students also have access to the webcasts which are a good demonstration for what is required for their oral presentations.

Implications for Choice

None

LA0816 Evidence [LLB OL] (OPTION, 30 Credits)

SYNOPSIS OF MODULE

This distance learning module aims to enable students to develop an awareness and understanding of the major principles of the Law of Evidence. The module is delivered by the provision of written and audio materials via the e-learning portal. On completion students should, via a three hour open book examination, be able to analyse given factual scenarios in the contexts of criminal and civil evidence, identify relevant evidential issues and apply relevant principles of the law of evidence thereto. Feedback is provided both formatively, in response to the submission of practice questions by students, and, following the summative assessment, by comments on exam scripts and an answer guide posted on the e-learning portal.

INDICATIVE READING LIST OR OTHER LEARNING RESOURCES

Main text
Stockdale: Criminal and Civil Evidence, 14th Edn. Northumbria Law Press

Supplementary Reading
Munday Evidence, 7th Edn.Oxford
OUTLINE SYLLABUS

Burden and standard of proof
The competence and compellability of witnesses
The examination of witnesses
Supporting evidence, evidence of identification and lies told by the accused
Sexual history evidence
Anonymity and Special Measures
Evidence of Character
Hearsay: in criminal and civil proceedings
Confessions
The silence of the accused
Unlawfully obtained evidence
Opinion Evidence
Estoppel
Privilege
Public Interest Immunity

AIMS OF MODULE

To enable students to develop an awareness and understanding of the major principles of the Law of Evidence, to analyse given factual scenarios in the context of criminal or civil proceedings, to identify those facts or issues which potentially give rise to evidential problems and to apply the relevant principles of the Law of Evidence in the context of such facts or issues.

LEARNING OUTCOMES

Students should be able to:

Analyze a given factual scenario in the context of criminal proceedings and identify those facts or issues which potentially give rise to evidential problems.

Analyze a given factual scenario in the context of civil proceedings and identify those facts which potentially give rise to evidential problems.

Demonstrate awareness and understanding of the major principles of the Law of Evidence.

Apply the major principles of the Law of Evidence to a given factual scenario in the context of criminal proceedings.

Apply the major principles of the Law of Evidence to a given factual scenario in the context of civil proceedings.

PREREQUISITES

None

COREQUISITE(S)

None

DISTANCE LEARNING DELIVERY

Materials will be made available via the e-learning portal and students will have the ability to hyperlink to online data
Students will be provided with access to online databases
Students will have access to the university library and the library’s services for distance learning students
Students will be given the names of their tutors and support staff to contact (by email and telephone) in relation to the module
Students will have the opportunity to communicate via the e-learning portal

LEARNING, TEACHING AND ASSESSMENT STRATEGY

The module is delivered by distance learning via a written workbook, made available via the e-learning portal, which is hyperlinked to legal databases, and is supplemented by an answer book relating to questions raised in the workbook. The topic coverage in the workbook is also supplemented by a number of audio lectures and PowerPoint presentations also made available via the e-learning portal.

a Summative assessment and rationale for tasks
The module is assessed by a three hour open book examination. The paper comprises two compulsory problem questions, one criminal evidence question and one civil evidence questions. The paper requires students to analyse the given factual scenarios to identify relevant evidential issues, to explain the relevant rules of the law of evidence (providing appropriate statutory or case law authorities) and to demonstrate how the relevant rules would apply in the context of the factual scenario.

b. Additional formative assessment - detail of process and rationale
The students are provided with the opportunity to submit practice questions in the course of the academic year.

c. Indication of how students will get feedback and how this will support their learning
Feedback to formative assessment will be given to students prior to their summative assessment, by e-mail if they submit their formative assessment by e-mail and by post if they submit it by post. Feedback to the summative assessment will be provided by comments on the examination script and via an answer guide which will be posted on the e-learning portal.

IMPLICATIONS FOR CHOICE

None

LA0895 Company Law [LLB OL] (OPTION, 30 Credits)

Synopsis of module
The main aim of the module is to provide a knowledge and understanding of the most important features of company law. By the end of the module students should be able to describe and explain these features and be able to critically assess the effectiveness and appropriateness of company law in the UK.

The module is covered by following a study schedule. There is a workbook which guides students through directed reading and includes self-test questions. Students are also expected to complete 8 seminar exercises.

Indicative reading list or other learning resources

Essential Reading
Boyle & Birds,
Company Law (8th ed) Jordans, 2011
Hicks and Goo,
Cases and Materials on Company Law (7th ed.) OUP, 2011

Blackstone’s Statutes on Company Law OUP (Printed annually)

Additional reading and other important sources of relevant information

Mayson, French & Ryan
Company Law OUP (Printed annually)
Sealy & Worthington
Cases and Materials in Company Law (10th Ed) OUP 2013

Dept for Business Innovantion and Skills

https://www.gov.uk/government/organisations/department-for-business-innovation-skills

The insolvency service
http://www.bis.gov.uk/insolvency

Companies House
http://www.companieshouse.gov.uk/

Athens-based legal resources including

* Westlaw
* LexisNexis
* Lawtel

Outline syllabus

1. Introduction

The function of company law
Recent, current and future developments in company law

2. Types of Business Associations

Different types of companies.
The incorporation process
Corporate personality/ limited liability.
Other business associations

3. Constitution of the Company

The old law, the new law.
4. Financing the Company

Promoters, (including pre-incorporation contracts)
Sources and types of finance:
- share capital
- loan capital

5. The Interested Parties

(a) the directors -
individual and collective powers and duties

(b) the shareholders -
legal relationship of shareholder to company
legal relationship of shareholders to each other
class rights
shareholder protection

(c) the creditors

types of creditors
debenture holders and their relationship to a company
legal protection for creditors

6. Issues of particular relevance to public companies

Listing securities, Takeovers, Corporate Governance,

7. Insolvent companies

Administration, Liquidation, Voluntary arrangements, Receivership.

Aims of module
The main aim of the module is to provide students with a knowledge and understanding of the most important features of company law in the UK. This knowledge and understanding should provide a basis on which students can critically assess the effectiveness and appropriateness - or otherwise - of the existing legal framework.

Learning outcomes
By the end of the module students should be able to describe and explain the important features of UK company law and should be able to critically assess its appropriateness.
In particular students should be able to:

- Define and recognise the different types of business association;
- Define, explain and critically assess the concept of corporate personality;
- Describe the process of company formation and explain the role and significance of the company's constitution;
- Describe and explain the main methods of corporate finance and the role of financial institutions;
- Analyse, explain and critically assess the role and duties of corporate management;
- Describe and analyse the central relationships within a company;
- Analyse and critically assess the position of shareholders and creditors;
- Describe and explain the different procedures which may be applied to insolvent companies;
- Recognise the external environment within which companies operate;
- Demonstrate competence in research and analysis of legal materials;
- Demonstrate competence in written communication.

Pre-requisite(s)
None

Co-requisite(s)
None

Distance learning delivery
The module will be delivered via the eLP site. This site will contain the following:

- A study schedule.
- A workbook covering the different areas in the syllabus.
- Self test questions at the end of each chapter of the workbook for students to test their knowledge and understanding.
*Answers to the self-test questions
*Seminar questions
*Links to relevant web sites
*Information relating to assessment - e.g. previous papers and model answers.

Additional relevant topical materials will be added as appropriate.

Learning and teaching strategy
Students are provided with a study schedule which sets out a timetable for their study by indicating the work and preparation required at each stage of the module's progression. Adherence to the programme set out in the study schedule should allow students to meet the substantive law learning outcomes by the end of the module.

All relevant module materials are posted on the E Learning Portal.

Assessment and feedback strategy

a Summative assessment and rationale for tasks

The format of the examination is as follows:

* 3 hours duration; 2 Written Questions from a choice of 4; each question equally weighted and counting for 35% of the marks on the paper
* Multiple Choice Questions (counting for 30% of the marks on the paper).

The availability of Multiple Choice Questions as a method of assessment enables rigorous assessment of knowledge and understanding across the syllabus where this is appropriate.

b. Additional formative assessment - detail of process and rationale

Students are provided with a range of sample Multiple Choice Questions via the E Learning Portal. These are the same style of question as will appear in the final examination. The questions enable students to read a narrative explanation of the reasons why particular answers are right or wrong. This helps students to understand the nature, style and difficulty of questions they will encounter in the examination and assist their understanding of the law.

Students are also provided with at least one sample essay question and one sample problem question via the E Learning Portal. These questions are the same style of questions as will appear in the final examination. The questions enable students to attempt an answer for themselves and then read a model answer provided by the module tutor. This helps students to understand the type of question they will face in the final examination and assists their understanding of the law. It also helps them to appreciate the skills required to write concisely and coherently in the discipline of the examination room.

On the part time degree there will also be classroom based formative opportunities.

c. Indication of how students will get feedback and how this will support their learning

There is automated feedback via the E Learning Portal - the Multiple Choice Questions contain answers which include a narrative explanation of why the answer is correct or incorrect. The Essay and Problem Questions include a complete model answer together with additional notes or guidance if appropriate. Additional feedback and support is available from the module team.

Students are also provided with at least one sample essay question and one sample problem question via the E Learning Portal. These questions are the same style of questions as will appear in the final examination. The questions enable students to attempt an answer for themselves and then read a model answer provided by the module tutor. This helps students to understand the type of question they will face in the final examination and assists their understanding of the law. It also helps them to appreciate the skills required to write concisely and coherently in the discipline of the examination room.

On the part time degree there will also be classroom based formative opportunities.

c. Indication of how students will get feedback and how this will support their learning

There is automated feedback via the E Learning Portal - the Multiple Choice Questions contain answers which include a narrative explanation of why the answer is correct or incorrect. The Essay and Problem Questions include a complete model answer together with additional notes or guidance if appropriate. Additional feedback and support is available from the module team.

Implications for Choice

None

**LA0896 Employment Law [LLB OL] (OPTION, 30 Credits)**

**Synopsis of module**

This module focuses on individual employment law and its regulation by common law principles and statute. Students consider the formation of the legal relationship between employer and employer as well as certain aspects of its operation and termination. Legal obligations and rights will be explored as will the parties' ability to pursue those rights and the range remedies available.

Students will gain a knowledge of the above areas of employment law and will develop legal and general intellectual skills. They will be able to apply this knowledge and these skills to a range of abstract and practical situations in order to reach valid conclusions and suggest solutions.

**Indicative reading list or other learning resources**

Pitt, G, Employment Law (6th ed. 2007) Sweet & Maxwell
Smith and Thomas, Smith and Wood's Employment Law OUP 2007
Honeyball and Bowers, Textbook on Employment Law (10th ed. 2008) OUP
Outline syllabus

The course entails a study of individual employment law i.e. the contractual and statutory regulation of the relationship between employer and employee. Consideration will be given in lectures and/or seminars to the following topics:

* Sources and institutions of employment law;
* Worker status;
* Contents of the contract of employment: express terms, implied terms, standard common law duties; restraint of trade;
* Formalities: section 1 statement;
* Wages, including equal pay, minimum wage;
* Unlawful discrimination;
* Breach of contract, wrongful dismissal and remedies;
* Termination at common law
* Unfair dismissal and remedies;
* Redundancy.

Aims of module

To provide a study of the legal regulation of the relationship between employer and employee

To apply general contractual principles to the employment contract

To introduce students to relevant statutory provisions and their operation

To use a variety of legal materials in consolidating and updating relevant information

To allow students to enhance their analytical and evaluative skills and formulate viable solutions to legal problems

Learning outcomes

Students should be able to:

* show an appropriate level of knowledge of substantive law
* recognise and apply contractual and statutory rules to employment law issues and problems
* advise on legal protection/liability and appropriate remedies and action
* evaluate and apply this information in a practical context by demonstrating a level of awareness of the social and political issues shaping this area of law
* advise on best practice in ensuring compliance with legal rules.

Pre-requisite(s)

Law of contract
European law

Co-requisite(s)

None

Distance learning delivery

The module will be delivered via the eLP site. This site will contain the following:

* A workbook containing the syllabus
* Self-test questions at the end of each chapter for students to monitor their progress
* A study schedule containing seminar questions and previous examination papers.
* An answerbook to the self-test questions in the workbook
* Links to relevant websites and suggested further reading
* Additional materials to be developed incrementally.

Learning and teaching strategy

As with other OL modules, the required study materials are contained in a workbook accessible through the eLP. A study schedule sets out a timetable for study and indicates the work and preparation required at each stage of the module's progression. Study weeks allow for delivery of lectures and seminars and contact with other students. The module is fully supported through the eLP

Assessment and feedback strategy

* Summative assessment and rationale for tasks

The format of the examination is as follows:

* 3 hours duration; 4 questions from a choice of 8; each question equally weighted.

The module tutors selects the appropriate balance of assessment by way of Written Question and Multiple Choice Question while retaining a minimum requirement for at least 50% of the assessment to be by way of Written Question so as to guarantee assessment of learning outcomes beyond
knowledge and understanding.

The availability of Multiple Choice Questions as a method of assessment enables rigorous assessment of knowledge and understanding across the syllabus where this is appropriate.

b. Additional formative assessment - detail of process and rationale

Students are provided with a range of sample Multiple Choice Questions via the E Learning Portal. These are the same style of question as will appear in the final examination. The questions enable students to read a narrative explanation of the reasons why particular answers are right or wrong. This helps students to understand the nature, style and difficulty of questions they will encounter in the examination and assist their understanding of the law.

Students are also provided with at least one sample essay question and one sample problem question via the E Learning Portal. These questions are the same style of questions as will appear in the final examination. The questions enable students to attempt an answer for themselves and then read a model answer provided by the module tutor. This helps students to understand the type of question they will face in the final examination and assists their understanding of the law. It also helps them to appreciate the skills required to write concisely and coherently in the discipline of the examination room.

On the part time degree there will also be classroom based formative opportunities.

c. Indication of how students will get feedback and how this will support their learning

There is automated feedback via the E Learning Portal - the Multiple Choice Questions contain answers which include a narrative explanation of why the answer is correct or incorrect. The Essay and Problem Questions include a complete model answer together with additional notes or guidance if appropriate. Additional feedback and support is available from the module team.

Implications for Choice

None

LA0897 Medical Law [LLB OL] (OPTION, 30 Credits)

Synopsis of module

This distance learning module aims to convey to the student that Medical Law is a discrete subject in its own right and to provide students with an appreciation of the theory, law and practice that makes up medical law in England and Wales, with some consideration of other jurisdictions.

The module builds on various strands of student knowledge gathered in the compulsory subjects to include tort, public law and human rights, criminal and civil liability, contractual obligations and remedies, focusing on the application and development of this knowledge in the context of medical law.

The module is also designed to further enhance the skills students have developed throughout the programme. In particular, the module encourages students to build their skills in statutory interpretation, legal reasoning, legal and ethical problem solving techniques and critical analysis, and consideration of the ethical issues inevitably raised within medical law. This includes consideration of the likely problem areas which new medical procedures and scientific developments will undoubtedly give rise to such as cloning, genetic engineering, stem cell research.

The module is delivered by the provision of written materials via the e-learning portal, a small number of small group session and in the main by directed and independent learning. Students are assessed via a three hour examination. On completion of the module students should have a detailed knowledge of the substantive rules associated with a claim in clinical negligence and have an appreciation of the distinction between the legal and ethical rules applicable to medical law and be able to comment upon the said rules.

Indicative reading list or other learning resources

Main recommended texts
Brazier & Cave, Medicine, Patients and the Law (5th ed.) Penguin
Jackson  Medical Law, text, Cases And Materials, Oxford 3rd ed
Herring  Medical Law and Ethics 4th ed

Supplementary
Mason /McCall Smith Laurie Law and Medical Ethics (9th ed) Butterworths.
Staunch, Wheat and Tingle Sourcebook on Medical Law (3rd ed) Cavendish
Jones/Morris Statutes on Medical Law (4th Edito
Khan/Robson/Swift Clinical Negligence (2nd ed.) Cavendish.

Outline syllabus

1. Introduction

Distinction between law and ethics; private patients and NHS patients; the role of contract; judicial review.

2. Clinical Negligence

(a) Substantive rules:
Duty of care; standard of care; causation; damages

(b) overview of Procedural rules, including limitation

3. Consent and capacity

4. Medical Confidentiality and access to records
5. The Beginning of Life:
   (a) Ethical & topical issues
   (b) Contraception
   (c) Assisted conception
   (d) Surrogacy

6. The End of Life:
   (a) Ethical and topical issues
   (b) Abortion;
   (c) Neonaticide;
   (d) Euthanasia (including advance directives, persistent vegetative state, do not resuscitate orders)


Aims of module

This module provides students with a knowledge and appreciation of the underpinning theory, law and practice of medical law in England and Wales.

It is designed to enable students to further develop in the context of medical law
* their knowledge of legal rules
* their ability to think across legal subject areas
* their appreciation of the overlap between ethics, social policy and the development of law
* their understanding of how human rights norms affect legal and regulatory enforcement
* their ability to critically analyse factual scenarios and to apply the relevant principles of medical law and ethics in the context of such facts or issues.

Learning outcomes

On completing the course the student will:

1. Have an appreciation of the distinction between the legal and the ethical rules applicable to Medical Law
2. Have a general knowledge of: the application of contract and judicial review in medical law
3. Have a detailed knowledge of the substantive rules associated with a claim in clinical negligence
4. Understand how the Human Rights legislation will impact on various areas of the syllabus
5. Know (where appropriate) how other jurisdictions deal with the issues of law and ethics
6. Be able to comment upon the legal and ethical issues arising from the latest topical issues (by reference to newspaper cuttings etc.)
7. Know, understand and be able to analyse the current case law, statutes, professional guidance and articles in relation Medical Law

Pre-requisite(s)

Tort

Co-requisite(s)

None

Distance learning delivery

Materials will be made available via the e-learning portal and students will have the ability to hypertext link to online data
Students will be provided with access to online databases
Students will have access to the university library and the library’s services for distance learning students
Students will be given the names of their tutors and support staff to contact (by email and telephone) in relation to the module
Students will have the opportunity to communicate via the e-learning portal

Learning and teaching strategy

The module is delivered by distance learning via a written workbook, made available via the e-learning portal, which is hyperlinked to legal databases. The workbook additionally contains a number of self-test questions and answers. The topic coverage in the workbook is also supplemented by "PowerPoint" slides also made available via the e-learning portal.

Assessment and feedback strategy

The format of the examination is as follows:
* 3 hours duration; 1 compulsory question on clinical negligence worth 50% of the final mark; two further questions from a choice of 5 each worth 25%

Students are also provided with at least one sample essay question and one sample problem question via the E Learning Portal. These questions are the same style of questions as will appear in the final examination. The questions enable students to attempt an answer for themselves and then read a model answer provided by the module tutor. This helps students to understand the type of question they will face in the final examination and assists their understanding of the law. It also helps them to appreciate the skills required to write concisely and coherently in the discipline of the examination room.

Indication of how students will get feedback and how this will support their learning
There is automated feedback via the E Learning Portal. The Essay and Problem Questions include a complete model answer together with additional notes or guidance if appropriate. Additional feedback and support is available from the module team.

Implications for Choice

None

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LLB (Hons) Open Learning: Year 3 Modules

LA0592 Project [LLB OL] (OPTION, 30 Credits)

SYNOPSIS OF MODULE

INDICATIVE READING LIST OR OTHER LEARNING RESOURCES
Not applicable

OUTLINE SYLLABUS
Not applicable

AIMS OF MODULE

To enable the student to draw on skills and knowledge acquired during the course of the degree programme and develop them in the context of a self chosen area of specialist study.

To allow the student to take responsibility for their own development.

To develop the student's research abilities

To encourage the student in the improvement of their oral and written communication skills.

LEARNING OUTCOMES

Students will be able to use primary and secondary legal sources to research a specialist area.

Students will be able to present their research findings clearly and accurately in both oral and written form.

Students will be able to evaluate the strengths and weaknesses of conflicting arguments and critically analyse the law.

The students will be able to take responsibility for their own development.

PREREQUISITES

COREQUISITE(S)

DISTANCE LEARNING DELIVERY

Students will have access to:
-the module blackboard site
-the online databases and to the University library and the library's services for distance learning students
-students will be given the names of their supervisor and support staff to contact, by email, telephone and in person

The project tutor and/or programme leader will communicate information common to all project students by email and/or through the blackboard site.

LEARNING, TEACHING AND ASSESSMENT STRATEGY

Students will be expected to work independently to research and present their project. Additionally, however, each student is allocated an individual project supervisor before they begin their project who will provide assistance throughout the module. The role of the supervisor includes: advising on specifications for the project; advising on general research techniques; discussing the project subject matter with students with a view to clarifying the student's understanding and assisting the student in communicating their knowledge and analysing the relevant material; & reading and providing general comments on draft chapters of the project. Students are expected to maintain regular contact with their supervisors through the research and writing of their project.

Students are given a handbook which gives primary information about the project, for example on the project format, marking criteria and a suggested timetable.

There is a blackboard module site.

A wide range of research resources are available, most notably library resources and online databases.

Assessment:

Students are assessed against a range of criteria reflecting the learning outcomes, on submission of their final project. These are as follows:-

-awareness of relevant source material
-thoroughness and accuracy of examination of material
LA0816 Evidence [LLB OL] (OPTION, 30 Credits)

SYNOPSIS OF MODULE
This distance learning module aims to enable students to develop an awareness and understanding of the major principles of the Law of Evidence. The module is delivered by the provision of written and audio materials via the e-learning portal. On completion students should, via a three hour open book examination, be able to analyse given factual scenarios in the contexts of criminal and civil evidence, identify relevant evidential issues and apply relevant principles of the law of evidence thereto. Feedback is provided both formatively, in response to the submission of practice questions by students, and, following the summative assessment, by comments on exam scripts and an answer guide posted on the e-learning portal.

INDICATIVE READING LIST OR OTHER LEARNING RESOURCES
Main text
Stockdale: Criminal and Civil Evidence, 14th Edn. Northumbria Law Press

Supplementary Reading
Munday Evidence, 7th Edn. Oxford

OUTLINE SYLLABUS
Burden and standard of proof
The competence and compellability of witnesses
The examination of witnesses
Supporting evidence, evidence of identification and lies told by the accused
Sexual history evidence
Anonymity and Special Measures
Evidence of Character
Hearsay: in criminal and civil proceedings
Confessions
The silence of the accused
Unlawfully obtained evidence
Opinion Evidence
Estoppel
Privilege
Public Interest Immunity

AIMS OF MODULE
To enable students to develop an awareness and understanding of the major principles of the Law of Evidence, to analyse given factual scenarios in the context of criminal or civil proceedings, to identify those facts or issues which potentially give rise to evidential problems and to apply the relevant principles of the Law of Evidence in the context of such facts or issues.

LEARNING OUTCOMES
Students should be able to:
Analyse a given factual scenario in the context of criminal proceedings and identify those facts or issues which potentially give rise to evidential problems.
Analyse a given factual scenario in the context of civil proceedings and identify those facts which potentially give rise to evidential problems.
Demonstrate awareness and understanding of the major principles of the Law of Evidence.

Apply the major principles of the Law of Evidence to a given factual scenario in the context of criminal proceedings.

Apply the major principles of the Law of Evidence to a given factual scenario in the context of civil proceedings.

PREREQUISITES
None

COREQUISITE(S)
None

DISTANCE LEARNING DELIVERY
Materials will be made available via the e-learning portal and students will have the ability to hypertext link to online data
Students will be provided with access to online databases
Students will have access to the university library and the library’s services for distance learning students
Students will be given the names of their tutors and support staff to contact (by email and telephone) in relation to the module
Students will have the opportunity to communicate via the e-learning portal

LEARNING, TEACHING AND ASSESSMENT STRATEGY
The module is delivered by distance learning via a written workbook, made available via the e-learning portal, which is hyperlinked to legal databases, and is supplemented by an answer book relating to questions raised in the workbook. The topic coverage in the workbook is also supplemented by a number of audio lectures and PowerPoint presentations also made available via the e-learning portal.

a. Summative assessment and rationale for tasks
The module is assessed by a three hour open book examination. The paper comprises two compulsory problem questions, one criminal evidence question and one civil evidence questions. The paper requires students to analyse the given factual scenarios to identify relevant evidential issues, to explain the relevant rules of the law of evidence (providing appropriate statutory or case law authorities) and to demonstrate how the relevant rules would apply in the context of the factual scenario.

b. Additional formative assessment - detail of process and rationale
The students are provided with the opportunity to submit practice questions in the course of the academic year.

c. Indication of how students will get feedback and how this will support their learning
Feedback to formative assessment will be given to students prior to their summative assessment, by e-mail if they submit their formative assessment by e-mail and by post if they submit it by post. Feedback to the summative assessment will be provided by comments on the examination script and via an answer guide which will be posted on the e-learning portal.

IMPLICATIONS FOR CHOICE
None

LA0894 Jurisprudence [LLB OL] (OPTION, 30 Credits)

SYNOPSIS
Jurisprudence is essentially about the nature law and is directed at such fundamental questions as What is law? What gives law its authority? Are there laws I shouldn’t obey? Can laws be unethical? What is justice? Why do we punish? The aim of the Jurisprudence module is to introduce you to the work of a range of jurists (essentially legal theorists) and of schools of jurisprudence. These will range from ancient Greece to cutting edge Post-modern thought but we will also consider such related topics as Marxism, feminism, and anthropological jurisprudence. As well as learning what some of the key thinkers have said, you will be encouraged to develop an understanding of philosophical method and of argument and to appreciate the role and value of jurisprudence to contemporary society and legal practice.

Indicative reading list or other learning resources

Reading List:

Essential Reading
M. D. A. Freeman: Lloyd's Introduction to Jurisprudence

JG Riddall
Jurisprudence
Butterworths, 2002

Brian Bix
Jurisprudence: Theory and Context
4th edition, 2006, Sweet & Maxwell
Module website available through e-learning portal

Additional Reading

Additional reading should be based on a cross section of current textbooks. These currently include:
Outline syllabus

Syllabus:

1. The nature of Jurisprudence - what is Jurisprudence? Why is it relevant and what relationship does it bear to philosophy and other disciplines?

2. The nature of law - what do we mean when we talk of law?

3. The distinction between natural law and positive law

4. An overview and more detailed consideration of the work of individual jurists, schools and associated philosophers beginning with ancient philosopher and ending with postmodernism

5. A consideration of certain allied legal theory subjects such as animal law, critical race theory, feminism, law and literature and anthropological jurisprudence.

The following topics are covered:

- Introduction Overview of module
- Introduction The Speluncean Explorers
- Naturalism vs Positivism The Hart-Fuller debate
- Classical and medieval naturalism From Plato to Thomas Aquinas
- Classical positivism Jeremy Bentham and John Austin
- Modern positivism Hans Kelsen and the pure theory of law
- Modern positivism H.L.A. Hart
- The resurgence of naturalism Finnis and Fuller
- Liberty and its consequences The Hart Devlin debate and J.S. Mill
- Individualism:
  - justice as ownership Robert Nozick
  - The social contract and justice John Rawls
  - Animal rights The moral and legal status of animals
  - Rights and judges Ronald Dworkin
- Theories of punishment Retribution, Rehabilitation & Deterrence
- Scandinavian realism Hagerstrom, Olivecrona and Ross
- American realism and anthropological jurisprudence Holmes, Llewellyn and Frank. Dispute resolution in other societies
- Feminism Liberal, radical and postmodern feminism
- European thought and the realist legacy Marxism, Critical Legal Studies and Critical Race Theory
- Postmodernism Questioning the basis of jurisprudence: the decay of certainty

Aims of module

Aims:
1. To provide a comprehensive introduction to a range of jurists and schools of jurisprudence ranging from ancient philosophy to postmodernism within the classical and modern branches of jurisprudence such as natural law, positivism, realism, Marxism, critical legal studies, and feminism

2. To provide for detailed consideration of a number of such theorists and schools

3. To encourage the development of philosophical method and reflection on the structure and quality of argument

4. To encourage an appreciation of the nature of jurisprudence and the work of jurists within a historical and cultural context

5. To provide for consideration of the role and value of jurisprudence to contemporary society and legal practice

Learning outcomes

Learning Outcomes:
On completion of the module students should be able to:

1. demonstrate an understanding of the historical relationship between the key jurists and schools covered within the syllabus

2. make comparisons between the work of such key jurists and schools

3. explain the strengths and weaknesses of the work of such key jurists and schools

4. appreciate the relevance of jurisprudence to their educational development in general and to the practice of law in particular

5. argue using concepts drawn from the work of the key jurists or schools studied

6. demonstrate a knowledge and appreciation of the relevance of such additional allied legal theoretical subjects as may be covered during the module such as animal law, law and literature and anthropological jurisprudence
Pre-requisite(s)
None

Co-requisite(s)
None

Distance learning delivery
The module will be delivered via the eLP site. This site will contain the following:

- A workbook explaining the different areas in the syllabus.
- Self test questions will at the end of each chapter for students to text their understanding.
- A study schedule.
- Seminar questions
- An answerbook to the self-test questions in the workbook
- Links to relevant jurisprudential sites
- Additional audio/visual lectures will be provided as the year progresses.
- A variety of useful information as to assessment - e.g. past questions and 'marked' essays.
- Additional interactive materials to be developed incrementally.

Learning and teaching strategy
As with other OL modules, the required study is set out in a workbook and is also accessible through the e-learning portal. A study schedule sets out a timetable for study and indicates the work and preparation required at each stage of the module's progression. Study weeks allow for delivery of lectures and seminars and contact with other students. The module is fully supported through Blackboard.

Jurisprudence is a part of the law degree and will apply, as appropriate, jurisprudential theories and concepts to current legal concepts and doctrine. It will also be taught as an aspect of the history of ideas, so that a better appreciation may be gained of the social, cultural and political contexts in which jurisprudence has developed, and of the provenance of the philosophical concepts involved. Understanding of philosophical method will be enhanced through critical comparison of the work of jurists and jurisprudential theories.

Assessment and feedback strategy

a. Summative assessment and rationale for tasks

The assessment in Jurisprudence requires students to conduct in-depth and up-to-date research into an area of the syllabus specified by the assessment tutor. This assessment is a 4000 word maximum unsupervised coursework comprising a Written Component (80%) and Research Trail (20%). The written component may be made up of one or more coursework questions. A key aim of this assessment is to test students' legal research and writing skills and their ability to evaluate and / or critique the law and or policy and practice in this subject area.

The assessment is structured as follows:

Answers to a written question - = 80% of the marks
Research trail - 500 words = 20% of the marks (Students are required to prepare a maximum 500 word research report (word processed) which will identify, explain and reflect on the research methodology adopted.

Students are provided with the broad area for research and guidance on conducting legal research. They are also provided with guidance on the E Learning Portal as to the nature and purpose of a research report and a Pro forma for presentation of their report. They are also given a sample research report to assist them in constructing their own.

This form of assessment requires students to conduct, demonstrate and evidence in-depth legal research.

b. Additional formative assessment - detail of process and rationale

Students are provided with guidance on the E Learning Portal as to the nature and purpose of a research report and a Pro forma for presentation of their report. They will also be given a sample research report to assist them in constructing their own.

On the part time degree there will also be classroom based formative opportunities.

c. Indication of how students will get feedback and how this will support their learning

Students receive written comments on their coursework.

Implications for Choice
None

**LA0895 Company Law [LLB OL] (OPTION, 30 Credits)**

Synopsis of module
The main aim of the module is to provide a knowledge and understanding of the most important features of company law. By the end of the module students should be able to describe and explain these features and be able to critically assess the effectiveness and appropriateness of company law in the UK.

The module is covered by following a study schedule. There is a workbook which guides students through directed reading and includes self-test questions. Students are also expected to complete 8 seminar exercises.

Indicative reading list or other learning resources
Outline syllabus

1. Introduction
   The function of company law
   Recent, current and future developments in company law

2. Types of Business Associations
   Different types of companies.
   The incorporation process
   Corporate personality/ limited liability.
   Other business associations

3. Constitution of the Company
   The old law, the new law.
   Memorandum and articles of association
   Table A / Draft Model Articles

4. Financing the Company
   Promoters, (including pre-incorporation contracts)
   Sources and types of finance :
   share capital
   loan capital

5. The Interested Parties
   (a) the directors -
      individual and collective powers and duties
   (b) the shareholders -
      legal relationship of shareholder to company
      legal relationship of shareholders to each other
      class rights
      shareholder protection
   (c) the creditors
      types of creditors
      debenture holders and their relationship to a company
      legal protection for creditors

6. Issues of particular relevance to public companies
   Listing securities, Takeovers, Corporate Governance,
7. Insolvent companies
Administration, Liquidation, Voluntary arrangements, Receivership.

Aims of module
The main aim of the module is to provide students with a knowledge and understanding of the most important features of company law in the UK. This knowledge and understanding should provide a basis on which students can critically assess the effectiveness and appropriateness - or otherwise - of the existing legal framework.

Learning outcomes
By the end of the module students should be able to describe and explain the important features of UK company law and should be able to critically assess its appropriateness.
In particular students should be able to:
Define and recognise the different types of business association;
Define, explain and critically assess the concept of corporate personality;
Describe the process of company formation and explain the role and significance of the company's constitution;
Describe and explain the main methods of corporate finance and the role of financial institutions;
Analyse, explain and critically assess the role and duties of corporate management;
Describe and analyse the central relationships within a company;
Analyse and critically assess the position of shareholders and creditors;
Describe and explain the different procedures which may be applied to insolvent companies;
Recognise the external environment within which companies operate;
Demonstrate competence in research and analysis of legal materials;
Demonstrate competence in written communication.

Pre-requisite(s)
None

Co-requisite(s)
None

Distance learning delivery
The module will be delivered via the eLP site. This site will contain the following:
*A study schedule.
*A workbook covering the different areas in the syllabus.
*Self test questions at the end of each chapter of the workbook for students to test their knowledge and understanding.
*Answers to the self-test questions
*Seminar questions
*Links to relevant web sites
*Information relating to assessment - e.g. previous papers and model answers.
Additional relevant topical materials will be added as appropriate.

Learning and teaching strategy
Students are provided with a study schedule which sets out a timetable for their study by indicating the work and preparation required at each stage of the module's progression. Adherence to the programme set out in the study schedule should allow students to meet the substantive law learning outcomes by the end of the module.
All relevant module materials are posted on the E Learning Portal.

Assessment and feedback strategy
a Summative assessment and rationale for tasks
The format of the examination is as follows:
* 3 hours duration; 2 Written Questions from a choice of 4; each question equally weighted and counting for 35% of the marks on the paper
20 Multiple Choice Questions (counting for 30% of the marks on the paper.
The availability of Multiple Choice Questions as a method of assessment enables rigorous assessment of knowledge and understanding across the syllabus where this is appropriate.
b. Additional formative assessment - detail of process and rationale
Students are provided with a range of sample Multiple Choice Questions via the E Learning Portal. These are the same style of question as will appear in the final examination. The questions enable students to read a narrative explanation of the reasons why particular answers are right or wrong. This helps students to understand the nature, style and difficulty of questions they will encounter in the examination and assist their
understanding of the law.

Students are also provided with at least one sample essay question and one sample problem question via the E Learning Portal. These questions are the same style of questions as will appear in the final examination. The questions enable students to attempt an answer for themselves and then read a model answer provided by the module tutor. This helps students to understand the type of question they will face in the final examination and assists their understanding of the law. It also helps them to appreciate the skills required to write concisely and coherently in the discipline of the examination room.

On the part time degree there will also be classroom based formative opportunities.

c. Indication of how students will get feedback and how this will support their learning

There is automated feedback via the E Learning Portal - the Multiple Choice Questions contain answers which include a narrative explanation of why the answer is correct or incorrect. The Essay and Problem Questions include a complete model answer together with additional notes or guidance if appropriate. Additional feedback and support is available from the module team.

Students are also provided with at least one sample essay question and one sample problem question via the E Learning Portal. These questions are the same style of questions as will appear in the final examination. The questions enable students to attempt an answer for themselves and then read a model answer provided by the module tutor. This helps students to understand the type of question they will face in the final examination and assists their understanding of the law. It also helps them to appreciate the skills required to write concisely and coherently in the discipline of the examination room.

On the part time degree there will also be classroom based formative opportunities.

c. Indication of how students will get feedback and how this will support their learning

There is automated feedback via the E Learning Portal - the Multiple Choice Questions contain answers which include a narrative explanation of why the answer is correct or incorrect. The Essay and Problem Questions include a complete model answer together with additional notes or guidance if appropriate. Additional feedback and support is available from the module team.

Implications for Choice
None

**LA0896 Employment Law [LLB OL] (OPTION, 30 Credits)**

**Synopsis of module**

This module focuses on individual employment law and its regulation by common law principles and statute. Students consider the formation of the legal relationship between employer and employer as well as certain aspects of its operation and termination. Legal obligations and rights will be explored as will the parties' ability to pursue those rights and the range remedies available.

Students will gain a knowledge of the above areas of employment law and will develop legal and general intellectual skills. They will be able to apply this knowledge and these skills to a range of abstract and practical situations in order to reach valid conclusions and suggest solutions.

**Indicative reading list or other learning resources**

- Pitt, G, Employment Law (6th ed. 2007) Sweet & Maxwell
- Smith and Thomas, Smith and Wood's Employment Law OUP 2007
- Selwyn, N. M., Selwyn's Law of Employment (15th ed. 2008) Butterworths
- Harvey on Industrial Relations and Employment Law - reference only. This can be accessed through the LexisNexis Butterworths Employment Law website.

**Outline syllabus**

The course entails a study of individual employment law i.e. the contractual and statutory regulation of the relationship between employer and employee. Consideration will be given in lectures and/or seminars to the following topics:

- Sources and institutions of employment law;
- Worker status;
- Contents of the contract of employment: express terms, implied terms, standard common law duties; restraint of trade;
- Formalities: section 1 statement;
- Wages, including equal pay, minimum wage;
- Unlawful discrimination;
- Breach of contract, wrongful dismissal and remedies;
- Termination at common law
- Fair dismissal and remedies;
- Redundancy.

**Aims of module**

To provide a study of the legal regulation of the relationship between employer and employee

To apply general contractual principles to the employment contract

To introduce students to relevant statutory provisions and their operation
To use a variety of legal materials in consolidating and updating relevant information

To allow students to enhance their analytical and evaluative skills and formulate viable solutions to legal problems

Learning outcomes

Students should be able to:

* show an appropriate level of knowledge of substantive law
* recognise and apply contractual and statutory rules to employment law issues and problems
* advise on legal protection/liability and appropriate remedies and action
* evaluate and apply this information in a practical context by demonstrating a level of awareness of the social and political issues shaping this area of law
* advise on best practice in ensuring compliance with legal rules.

Pre-requisite(s)

Law of contract
European law

Co-requisite(s)

None

Distance learning delivery

The module will be delivered via the eLP site. This site will contain the following:

* A workbook containing the syllabus
* Self-test questions at the end of each chapter for students to monitor their progress
* A study schedule containing seminar questions and previous examination papers.
* An answerbook to the self-test questions in the workbook
* Links to relevant websites and suggested further reading
* Additional materials to be developed incrementally.

Learning and teaching strategy

As with other OL modules, the required study materials are contained in a workbook accessible through the eLP. A study schedule sets out a timetable for study and indicates the work and preparation required at each stage of the module's progression. Study weeks allow for delivery of lectures and seminars and contact with other students. The module is fully supported through the eLP.

Assessment and feedback strategy

a. Summative assessment and rationale for tasks

The format of the examination is as follows:

* 3 hours duration; 4 questions from a choice of 8; each question equally weighted.

The module tutors selects the appropriate balance of assessment by way of Written Question and Multiple Choice Question while retaining a minimum requirement for at least 50% of the assessment to be by way of Written Question so as to guarantee assessment of learning outcomes beyond knowledge and understanding.

The availability of Multiple Choice Questions as a method of assessment enables rigorous assessment of knowledge and understanding across the syllabus where this is appropriate.

b. Additional formative assessment - detail of process and rationale

Students are provided with a range of sample Multiple Choice Questions via the E Learning Portal. These are the same style of question as will appear in the final examination. The questions enable students to read a narrative explanation of the reasons why particular answers are right or wrong. This helps students to understand the nature, style and difficulty of questions they will encounter in the examination and assist their understanding of the law.

Students are also provided with at least one sample essay question and one sample problem question via the E Learning Portal. These questions are the same style of questions as will appear in the final examination. The questions enable students to attempt an answer for themselves and then read a model answer provided by the module tutor. This helps students to understand the type of question they will face in the final examination and assists their understanding of the law. It also helps them to appreciate the skills required to write concisely and coherently in the discipline of the examination room.

On the part time degree there will also be classroom based formative opportunities.

c. Indication of how students will get feedback and how this will support their learning

There is automated feedback via the E Learning Portal - the Multiple Choice Questions contain answers which include a narrative explanation of why the answer is correct or incorrect. The Essay and Problem Questions include a complete model answer together with additional notes or guidance if appropriate. Additional feedback and support is available from the module team.

Implications for Choice

None
LA0897 Medical Law [LLB OL] (OPTION, 30 Credits)

Synopsis of module

This distance learning module aims to convey to the student that Medical Law is a discrete subject in its own right and to provide students with an appreciation of the theory, law and practice that makes up medical law in England and Wales, with some consideration of other jurisdictions.

The module builds on various strands of student knowledge gathered in the compulsory subjects to include tort, public law and human rights, criminal and civil liability, contractual obligations and remedies, focusing on the application and development of this knowledge in the context of medical law.

The module is also designed to further enhance the skills students have developed throughout the programme. In particular, the module encourages students to build their skills in statutory interpretation, legal reasoning, legal and ethical problem solving techniques and critical analysis, and consideration of the ethical issues inevitably raised within medical law. This includes consideration of the likely problem areas which new medical procedures and scientific developments will undoubtedly give rise to such as cloning, genetic engineering, stem cell research.

The module is delivered by the provision of written materials via the e-learning portal, a small number of small group sessions and in the main by directed and independent learning. Students are assessed via a three hour examination. On completion of the module students should have a detailed knowledge of the substantive rules associated with a claim in clinical negligence and have an appreciation of the distinction between the legal and ethical rules applicable to medical law and be able to comment upon the said rules.

Indicative reading list or other learning resources

Main recommended texts
Brazier & Cave, Medicine, Patients and the Law (5th ed.) Penguin
Jackson  Medical Law, text, Cases And Materials, Oxford 3rd ed
Herring  Medical Law and Ethics 4th ed

Supplementary
Mason /McCall Smith Laurie Law and Medical Ethics (9th ed) Butterworths.
Staunch, Wheat and Tingle Sourcebook on Medical Law (3rd ed) Cavendish
Jones/Morris Statutes on Medical Law (4th Edito
Khan/Robson/Swift Clinical Negligence (2nd ed.) Cavendish.

Outline syllabus

1. Introduction

Distinction between law and ethics; private patients and NHS patients; the role of contract; judicial review.

2. Clinical Negligence

(a) Substantive rules:
Duty of care; standard of care; causation; damages

(b) overview of Procedural rules, including limitation

3. Consent and capacity

4. Medical Confidentiality and access to records

5. The Beginning of Life:
(a) Ethical & topical issues
(b) Contraception
(c) Assisted conception
(d) Surrogacy

6. The End of Life:
(a) Ethical and topical issues
(b) Abortion:
(c) Neonaticide;
(d) Euthanasia (including advance directives, persistent vegetative state, do not resuscitate orders)


Aims of module

This module provides students with a knowledge and appreciation of the underpinning theory, law and practice of medical law in England and Wales.

It is designed to enable students to further develop in the context of medical law
* their knowledge of legal rules
* their ability to think across legal subject areas
* their appreciation of the overlap between ethics, social policy and the development of law
* their understanding of how human rights norms affect legal and regulatory enforcement
* their ability to critically analyse factual scenarios and to apply the relevant principles of medical law and ethics in the context of such facts or issues.

Learning outcomes

On completing the course the student will:
1. Have an appreciation of the distinction between the legal and the ethical rules applicable to Medical Law
2. Have a general knowledge of: the application of contract and judicial review in medical law
3. Have a detailed knowledge of the substantive rules associated with a claim in clinical negligence
4. Understand how the Human Rights legislation will impact on various areas of the syllabus
5. Know (where appropriate) how other jurisdictions deal with the issues of law and ethics
6. Be able to comment upon the legal and ethical issues arising from the latest topical issues (by reference to newspaper cuttings etc.)
7. Know, understand and be able to analyse the current case law, statutes, professional guidance and articles in relation Medical Law

Pre-requisite(s)

Tort

Co-requisite(s)

None

Distance learning delivery

Materials will be made available via the e-learning portal and students will have the ability to hypertext link to online data
Students will be provided with access to online databases
Students will have access to the university library and the library's services for distance learning students
Students will be given the names of their tutors and support staff to contact (by email and telephone) in relation to the module
Students will have the opportunity to communicate via the e-learning portal

Learning and teaching strategy

The module is delivered by distance learning via a written workbook, made available via the e-learning portal, which is hyperlinked to legal databases.
The workbook additionally contains a number of self-test questions and answers. The topic coverage in the workbook is also supplemented by "PowerPoint" slides also made available via the e-learning portal.

Assessment and feedback strategy

The format of the examination is as follows:

* 3 hours duration; 1 compulsory question on clinical negligence worth 50% of the final mark; two further questions from a choice of 5 each worth 25%

Students are also provided with at least one sample essay question and one sample problem question via the E Learning Portal. These questions are the same style of questions as will appear in the final examination. The questions enable students to attempt an answer for themselves and then read a model answer provided by the module tutor. This helps students to understand the type of question they will face in the final examination and assists their understanding of the law. It also helps them to appreciate the skills required to write concisely and coherently in the discipline of the examination room.

Indication of how students will get feedback and how this will support their learning

There is automated feedback via the E Learning Portal - The Essay and Problem Questions include a complete model answer together with additional notes or guidance if appropriate. Additional feedback and support is available from the module team.

Implications for Choice

None

Please note: the information in this document is correct at the time of printing (09/12/2019) but may be subject to change.
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