



THE UNIVERSITY OF THE WEST INDIES  
CAVE HILL CAMPUS



**FACULTY OF LAW**

**POSTGRADUATE PROGRAMME  
REGULATIONS AND SYLLABUSES 2016-2017**

**[WWW.CAVEHILL.UWI.EDU/GRADSTUDIES](http://WWW.CAVEHILL.UWI.EDU/GRADSTUDIES)**

# THE UNIVERSITY OF THE WEST INDIES

CAVE HILL CAMPUS

## THE FACULTY OF LAW

POSTGRADUATE PROGRAMME REGULATIONS AND SYLLABUSES

2016-2017

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Every attempt has been made to ensure that the information in this booklet is accurate at the time of printing. It is intended for students entering programmes in academic year 2016-2017.

Continuing students must refer to the programme regulations in force in their year of entry.

Students should consult their Programme Coordinator where clarification is required.

## THE MISSION AND VISION OF THE UNIVERSITY OF THE WEST INDIES

### *Mission*

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To advance education and create knowledge through excellence in teaching, research, innovation, public service, intellectual leadership and outreach in order to support the inclusive (social, economic, political, cultural, environmental) development of the Caribbean region and beyond.

### *Vision*

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By 2017, the University will be globally recognised as an innovative, internationally competitive university, deeply rooted in all aspects of Caribbean development and committed to serving the diverse people of the region and beyond.

*Table of Contents*

THE MISSION AND VISION OF THE UNIVERSITY OF THE WEST INDIES.....	2
MESSAGE FROM THE DEAN .....	4
ACADEMIC CALENDAR 2016/2017.....	5
DEAN AND STAFF OF THE FACULTY OF LAW (CAVE HILL) .....	6
GENERAL INFORMATION FOR POSTGRADUATE STUDENTS.....	10
GENERAL FACULTY REGULATION .....	11
POSTGRADUATE PROGRAMMES IN LAW.....	12
LLM and Postgraduate Diploma (General).....	14
LLM and Postgraduate Diploma (Corporate and Commercial Law) .....	17
LLM and Postgraduate Diploma (Intellectual Property Law).....	19
LLM and Postgraduate Diploma (Legislative Drafting).....	21
LLM and Postgraduate Diploma (Public Law) .....	24
MPhil/PhD Law.....	26
COURSE DESCRIPTIONS.....	28

## MESSAGE FROM THE DEAN

Since 1970 the Faculty of Law, Cave Hill Campus, has been an integral part of regional development. Its principal mission is to provide prospective West Indian lawyers with a rich, intellectually-based academic foundation in law, one that teaches the skills of good writing and critical reason, and prepares the law graduate for the professional training which leads to the practice of law.

While its principal mission has been to train prospective lawyers, the Faculty at Cave Hill has also always placed considerable emphasis on research and the provision of advanced legal education for its graduates and others who have an interest in law. From its inception, the Cave Hill Faculty of Law has offered postgraduate research degrees.

The demand for postgraduate legal training in the Caribbean continues to grow significantly, stimulated by the introduction of the Caribbean Single Market and Economy and the Caribbean Court of Justice and the further development of regional jurisprudence in the areas of public law and corporate and commercial law. The success of these institutions, the Caribbean integration project and the maintenance of excellence in regional jurisprudence, hinges on the availability of high quality and highly relevant legal training for persons in the region.

The Faculty of Law, at Cave Hill, has continued to respond to the need for advanced legal training through its taught Masters and Diploma Programmes with specializations in Corporate and Commercial Law, Public Law, Intellectual Property Law and Legislative Drafting as well as its research postgraduate offerings. To date, a significant number of persons have successfully completed these programmes, joining the ranks of our UWI Law Alumni.

The Faculty at Cave Hill seeks to ensure that its programmes continue to produce graduates at the cutting edge of contemporary scholarship, professional development and expertise. Under the University LLM model Cave Hill has continued to offer a wide range of courses in all of its programmes, taught by highly qualified academic staff based around the region. Since most LLM courses are offered primarily online, Cave Hill's students are also regional in nature, and regionally based.

We look forward to welcoming you to the Cave Hill Faculty of Law in the upcoming academic year.

*Dr David S Berry*

*Dean, Faculty of Law*

*Cave Hill Campus*

*The University of the West Indies*

## ACADEMIC CALENDAR 2016/2017

### Graduation Dates

Saturday October 8, 2016	Open Campus to be held in Antigua and Barbuda
Saturday October 15, 2016	Cave Hill
Thursday October 20–Saturday 22, 2016	St Augustine
Friday October 28 –Saturday 29, 2016	Mona

### Semester I Dates 2016/2017

Semester I begins	August 28, 2016
Teaching begins	September 05, 2016
Teaching ends	December 02, 2016
Examinations	December 05 – 22, 2016
Semester I ends	December 22, 2016

### Semester II Dates 2016/2017

Semester II begins	January 15, 2017
Teaching begins	January 16, 2017
Teaching ends	April 13, 2017
Semester Break	April 18 –23, 2017
Examinations	April 28 – May 19, 2017
Semester II ends	May 19, 2017

**DEAN AND STAFF OF THE FACULTY OF LAW (CAVE HILL)***DEAN AND DEPUTY DEANS*

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DEAN	Berry, David S BA, Toronto; LLB, UBC; LLM, Queens; PhD Edin; Leg Ed Cert; Barrister and Attorney-at-Law
DEPUTY DEAN ACADEMIC & STUDENT AFFAIRS	Cumberbatch, Jefferson O'B LLB, UWI; Leg Ed Cert; Attorney-at-Law
DEPUTY DEAN POSTGRADUATE & RESEARCH	Babb-Schaefer, Corlita Annette LLB, UWI; LLM and PhD, Cantab; Leg Ed Cert; Attorney-at-Law

*ACADEMIC STAFF*

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Professor of European Law	Kaczorowska, Alina BCL, University of Poznan; DEA, PhD, University of Nice; Barrister (France)
Professor	Ventôse, Eddy LLB, UWI; LLM, Cantab; DPhil, Oxon; Attorney-at-Law and Solicitor
Senior Lecturer	Hamilton, Calvin A BSc, CW Post College; JD, Brooklyn Law School; MALD, The Fletcher School; FCI Arb; Attorney-at-Law
Senior Lecturer	Ostroukh, Asya LLB and LLM, Kuban State Univ (Russia); PhD, Institute of State and Law, Russian Academy of Sciences; Docent

Senior Lecturer	Walcott, Lesley LLB, UWI; LLM, Lond; Leg Ed Cert; Attorney-at-Law
Lecturer	Brown, Taneisha BA and LLB, UWI; LLM, LSE; Leg Ed Cert; Attorney-at-Law
Lecturer	Clarke-Foster, Nicole LLB, UWI; LLM, Cantab; WCL; Leg Ed Cert; Attorney-at-Law
Lecturer	Durbin, Tom LLB and LLM, Buckingham; Barrister
Lecturer	James, Westmin LLB, UWI; LLM, Cantab; Leg Ed Cert; Attorney-at-Law
Lecturer	Lancaster, Alana BSc, LLB and PG Dip Dev Studies, UG; M Nat Res Management, UNPHU; LLM, Dalhousie
Lecturer	Mahncke, Hans LLB, Solent; LLM, Amsterdam; PhD, Zurich
Temporary Junior Research Fellow	Mahncke, Balinda LLB, HKU

### ***FACULTY OFFICE***

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Administrative Assistant (Law)	Karen Primus BSc, UWI
Administrative Assistant (Projects)	Lorna Payne BSc and MSc, UWI
Stenographer/Clerk	Renaldo Arthur BSc, UWI



Stenographer/Clerk Deidre Carrington-Skeete  
BA (Hons), UWI

Stenographer/Clerk Annika Weekes

Stenographer/Clerk Shamelia Wood

Office Assistant Beal Mapp

### ***LAW LIBRARY***

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Librarian II Junior Browne  
Officer-in-Charge CIT, BSc, MA and LLB, UWI

Senior Library Waveney Webster  
Assistant BSc, Aber

Senior Library Sheldene Green  
Assistant BSc, UWI

### ***CARIBBEAN LAW INSTITUTE CENTRE***

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Executive Director Newton, Velma  
SCM, BA, MA and LLB, UWI; FLA; Leg Ed Cert  
Attorney-at-Law

Project Assistant Henderson Waithe

### ***ADDITIONAL LECTURERS IN UNIVERSITY LLM PROGRAMMES***

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Francis Alexis  
BA, LLB and LLM, UWI; PhD, Cantab;  
Queens Counsel

Shazeeda A. Ali  
LLB, UWI; LLM, Cantab; PhD Lond; Attorney-at-Law;  
Lecturer – UWI Mona Campus

Shelly Collymore

LLB, UWI; LLM, UWI; Leg Ed Cert; Attorney-at-Law

Eulalie N. Greenaway

BA, UWI; LLB, UWI; MSc, Strath; Leg Ed Cert, TEP; Attorney-at-Law;

Tutor – Norman Manley Law School

Fiona Hinds

LLB, UWI; LLM, UCL; PG Dip, KCL; PG Cert, Franklin Pierce; Leg Ed Cert;

John Jeremie

LLB, UWI; LLM, Lond; Leg Ed Cert;

Senior Lecturer – UWI St. Augustine Campus

The Honourable Mr Justice Rolston Nelson

BA and MA, Oxon; LLM, Lond;

Judge of the Caribbean Court of Justice

Sampson Owusu

LLB, Ghana; LLM, Lond; BL, Ghana

Taimoon Stewart

BA and PhD, UWI;

Senior Research Fellow – SALISES, UWI St. Augustine Campus

Stephen Vasciannie

BA and PhD, Oxon; BSc, UWI; LLM, Cantab

Professor of Law, UWI, Mona Campus

## GENERAL INFORMATION FOR POSTGRADUATE STUDENTS

The official regulations handbook for all Graduate Diplomas and Degrees is found on-line at [www.cavehill.uwi.edu/gradstudies/](http://www.cavehill.uwi.edu/gradstudies/). Students should familiarize themselves with the regulations, a few of which are highlighted here, and also note the following administrative information:

### Electives

All programme electives are **not** offered every academic year and students are required to select from those on offer.

### Registration

Every student is required to register with the Cave Hill Campus within the first week of **every** semester until his/her degree has been awarded. Changes in registration are permitted to the end of the third week of the semester.

Registration is a two-part process:

1. The selection of courses on-line through Cave Hill On-Line (CHOL), and
2. The payment to the Bursary of all fees generated.

### Re-registration for Thesis/ Research Paper / Practicum

The requirement to register every semester continues while students are doing and writing up the Thesis/ Research Paper / Practicum programme element. Note that if a student registers for the Research Paper / Practicum and does not complete this in the first semester of registration, regulations require him/ her **to re-register** every subsequent semester until the Paper/ Report has been submitted and graded.

If a student experiences any difficulty registering or re-registering it is his/ her responsibility to inform the Graduate Studies Office within the first 3 weeks of the semester by email to [gradstudies@cavehill.uwi.edu](mailto:gradstudies@cavehill.uwi.edu) so that problems can be resolved.

### Withdrawal

If at the end of the published registration period our records show that a student has not completed a registration, and that student is not on approved Leave of Absence, he/ she will be **Deemed to have Withdrawn** from the programme and his/ her name will be removed from the student register. To be considered for re-entry to a programme after withdrawal requires re-application to the programme.

### Examinations

Unless otherwise stated, examinations for courses in all programmes will be held at the end of the semester in which the courses were taught.

### Examination re-sits or re-submission of coursework

Candidates are required to pass in both written examinations and coursework at the first attempt. In respect of any candidate who fails the coursework or written examination at the first attempt, the Board

of Examiners would recommend to Campus Committee whether a second attempt should be permitted. If such a recommendation is approved, the student will be awarded a failing grade of FE (failed exam) or FC (failed coursework). This indicates that permission has been granted to re-sit the examination / re-submit coursework for that course the next time it is offered.

In such cases an **Examinations Only** registration must be done administratively and students will need to contact the Graduate Studies Office within the first week of the relevant semester by email to [gradstudies@cavehill.uwi.edu](mailto:gradstudies@cavehill.uwi.edu) with details of the course for which they are to be registered. Students must not attempt to self-register for courses where Examination Only or Coursework Only registration have been approved.

This repeat registration attracts a per-credit fee.

#### **Re-taking a failed course**

Any student who has received a grade F in any course and has been permitted a second opportunity to take that course, is required to take the course in FULL. Such students must self-register using CHOL the next time the course is offered.

#### **Requirement to withdraw**

Any candidate who receives a second failing grade in any compulsory course is required to withdraw from the programme. Applications for re-entry from students who were *Required to Withdraw* are not normally considered until a period of two years has elapsed.

#### **Distinction**

Unless otherwise stated in the regulations of a specific Master's programme the basis for the award of a degree with Distinction is:

- If the programme being followed requires completion of a Research Paper the candidate must pass all courses at the first sitting and the average mark of all courses (excluding the Research paper) must be **70%** or more. The candidate must also achieve a mark of **70%** or over in the Research Paper.
- If the programme being followed does **not** require completion of a Research Paper, the candidate must pass all courses at the first sitting, gain an average of **70 %** or more overall and achieve Grade A in at least **70%** of the courses.

## **GENERAL FACULTY REGULATION**

#### **Requirement to withdraw**

Any candidate in any programme in the Faculty of Law who fails two or more courses in any semester will normally be required to withdraw from that programme. Applications for re-entry from students who were *Required to Withdraw* are not normally considered until a period of two years has elapsed.

## POSTGRADUATE PROGRAMMES IN LAW

### Introduction

The University of the West Indies (UWI) Master of Law programme provides advanced legal education leading to a postgraduate qualification. It is aimed at legal practitioners, academics, legislative draftspersons, and students of law seeking higher qualifications. The UWI LLM allows postgraduate legal education to take place on the Cave Hill, St Augustine and Mona campuses, and via eLearning technology, regionally and globally. It complements existing law postgraduate programmes, including the MPhil and the PhD programmes, by providing a full suite of specialized postgraduate courses to help focus research goals.

By using eLearning technologies the UWI LLM caters to an international student base, including the wider Caribbean diaspora, and makes legal education at the advanced level more accessible to legal practitioners and others interested in advanced legal study.

### Method of Delivery

The UWI LLM and Postgraduate Diploma in Law is offered by way of a combination of multiple modes of delivery (blended learning), which may include 'face to face' instruction, online instruction, teleconferencing and other modes of technological communication. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

### Entry Requirements

The following persons are eligible to apply for admission into the UWI LLM programme:

- Graduates of The University of the West Indies holding the LLB degree;
- Graduates of The University of the West Indies or of an approved University holding a degree which includes such law subjects as shall satisfy the Board for Graduate Studies and Research;
- Graduates of The University of the West Indies, or of an approved University, who have obtained a professional legal qualification and are eligible for admission to practise in any part of the Commonwealth;
- Persons who having obtained a professional legal qualification, are admitted to practise in any part of the Commonwealth, and who have also been certified as being in practice for a minimum of five years; and
- Graduates of The University of the West Indies or of an approved University, who satisfy the Board for Graduate Studies and Research of their capability to undertake the course of study leading to the award of the UWI LLM or Postgraduate Diploma in Law degrees.

The capacity of applicants to the UWI LLM or the Postgraduate Diploma in Law for the designated course of study will be determined by the admitting campus in accordance with the above criteria, through examining their academic and practical experiences. Letters of reference will also be used to determine suitability.

Students with a third class or pass degree will not normally be admitted to read for the UWI LLM.

### **Qualifying Examination**

Applicants may, at the discretion of the Board for Graduate Studies and Research, be required to take a qualifying examination consisting of at least two papers of a minimum of two hours each, which shall be of a standard equivalent to that of Part II or Part III of the LL.B. degree examination in order to satisfy the Board of their suitability to undertake the course of degree leading to the UWI LLM.

### **Language of Instruction**

The language of instruction is English and applicants whose native language is not English may be required to take an English Proficiency Test set on behalf of the Board for Graduate Studies and Research.

### **Course of Study**

To obtain the UWI LLM a student will be required to successfully complete a total of six (6) courses, of six credits each.

A student designated as a 'full time student' will be required to complete the six courses within a single academic year. A full time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester.

A student designated as a 'part time student' will be required to read for a minimum of one (1) course or a maximum of two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma in law.

### **Nature of degree**

The UWI LLM allows a student to determine the nature of the degree awarded through his or her course selections. Depending upon the courses completed, a student will be eligible to receive either the general UWI LLM or one of the four specialized sub-categories of the UWI LLM programme:

- 1) the UWI LLM (the general, unspecialised UWI LLM);
- 2) the UWI LLM (Corporate and Commercial Law);
- 3) the UWI LLM (Public Law);
- 4) the UWI LLM (Legislative Drafting);
- 5) the UWI LLM (Intellectual Property Law).

With the exception of the Legislative Drafting section of the programme, a candidate registered in an UWI LLM programme may select any courses from the list of courses offered from any sub-category of the UWI LLM per semester.

However in order to obtain a specialised UWI LLM degree – the Corporate and Commercial Law, the Public Law or the Intellectual Property Law degrees – the candidate must complete four (4) courses within the course list for that particular specialisation.

## ***LLM and Postgraduate Diploma (General)***

### **Introduction**

Where an eligible candidate has a wide range of interests and wishes to undertake courses from more than one of the specializations, he or she can opt for an unspecialised, general LLM.

Candidates selecting this route can select any course with the exception of the Research Paper and the Supervised Legislative Drafting Internship.

### **Method of Delivery**

The courses for the General LLM and Postgraduate Diploma will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

### **Time of Entry**

Students can begin the LLM in either Semester 1 or Semester 2.

### **Course of Study**

#### ***LLM***

Candidates for the UWI LLM Degree must complete thirty-six (36) credit hours of the designated course of study comprised of six (6) courses of six (6) credits each.

With the exception of LAW 6740 Legislative Drafting and LAW 6910 Supervised Legislative Drafting Internship, students can select from any courses offered in the UWI LLM programme.

With the permission of the Faculty, candidates may substitute a Research Paper for one six (6) credit course. Students must apply for approval to register in Law 6900 Research Paper before the end of the second semester or second teaching session from the commencement of the program by the student.

The Research Paper must be completed at the end of the semester following the candidate's second semester or second teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses. Failure to complete the Research Paper within the time allotted will result in the award of a Postgraduate Diploma.

#### ***Postgraduate Diploma***

Candidates for the UWI Postgraduate Diploma must complete twenty-four (24) credit hours of the designated course of study comprised of four (4) courses of six (6) credits each.

With the exceptions noted above students can select from any courses offered in the UWI LLM programme.

**Duration**

A student designated as a 'full time student' will be required to complete the courses within a single academic year. A full time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester.

A student designated as a 'part time student' will be required to read for a minimum of one (1) course or a maximum of two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma in Law.

Students unable to complete the full UWI LLM are eligible to receive a Postgraduate Diploma in Law upon successful completion of four courses, of six credits each.

**LIST OF COURSES**

**Note that all courses may not be offered every year.**

LAW 6010	Banking Law
LAW 6020	E-Commerce Law
LAW 6130	Comparative Labour Law in a Corporate Environment
LAW 6200	The Management of Intellectual Property Assets
LAW 6201	Copyright Law (The Protection of Creative Assets)
LAW 6202	Trade Mark Law (The Protection of Marketing Assets)
LAW 6203	Patent Law (The Protection of Technology Assets)
LAW 6204	International Intellectual Property Law
LAW 6205	International Trade and Intellectual Property Law
LAW 6300	Advanced Public International Law
LAW 6310	Caribbean Business and Public International Law
LAW 6330	Advanced Public International Trade Law
LAW 6400	Company Law Theory in Modern Commerce
LAW 6402	Legal Aspects of Corporate Misconduct
LAW 6410	Advanced Insurance Law
LAW 6420	Law of Corporate Governance
LAW 6430	Advanced Corporate Finance
LAW 6450	Offshore Financial Law
LAW 6460	Competition Law in a Global Economy
LAW 6470	Advanced Intellectual Property Law
LAW 6490	Advanced Corporate Insolvency Law
LAW 6520	Advanced International Environmental Law



LAW 6600	Advanced Caribbean Integration Law
LAW 6720	Public Law I – Advanced Constitutional Law
LAW 6730	Public Law II – Advanced Administrative Law
LAW 6740	Legislative Drafting (12 credits)
LAW 6750	Advanced International Human Rights Law

[Return to Table of Contents](#)

[Link to Course Descriptions](#)

## ***LLM and Postgraduate Diploma (Corporate and Commercial Law)***

### **Introduction**

The University of the West Indies (UWI) Master of Laws programme provides advanced legal education leading to a postgraduate qualification. It is aimed at legal practitioners, academics, legislative draftspersons, and students of law seeking higher qualifications.

The Corporate and Commercial Law programme aims to enhance the ability of lawyers and other qualified persons working in the corporate and financial services sector throughout the region to function more effectively in such areas as Corporate Law, Offshore Financial Law, Corporate Finance, Insolvency Law and Intellectual Property Law. It equips them to address the issues and problems arising in these areas, to serve as legal advisors and policy advisors to clients, including corporate clients and regional Governments, and to be better placed to undertake complex litigation before international tribunals, ordinary courts and the Caribbean Court of Justice (CCJ). The programme lays the foundation for lawyers to contribute to the development of a Caribbean jurisprudence in the area of corporate and commercial law.

### **Method of Delivery**

The courses for the LLM and Postgraduate Diploma in Corporate and Commercial Law will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

### **Time of Entry**

Students can begin the LLM (Corporate and Commercial Law) in either Semester 1 or Semester 2.

### **Course of Study**

#### ***LLM***

Candidates for the UWI LLM Degree (Corporate and Commercial Law) must complete thirty-six (36) credit hours of the designated course of study comprised of six (6) courses of six (6) credits each.

Four (4) courses must be selected from the prescribed list of courses below and for their remaining credits, and the remaining two (2) courses can be selected from any courses offered in the UWI LLM programme.

With the permission of the Faculty, candidates may substitute a Research Paper on a topic in Corporate and Commercial Law for one six (6) credit course. Students must apply for approval to register in Law 6900 Research Paper before the end of the second semester or second teaching session from the commencement of the program by the student.

The Research Paper must be completed at the end of the semester following the candidate's second semester or second teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses.

Failure to complete the Research Paper within the time allotted will result in the award of a Postgraduate Diploma.

### ***Postgraduate Diploma***

Candidates for the UWI Postgraduate Diploma (Corporate and Commercial Law) must complete twenty-four (24) credit hours of the designated course of study comprised of four (4) courses of six (6) credits each.

Three (3) must be selected from the prescribed list of courses below. The remaining course can be selected from any courses offered in the UWI LLM programme.

### **Duration**

A student designated as a 'full time student' will be required to complete the courses within a single academic year. A full time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester. A student designated as a 'part time student' will be required to read for a minimum of one (1) course or a maximum of two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma (Corporate and Commercial Law).

Students unable to complete the full UWI LLM (Corporate and Commercial Law) are eligible to receive a Postgraduate Diploma (Corporate and Commercial Law) upon successful completion of four courses, of six credits each.

### **LIST OF COURSES**

**Note that all courses may not be offered every year.**

LAW 6010	Banking Law
LAW 6020	E-Commerce Law
LAW 6130	Comparative Labour Law in a Corporate Environment
LAW 6310	Caribbean Business and Public International Law
LAW 6400	Company Law Theory in Modern Commerce
LAW 6402	Legal Aspects of Corporate Misconduct
LAW 6410	Advanced Insurance Law
LAW 6420	Law of Corporate Governance
LAW 6430	Advanced Corporate Finance
LAW 6450	Offshore Financial Law
LAW 6470	Advanced Intellectual Property Law
LAW 6490	Advanced Corporate Insolvency Law
LAW 6520	Advanced International Environmental Law

[Return to Table of Contents](#)

[Link to Course Descriptions](#)

## ***LLM and Postgraduate Diploma (Intellectual Property Law)***

### **Introduction**

The University of the West Indies (UWI) Master of Laws programme provides advanced legal education leading to a postgraduate qualification. It is aimed at legal practitioners, academics, legislative draftspersons, and students of law seeking higher qualifications.

The aim of this programme is to enable legal practitioners and other interested persons to gain in-depth knowledge of intellectual property law in the Commonwealth Caribbean and globally. It will do so by introducing them to topics such as patent law, copyright law, trademark law, international intellectual property law, international trade law, competition law, intellectual property law and trade and the management of intellectual property assets.

The World Intellectual Property Organisation (WIPO) has agreed to provide expertise in delivering some of the courses offered. WIPO has also provided input into the design of the programme and the courses to be offered.

### **Method of Delivery**

The courses for the LLM and Postgraduate Diploma in Intellectual Property Law will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

### **Time of Entry**

Students can begin the LLM (Intellectual Property Law) in either Semester 1 or Semester 2.

### **Course of Study**

#### ***LLM***

Candidates for the UWI LLM Degree (Intellectual Property Law) must complete thirty-six (36) credit hours of the designated course of study comprised of six (6) courses of six (6) credits each.

Four (4) courses must be selected from the prescribed list of courses below. The remaining two (2) courses can be selected from any courses offered in the UWI LLM programme.

With the permission of the Faculty, candidates may substitute a Research Paper on a topic in Intellectual Property Law for one six (6) credit course. Students must apply for approval to register in Law 6900 Research Paper before the end of the second semester or second teaching session from the commencement of the program by the student.

The Research Paper must be completed at the end of the semester following the candidate's second semester or second teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses.

Failure to complete the Research Paper within the time allotted will result in the award of a Postgraduate Diploma.

### ***Postgraduate Diploma***

Candidates for the UWI Postgraduate Diploma in Intellectual Property Law must complete twenty-four (24) credit hours of the designated course of study comprised of four (4) courses of six (6) credits each.

Three (3) must be selected from the prescribed list of courses below and for their remaining credits, and the remaining course can be selected from any courses offered in the UWI LLM programme.

### **Duration**

A student designated as a 'full time student' will be required to complete the courses within a single academic year. A full time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester.

A student designated as a 'part time student' will be required to read for a minimum of one (1) course or a maximum of two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma (Intellectual Property Law).

Students unable to complete the full UWI LLM (Intellectual Property Law) are eligible to receive a Postgraduate Diploma (Intellectual Property Law) upon successful completion of four courses, of six credits each.

### **LIST OF COURSES**

**Note that all courses may not be offered every year.**

LAW 6200	The Management of Intellectual Property Assets
LAW 6201	Copyright Law (The Protection of Creative Assets)
LAW 6202	Trade Mark Law (The Protection of Marketing Assets)
LAW 6203	Patent Law (The Protection of Technology Assets)
LAW 6204	International Intellectual Property Law
LAW 6205	International Trade and Intellectual Property Law

[Return to Table of Contents](#)

[Link to Course Descriptions](#)

## ***LLM and Postgraduate Diploma (Legislative Drafting)***

### **Introduction**

The Legislative Drafting programme is designed to train lawyers in the skill of drafting legislation to further the regulation of societal affairs. In addition to instruction in the technical skill of drafting 'traditional' legislation, the programme provides the candidates with a basic understanding of treaty drafting and constitution writing. The programme brings greater intellectual depth and breadth to candidates so that they will not only be technically qualified draftspersons but also effective policy advisors to their Governments and other clients. To this end, the programme requires that candidates registered for the Masters (as opposed to the Postgraduate Diploma only) take, in addition to the core course in Legislative Drafting, Public Law I (Advanced Constitutional Law), Public Law II (Advanced Administrative Law), and either: (a) two additional UWI LLM courses, or (b) a single course and to produce a Research Paper, or (c) a single course and to engage in a Supervised Legislative Drafting Internship.

### **Method of Delivery**

The courses for the LLM and Postgraduate Diploma in Legislative Drafting will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Students are also **required** to attend the Cave Hill Campus for two to four intensive, residential sessions. Dates for these sessions, each of which may be one to two weeks in duration, will be announced at the beginning of the semester.

### **Time of Entry**

The LLM Legislative Drafting begins in Semester 1.

### **Course of Study**

#### ***LLM***

Candidates registered for the **UWI LLM in Legislative Drafting** must complete the following:

The core, two-semester course in LAW 6740 Legislative Drafting (12 credit hours)

LAW 6720      Public Law I – Advanced Constitutional Law (6 credit hours)

LAW 6730      Public Law II – Advanced Administrative Law (6 credit hours)

For their remaining credits, candidates in the UWI LLM in Legislative Drafting programme may:

- i. select any two (2) courses offered in the UWI LLM programme; or
- ii. select one (1) course offered in the UWI LLM programme and apply to complete a Research Paper on a topic in Legislative Drafting or on a topic in either Public Law I or Public Law II or on such other topic as the Faculty may permit; or

- iii. select one (1) course offered in the UWI LLM programme and apply to complete a Supervised Internship course focusing on legislative drafting.

The Research Paper and Supervised Legislative Drafting Internship courses are each worth six (6) credit hours.

Course-Based Option

- First Semester :
  - LAW 6720 Public Law I – Advanced Constitutional Law,
  - LAW 6740 Legislative Drafting, and
  - one additional UWI LLM course ;
  
- Second Semester:
  - LAW 6730 Public Law II – Advanced Administrative Law,
  - LAW 6740 Legislative Drafting, and
  - one additional UWI LLM course

Research Paper or Internship Option

- First Semester:
  - LAW 6720 Public Law I – Advanced Constitutional Law,
  - LAW 6740 Legislative Drafting, and
  - one additional UWI LLM course;
  
- Second Semester:
  - LAW 6730 Public Law II – Advanced Administrative Law,
  - LAW 6740 Legislative Drafting;
  
- Summer session:
  - LAW 6900 Research Paper or
  - LAW 6910 Supervised Legislative Drafting Internship

The Research Paper must be completed at the end of the semester following the candidate's second semester or second teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses.

Students must apply for approval to register in Law 6900 Research Paper or Law 6910 Supervised Legislative Drafting Internship before the end of the second semester or second teaching session from the commencement of the program by the student.

***Postgraduate Diploma***

Candidates registered for the Postgraduate Diploma in Legislative Drafting will be awarded the diploma on successful completion of the core course in Legislative Drafting and any two other courses in the list of courses for the UWI LLM.

A candidate who has registered for the LLM in Legislative Drafting but only completes the core course in Legislative Drafting and any two other courses in the list of courses for the UWI LLM will be awarded the Postgraduate Diploma in Legislative Drafting.

## LIST OF COURSES

LAW 6720	Public Law I - Advanced Constitutional Law
LAW 6730	Public Law II – Advanced Administrative Law
LAW 6740	Legislative Drafting
LAW 6900	Research Paper
LAW 6910	Supervised Legislative Drafting Internship

[Return to Table of Contents](#)

[Link to Course Descriptions](#)



## ***LLM and Postgraduate Diploma (Public Law)***

### **Introduction**

The subject of public law is central to the practice of good democratic governance and to the success of CARICOM's Single Market and Economy. The Public Law programme aims to provide legal practitioners, magistrates, senior public servants and other qualified persons with advanced training and a deeper understanding of issues in the core subjects of Constitutional and Administrative Law, in addition to others relevant to the regulation of public authorities, so as to enable them to represent their clients more effectively before the courts. The programme also seeks to equip candidates with the capacity to render more enlightened decisions in the discharge of their offices as senior managers of the public service and to give adequate and effective legal and policy advice to governments and other clients. It lays the foundation for the development of a regional jurisprudence in the area of Public Law.

### **Method of Delivery**

The courses for the LLM and Postgraduate Diploma in Public Law will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

### **Time of Entry**

Students can begin the LLM Public Law in either Semester 1 or Semester 2.

### **Course of Study**

#### ***LLM***

Candidates for the UWI LLM Degree (Public Law) must complete thirty-six (36) credit hours of the designated course of study comprised of six (6) courses of six (6) credits each.

Four (4) courses must be selected from the prescribed list of courses below and for their remaining credits, and the remaining two (2) courses can be selected from any courses offered in the UWI LLM programme.

With the permission of the Faculty, candidates may substitute a Research Paper on a topic in Public Law for one six (6) credit course. Students must apply for approval to register in Law 6900 Research Paper before the end of the second semester or second teaching session from the commencement of the program by the student.

The Research Paper must be completed at the end of the semester following the candidate's second semester or second teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses. Failure to complete the Research Paper within the time allotted will result in the award of a Postgraduate Diploma.

***Postgraduate Diploma***

Candidates for the UWI Postgraduate Diploma in Public Law must complete twenty-four (24) credit hours of the designated course of study comprised of four (4) courses of six (6) credits each.

Three (3) must be selected from the prescribed list of courses below and for their remaining credits, and the remaining course can be selected from any courses offered in the UWI LLM programme.

**Duration**

A student designated as a 'full time student' will be required to complete the courses within a single academic year. A full time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester.

A student designated as a 'part time student' will be required to read for a minimum of one (1) course or a maximum of two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma (Public Law).

Students unable to complete the full UWI LLM (Public Law) are eligible to receive a Postgraduate Diploma (Public Law) upon successful completion of four courses, of six credits each.

**LIST OF COURSES**

**Note that all courses may not be offered every year.**

LAW 6300	Advanced Public International Law
LAW 6330	Advanced Public International Trade Law
LAW 6460	Competition Law in a Global Economy
LAW 6520	Advanced International Environmental Law
LAW 6600	Advanced Caribbean Integration Law
LAW 6720	Public Law I – Advanced Constitutional Law
LAW 6730	Public Law II – Advanced Administrative Law
LAW 6750	Advanced International Human Rights Law

[Return to Table of Contents](#)

[Link to Course Descriptions](#)

## ***MPhil/PhD Law***

### **Entry Requirements**

#### ***MPhil***

The following are eligible to apply for admission to the MPhil Law programmes:

- Persons holding approved graduate degrees awarded primarily for research;
- Persons holding a taught Master's degree from the UWI or other approved University, provided that the Master's degree included a research component of at least 25% of the total credit rating and the applicant achieved at least a B+ average or its equivalent; or
- Persons possessing such other qualifications and experience as the Board for Graduate Studies and Research may approve.

#### ***PhD***

The following are eligible to apply for admission to PhD Law programmes:

- Persons holding approved graduate degrees awarded primarily for research;
- Persons holding a taught Master's degree from the UWI or another approved University, provided that the Master's programme included a research component of at least 25% of the total credit rating and the applicant achieved at least a B+ average or its equivalent;
- Persons registered in MPhil degree programmes of the UWI who have met the requirements for upgrading of their registration, as stipulated by the Board for Graduate Studies and Research; or
- Persons possessing such other qualifications and experience as the Board for Graduate Studies and Research may approve.

Admission of applicants to PhD programmes without prior registration for the MPhil must be approved by the Board for Graduate Studies and Research.

### **Availability of Expertise and Resources**

Admission is contingent on whether candidates have a thesis proposal compatible with the expertise and resources available in the Faculty of Law (Cave Hill).

### **Programme Structure/Course of Study**

Students in the MPhil and PhD degree programmes are required to successfully:

1. Complete a minimum of six (6) credits of coursework for MPhil/nine (9) credits of coursework for PhD,
2. Present seminars (2 for MPhil/3 for PhD), and
3. Submit a thesis.

### **Courses**

Students in the MPhil and PhD degree programme should determine with their supervisor which courses

would satisfy the credit requirements. Courses should be completed in the first year.

### **Compulsory Seminar Presentations**

For each seminar, candidates are required to write and present a paper to be photocopied and distributed beforehand on a topic arising out of their research as well as to field questions put to them afterwards. Seminars should be completed within the first year of the programme.

### **Thesis**

Candidates are required to present and defend a thesis of acceptable scope and quality for the degree. The Thesis must follow the guidelines set out in the University's Thesis Guide.

### **Conferral of the Degree**

The successful completion of the compulsory coursework, Seminar Presentation and the Thesis will lead to the award of the degree.

## **LIST OF COURSES**

GSRM 6000	MPhil Research Seminar 1
GSRM 6001	MPhil Research Seminar 2
LAW 6000	MPhil Law Thesis
GRSM 8001	PhD Research Seminar 1
GRSM 8002	PhD Research Seminar 2
GRSM 8003	PhD Research Seminar 3
LAW 8000	PhD Law Thesis

[Return to Table of Contents](#)

## COURSE DESCRIPTIONS

### COURSES LISTED IN ALPHANUMERIC ORDER BY COURSE CODE

COURSE CODE: GRSM 6000 (common to all MPhil students)

TITLE: MPhil Research Seminar 1

TYPE: COMPULSORY for MPhil students

CREDITS: 0

Description:

This course is the first of two research seminars to be presented by the MPhil student.

Assessment:

Pass/Fail

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COURSE CODE: GRSM 6001 (common to all MPhil students)

TITLE: MPhil Research Seminar 2

TYPE: COMPULSORY for MPhil students

CREDITS: 0

Description:

This course is the second of two research seminars to be presented by the MPhil student.

Assessment:

Pass/Fail

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COURSE CODE: GRSM 8001 (common to all PhD students)

TITLE: PhD Research Seminar 1

TYPE: COMPULSORY for PhD students

CREDITS: 0

Description

This course is the first of three research seminars to be presented by the PhD student.

Assessment

Pass/Fail

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COURSE CODE: GRSM 8002 (common to all PhD students)

TITLE: PhD Research Seminar 2

TYPE: COMPULSORY for PhD students

CREDITS: 0

#### Description

This is the second of three research seminars to be presented by the PhD student.

#### Assessment

Pass/Fail

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COURSE CODE: GRSM 8003 (common to all PhD students)

TITLE: PhD Research Seminar 3

TYPE: COMPULSORY for PhD students

CREDITS: 0

#### Description

This is the last of three research seminars to be presented by the PhD student.

#### Assessment

Pass/Fail

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COURSE CODE: LAW 6010

TITLE: Banking Law

CREDITS: 6

#### Description

The course will examine the principles that underpin the regulation of banking in the Commonwealth Caribbean. It will also examine the development of regulation in the Commonwealth Caribbean and the impact of international agreements on bank regulation and the implementation of rules on bank regulation in the Commonwealth Caribbean. The course then turns to the relationship between banks and customers, including the legal nature of the relationship and the rights and obligations of the parties, and methods of payment. Reference will be made, where appropriate, to developments in the US, UK and other significant global economies.

The course will enable students to:

- (a) Better understand the core principles of banking law and how banks function, including in relation to their global market obligations and under international standards;
- (b) Develop their critical faculties by evaluating the rules, policies, and principles of banking, law; and
- (c) Develop their analytical faculties by identifying and resolving legal issues relating to the regulation of banks as well as the relationships between banks and their customers.

The following topics will be discussed in this course:

- (a) Introduction to banks, bank organisation and banking activities;

- (b) Banking regulation;
- (c) The banker-customer relationship, deposit-taking;
- (d) Financing; and
- (e) Payment, payment instruments, payments and payment systems.

#### Assessment

40% Coursework, 60% Final Examination

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COURSE CODE: LAW 6020

TITLE: E-Commerce Law

CREDITS: 6

#### Description

This module aims to provide the student with an in-depth look at the legal issues surrounding electronic commerce. The course starts looking at the intellectual property issues that arise in the context of e-commerce transactions. It then examines the more traditional legal issues surrounding business in an electronic format, particularly the formal validity of electronic transactions, security and authentication, contract formation and electronic payment systems.

The course then covers consumer issues, such as data protection and privacy. The course also explores various content issues that have arisen in e-commerce including defamation and liability of internet service providers. The course proceeds to analyse in-depth litigation strategies in the shape of online dispute resolution and jurisdiction, and will finish with new legal topics in electronic commerce, including commerce in so-called virtual worlds and open licensing.

The course will focus on aspects of the following:

1. Intellectual Property:
  - (i) Copyright;
  - (ii) Patents;
  - (iii) Trademarks/Passing Off; and
  - (iv) Breach of Confidence.
2. Business and Commerce:
  - (i) Contractual Formation;
  - (ii) Digital Signatures;
  - (iii) Electronic Payments and Consumer Protection;
  - (iv) Data Privacy/Protection; and (v) Conflicts of Laws/Jurisdiction.
3. Content Issues:
  - (i) Computer/Cyber Crime;
  - (ii) Defamation;
  - (iii) Pornography;
  - (iv) Liability of Internet Service Providers;
  - (v) Regulating Telecommunications.

#### Assessment

40% Coursework, 60% Final Examination

COURSE CODE: LAW 6130

TITLE: Comparative Labour Law in a Corporate Environment

CREDITS: 6

#### Description

The globalisation process, greatly assisted by technological advances, will present many challenges for labour law. As competition increases, companies will strive to reduce as much as possible the cost of doing business. The likely consequences of this are an increase in lay-offs and redundancies, the flexibilisation of labour and wages, the marginalisation of trade unions and increased pressure on the authorities to roll back the rights won by the workers over the years. In such a context, a clear understanding of the principles governing employment law is critical.

Beyond this however, the philosophy and policies which underlie these principles must be thoroughly analysed if they are to be accorded their true status in the new globalised economy. The course is taught from a Commonwealth Caribbean perspective but draws on comparative sources and international labour standards.

Among the areas examined are:

- Introduction to Labour Law Models and Developments;
- Termination of Employment;
- Occupational Health and Safety;
- New Trends in Industrial Relations and Labour Law;
- Negotiation and Workplace Models;
- Issues of Discrimination;
- Industrial Action - Compulsory and Voluntary Models;
- Successorship;
- Collective Bargaining - Compulsory and Voluntary Models; and
- Labour Law Ideologies and Philosophies.

#### Assessment

40% Midterm paper; 60% Final Examination

COURSE CODE: LAW 6200

TITLE: The Management of Intellectual Property Assets

CREDITS: 6

#### Description

The importance of innovation and intellectual assets management is being more recognised as traditional business models change and the value of companies shift to the ownership, control and exploitation of intangible assets. Although these developments have been taking place at a slower pace in the Caribbean, compliance with international financial standards and the reporting requirements for intangibles, greater merger and acquisition activity, the need to respond to more sophisticated consumers through strong marketing and branding programmes and the drive of regional Governments for innovation and creativity



have spurred a changing perspective. Without a doubt there is a need for education for business executives involved in various functions but especially licensing, research and development and business development to ensure there is a well-informed competence in the management of intellectual assets. This need is not centred on a legal framework which is only one dimension, but also speaks to recognising the complicated and compound nature of intellectual asset management which involves various management functions which is the approach of the proposed program.

The course will introduce students to the issues that lie at the centre of management of intellectual property assets and innovation and technology transfer. Persons who have an interest in knowing more about the business side of intellectual property rights will find this course very useful.

Topics covered:

1. Introduction to intellectual asset management
2. Introduction to knowledge management
3. Innovation and technology transfer
4. Intellectual property ownership (licensing, assignment and distribution basics)
5. Branding, sponsorship and merchandising agreements
6. Intellectual property audits and protection
7. IP Finance: The Valuation and taxation of intellectual assets

Assessment

60% Coursework; 40% Final Examination

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COURSE CODE: LAW 6201

TITLE: Copyright Law (The Protection of Creative Assets)

CREDITS: 6

Description

This course is designed to develop students' understanding of key principles of copyright law, focusing too on the issues such as copyright infringement in the digital age and the Internet. The student will be introduced the core principles of domestic copyright law, in the context of international principles relating to copyright. The issues will focus on the application of these principles to the problems that developing countries face.

Since copyright law is one of the core intellectual property rights, the focus of protecting such creative assets has implications for our societies because, first, we generate such create assets though our music, folklore etc.; and, second, we are users of these creative assets. An understanding of copyright law from an end-user and creator perspective is therefore critical.

**Course Content**

1. Introduction
2. Justification for Copyright
3. Basic Copyright Principles
4. Copyright Subject Matter

5. Ownership of Copyright
6. Subsistence of Copyright
7. Infringement of Copyright
8. Permitted Acts and Defences
9. Moral Rights
10. International and regional copyright treaties
11. Remedies

#### Assessment

40% Coursework; 60% Final Examination

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COURSE CODE: LAW 6202

TITLE: Trade Mark Law (The Protection of Marketing Assets)

CREDITS: 6

#### Description

This course is designed to develop students' understanding of key principles of trademark law, focusing too on the issues such as trademark infringement in the digital age and the Internet. With the increasing production of counterfeit products that are being generated, and the ease with which they are able to enter the borders of Commonwealth Caribbean countries, it is important that students are introduced to the legal regime for protecting such creative assets. Knowledge about how to protect such assets will enable students to better advise clients about the types of protection that they require and how to enforce their legal rights.

#### Course Content

1. Introduction
2. Function, history and economics of Trademark protection
3. Registration Process
4. Absolute Grounds for Refusal
5. Relative Grounds for Refusal
6. Exploitation of Trademarks
7. Trademark Infringement
8. Losing the mark
9. International and regional trademark treaties
10. Remedies

#### Assessment

40% Coursework; 60% Final Examination

COURSE CODE: LAW 6203

TITLE: Patent Law (The Protection of Technology Assets)

CREDITS: 6

#### Description

This course is designed to develop students' understanding of key principles of patent law and to enable them to apply these to issues that arise in the information and technologically advanced age. The students will examine issues relating to the process for registering a patent, patentability requirements, ownership, infringement and remedies.

With the increasing emphasis in the Commonwealth Caribbean on innovation, it is critical that students are aware of the methods by which their innovations can be protected. The knowledge gained will better enable them to advise persons in respect of not only the process for protecting technology assets but also whether the subject matter is worthy of protection, and what remedies are available to them if infringement occurs.

#### Course Content

1. Introduction
2. Patenting Process, History & Strategy
3. Patentability: Novelty
4. Patentability: Inventive Step & Sufficiency
5. Patentable Subject Matter: Software & Business Method Inventions
6. Patentable Subject Matter: Biotechnological & Medical Inventions
7. Patent Infringement: Construction
8. Patent Infringement: Infringing Acts & Exceptions
9. Enforcement, Litigation & Licensing
10. International and regional patent treaties
11. Confidential Information

#### Assessment

40% Coursework; 60% Final Examination

COURSE CODE: LAW 6204

TITLE: International Intellectual Property Law

CREDITS: 6

#### Description

This course is designed to develop students' understanding of key principles of international intellectual property law and to enable them to apply these to issues that arise in the global arena. Students will be introduced to such issues that not only have global significance but are also important to the countries of the Commonwealth Caribbean, such as traditional knowledge, information technology and intellectual property and development. Since this course focuses on international intellectual property law, it will examine a divergence of views from developing and developed countries on issues such as foreign direct

investment, trade, innovation, public health, and genetic resources and traditional knowledge.

**Course Content**

1. Globalisation and IP
2. International Law and Political Economy of IP
3. Legal, Philosophical and Economic Justifications
4. Copyright
5. Patents and Trade Secrets
6. Trade Marks
7. Designs
8. Other IP Rights
9. International Human Rights and IP
10. Information Technologies and the Internet
11. IP and Development
12. Education, Culture and Knowledge
13. Biology Life and Health
14. Traditional Knowledge, Folklore and Cultural Expressions

**Assessment**

40% Coursework; 60% Final Examination

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COURSE CODE: LAW 6205

TITLE: International Trade and Intellectual Property Law

CREDITS: 6

**Description**

This course is designed to develop students' understanding of key principles of international trade and intellectual property law. It will first examine the principles of international trade and provide the context for the second part of the course, which will examine the important intellectual property issues that arise in the context of international trade.

Since all the Commonwealth Caribbean countries are members of the World Trade Organization and therefore signatories to the Agreement on Trade Related Aspects of Intellectual Property Rights, it is important that students understand the important relationship between the trade in goods and services and intellectual property. This is even more important in light of the intellectual property provisions found in the recently signed EU-Caribbean Economic Partnership Agreement.

**Course Content**

1. Introduction
2. International intellectual property law
3. Basic principles of Intellectual property law
4. Principles of international trade law and TRIPs
5. Access to medicines and public health
6. Geographical indications

7. Biodiversity, genetic resources and traditional knowledge
8. TRIPs and Technology transfer
9. International enforcement of intellectual property rights

#### Assessment

40% Coursework; 60% Final Examination

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COURSE CODE: LAW 6300

TITLE: Advanced Public International Law

CREDITS: 6

#### Description

This course examines three discrete aspects of Public International Law, namely, the law concerning the use of force in international relations, the law of the sea and the law of state responsibility, including the treatment of foreign direct investment. The main concerns will be (1) to consider the ways in which legal principles and rules influence the decision-making process in international relations, and (2) to examine the extent to which different groups of states, and in particular, developing States, have sought to shape Public International Law to suit their national and group interests. Special emphasis will be placed on the manner in which states have used the United Nations and other multilateral agencies as important arenas for the formulation of treaty rules and for the elaboration of norms of customary international law. Particular attention will also be placed on issues relating to the use of law as an instrument of international development.

#### Assessment

This course will be assessed by means of one or more of the following:

- (a) A written final examination of three hours duration;
  - (b) Coursework;
  - (c) A take home examination.
- 

COURSE CODE: LAW 6310

TITLE: Caribbean Business and Public International Law

CREDITS: 6

#### Description

The purpose of this course is to expose for critical examination the relationship between Caribbean business and public international law.

Part I of the course deals with Public International Law which is the system of law which governs inter-state relations. Students will be introduced to the rules of international law that are recognized as being effectively binding obligations by sovereign states and other international persons in their mutual relationships.

Topics include: the distinction between public and private international law and the relationship between international law and other areas include:-

1. Movement of persons across borders;
2. International Telecommunications law;
3. Law of the Air;
4. Law of Sea;
5. Human Rights Law; and
6. Environmental Law

Part II of the course looks specifically at the traditional international law areas of strong relevance to businesses. These include state responsibility and national treatment concepts discussed within the Caribbean context of the Revere - OPIC case.

The course also analyses and discusses the legal problems that may arise when considering foreign direct investment in the Caribbean in particular the case of Jamaica and ICSID.

Part III of the course surveys the international and regional trading system. The course addresses various trade regulation regimes affecting the conduct of international trade to and from the Caribbean with a particular focus on the World Trade Organisation (WTO), the General Agreement on Tariffs and Trade (GATT), Anti-dumping measures, TRIMS, TRIPS and Dispute settlement. The student, while being exposed to the international trading system, will focus on Caribbean cases such as The Bananas Case, Foreign Sales Corporation case, OECD Harmful Taxation Competition Initiative and the role of the Caribbean Regional Negotiating Machinery. The course also discusses regional free trade areas such as Free Trade Area of the Americas and an in depth examination of the CARICOM Single Market and Economy and its constituent document - The Revised Treaty of Chaguaramas.

#### Assessment

100% Final Examination

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COURSE CODE: LAW 6330

TITLE: Advanced Public International Trade Law

CREDITS: 6

#### Description

This course sets out to provide an understanding of the public international law dimension of international trade for the West Indian states who are participating, actually or in contemplation, in the World Trade Organisation (WTO) system, and of the interrelationship between that system and other relevant international trade obligations. The course is to that end subdivided into three parts.

In Part I, two fundamental issues belonging to the context of international trade are considered: the normal concentration of public international law on relations between states at the governmental level rather than among private commercial actors, and the relevance of international law in matters before national courts, the normal for a for business litigation.

In Part II, the traditional international law of investor protection, including its modern development through networks of bilateral agreements and the International Centre for Settlement of Investment

Disputes (ICSID) system, is discussed in outline. This is an important complementary topic to WTO law, since WTO law has only limited application to investment. The investment regime aspects of the projected Free Trade Area of the Americas (FTAA) and of CARICOM Single Market and Economy (CSME) are addressed in Part IV, after the study of the WTO system.

Part III constitutes the central content of the course, an examination of the legal machinery and the basic legal concepts of WTO law of trade in goods and trade in services (excluding the intellectual property regime and the detailed customs disciplines). The concentration is on the current state of the law rather than on the issues which are the focus of current negotiations. That current state of the law is, of course, in great measure the product of past negotiations, so greater understanding of that current law nevertheless adds value in training for participation in current negotiations.

Part IV briefly considers the regional trade regimes, the proposed FTAA and the CSME, in their relationship with WTO law.

Specific areas of inquiry under each part include:

PART I: Background issues of international law

1. The distinction between public and private international law
2. The relationship between international law and national law

PART II: International law and investor protection

1. State responsibility and diplomatic protection
2. National treatment as the lowest standard
3. Investor protection agreements (bilaterals, ICSID Convention)

PART III: The World Trade Organization system

1. Structure of the Marrakesh agreement
2. The Dispute Settlement Understanding (DSU)
3. General Agreement on Tariffs and Trade (GATT) 1994 and the regime of trade in goods
4. Anti-dumping Agreement
5. Agreement on Subsidies and Countervailing Measures
6. Agreement on Safeguards
7. GATT 1994 and the Agreement on Agriculture
8. General Agreement on Trade in Services (GATS) and the regime of trade in services
9. General issues in WTO law
10. WTO and environmental law

PART IV: Regional trade agreements

1. GATT Article XXIV and GATS Articles V and V bis (FTAA, CSME, the "WTO-plus" dimension, conflicts of dispute settlement jurisdiction)

The heavy dependence on web-based sources of official documents and decided cases, which can be

expected to continue to appear at frequent intervals, argues against the recommendation of a small number of texts for this course. Round the clock access to the internet will provide the basic source of information, with supplementary access to printed periodical materials and works of reference. Detailed reference to the texts of the Marrakesh Agreement, the most recent FTAA Draft Agreement and of the Revised Treaty of Chaguaramas will be required, and copies of those texts will be available for consultation while writing the examination.

#### Assessment

100% Final Examination

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COURSE CODE: LAW 6400

TITLE: Company Law Theory in Modern Commerce

CREDITS: 6

#### Description

This course is an examination of the corporate form of business associations - the company- and the legal, economic and regulatory framework within which the company operates.

It builds upon the fundamental principles of company law by a contextualised and critical examination of the principal problems which confront a company within the world of commerce.

The key issues examined are:- The Jurisprudential foundation of company law; Theory of separate legal personality; The pre-incorporation contract challenge to separate legal personality; Challenges to defining the legitimate use of the corporate form - criminal liability challenge and tortious liability challenge; The problem of corporate ownership and control problems posed by multi-national and transnational companies; The problem of the small incorporated firm vs. corporate groups; Reconciling shareholder remedies with separate legal personality; and Reconciling creditors' rights on insolvency within separate legal personality.

#### Assessment

100% Take Home Examination

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COURSE CODE: LAW 6402

TITLE: Legal Aspects of Corporate Misconduct

CREDITS: 6

#### Description

This course is intended to provide an examination of those aspects of corporate misconduct that are rapidly developing and assuming increasing importance globally. The course places a special emphasis on the role of the financial services industry in maintaining stability and integrity in the financial markets.

Topics to be covered will include:

1. The concept of corporate misconduct within the context of the financial services industry;



2. The need to regulate financial intermediaries i.e. banks, insurance companies, investment advisors etc.;
3. The issues relating to underground and parallel financial systems;
4. Money laundering - civil and criminal liability for “those who handle other people’s money”;
5. Insider Dealing - civil and criminal liability; and
6. Liability under the specific regulations governing the financial services industry, including market manipulation.

#### Assessment

100% Final Examination

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COURSE CODE: LAW 6410

TITLE: Advanced Insurance Law

CREDITS: 6

#### Description

Insurance is an increasingly important tool for the management of risk by both private and public enterprises. This course, at an advanced level, is intended to introduce students to the theoretical and practical challenges that face the Insurance Companies or the business of insurance in the Commonwealth Caribbean.

The course traces the historical development of Insurance Law to current trends and challenges facing the Insurance Industry in general and in particular the Commonwealth Caribbean. The course also examines the practical difficulties of companies which engage in “insurance business” as a part of the enterprise but without registering under the relevant Insurance Act thereby escaping the rigours of Insurance legislations and presenting obvious problems for regulators.

The course also examines such theoretical problems encountered by insurance law as:

1. The application of the basic principles of contract formation to Insurance Contracts; and
2. The issue of misrepresentation and non-disclosure.

In addition the course examines principles of insurance law in the context of specific types of insurance including life, indemnity and third party insurance. Other topics covered are insurable interest, the status of the beneficiary, subrogation - double insurance and contribution, policy interpretation, the claims process and the role of the insurance broker.

#### Assessment

25% Research paper, 75% Final Examination

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COURSE CODE: LAW 6420

TITLE: Corporate Governance

CREDITS: 6

#### Description

Corporate Governance has emerged on the global agenda in pursuit of proper and efficient practice in the administration of the business entity. The objective is probity in business activity, compliance with law and regulation and the security of reputation and confidence towards the attraction of inward investment.

Corporate Governance focuses at an advanced level, on the principal legal and economic questions facing corporations in light of the recent scandals involving high profile corporations.

Among the topics considered are:-

1. The theories of corporate governance and the justification for good governance against the background of recent financial scandals;
2. The allocation of powers within a company vis-a-vis the powers and duties of directors; Corporate Control;
3. Governance of corporate groups and small businesses;
4. The Company and its constituencies i.e. shareholders, creditors etc.; and
5. The role of auditors.

#### Assessment

100% Research Paper

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COURSE CODE: LAW 6430

TITLE: Advanced Corporate Finance

CREDITS: 6

#### Description

Corporate Finance practice concerns itself with the innovative techniques that business persons and lawyers employ to enable companies to maximize profit and to create wealth. Corporate Finance law consists of a body of disparate principles and rules relevant to company financing practice. It is best viewed as the embodiment of the response of the law to the needs and practices of corporate finance. The law must, of necessity constantly adapt itself to new business practices, and new instruments. It is this tension of accommodation required by rapidly developing practices, rules and usages which informs much of corporate finance law.

The course will examine corporate financing mechanisms with specific attention to problem-based strategies and related legal and regulatory frameworks. Course materials represent in general terms the core elements of two of the three major components of the course: Debt Finance and Equity Finance. The third major component of the course relates to company financing from the public. The focus of the

course will be primarily on the core concepts of contemporary financing techniques. The selections made for individual seminar topics will reflect this focus.

These include:

1. The concept of capital and financing of Companies;
2. Raising share capital and the capital maintenance doctrine;
3. Corporate self-dealings;
4. Corporate distribution;
5. Concept of equity financing;
6. Loan capital (in particular Debt Financing); and
7. The taxation of companies.

Assessment

100% Research Paper

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COURSE CODE: LAW 6450

TITLE: Offshore Financial Law

CREDITS: 6

Description

The offshore financial centre has become a significant revenue earner in the Commonwealth Caribbean and being inherently transnational, engages routinely the attention of capital producing nations outside of the region as well as leading international institutions. A unique and dynamic jurisprudence has developed alongside the offshore financial centre. It involves the straddling of several legal disciplines such as the law on trusts, banking, insurance, company law, revenue law, mutual legal assistance and law enforcement. This course addresses several of the complex issues raised in offshore financial law.

Specific areas of inquiry include:

1. An understanding and rationalisation of fundamental legal precepts and characteristics of offshore financial centres;
2. An analysis of the international business company (IBC) and its comparability with traditional company structures;
3. Issues of privacy, particularly in relation to regulating offshore financial centres;
4. Vehicles for mutual legal assistance;
5. An examination of the offshore trust as a hybrid legal concept and the legal challenges facing the offshore trust;
6. Selected conflict of laws issues in offshore financial law;
7. Issues relating to law enforcement and disclosure efforts; and

## 8. Challenges to the tax function of offshore financial centres.

### Assessment

100% Final Examination

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COURSE CODE: LAW 6460

TITLE: Competition Law in the Global Economy

CREDITS: 6

### Description

The need to regulate business competition on a global scale has become obvious in the context of the globalised economy, on the one hand, and national or regional approaches to competition matters, on the other. The course will analyse the most important aspects of the competition law and policy of the United States of America, the European Community (EC), and the CARICOM Single Market and Economy (CSME) with a view to identifying internationally acceptable and effective means of ensuring that competition in the globalised economy is free of cartels and free of abuses imposed by dominant firms. The antitrust treatment of mergers and acquisitions will also be examined.

### Topics to be covered are:

1. Globalisation and the International Aspects of Antitrust Regulations:
  - a. The Rationale of Trade Liberalisation and of Antitrust Laws;
  - b. Development and the WTO Antitrust Regime;
  - c. Democracy, Accountability and Antitrust Laws;
2. International Cartels:
  - a. Antitrust Enforcement against International Cartels: Trends and Practical Considerations;
  - b. The Fight against Secret Horizontal Agreements in EC Competition Law;
  - c. An Overview of the US Antitrust Enforcement Practices in respect of Cartels;
  - d. Leniency Programmes and the Criminalisation of Cartels Law;
3. Dominant Behaviour
  - a. Monopolisation and the Abuse of a Dominant Position from the Economic Viewpoint;
  - b. Dominant Behaviour under National or Regional Competition Laws;
4. Mergers and Takeovers in the Multi-Jurisdictional Context; and
5. International Co-operation in the Enforcement of Competition Law
  - a. Co-operation between Developed and Developing Countries and Co-operation between Developed Countries

This course aims to: give students the opportunity of examining a wide range of topics which are of great relevance to the development and advancement of fair competition in the globalised economy but which are so controversial, complex and politically sensitive that the international community has not yet been able to achieve any consensus; and ensure that from the commencement of the LLM programme, students become familiar with conducting, recording, rationalising, compiling and presenting their own independent research.

On successful completion of this course, students should be able to:

1. Explain and critically evaluate the most controversial topics in antitrust law;
2. Analyse the legal, political and economic content of the topics under consideration;
3. Demonstrate a capacity for thorough research;
4. Utilize a systematic approach to using the multitude of computerized research sources in order to effectively research a legal problem;
5. Assimilate information from a range of sources;
6. Respond to factual and theoretical problems by assessing their legal implications in the context of competition law; and
7. Suggest, argue, report and critically evaluate alternative approaches to such problems.

Assessment

100% Final Examination

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COURSE CODE: LAW 6470

TITLE: Advanced Intellectual Property Law

CREDITS: 6

Description

This course aims to challenge students to apply the basic principles and understanding of intellectual property to issues and challenges in this globalised world. This multifaceted and dynamic concept, intellectual property covers areas such as:

1. Copyright;
2. Trademarks;
3. Patents;
4. Industrial designs; and
5. Geographical Indications

Part I of the course summarises the nature and basic principles underlying the main branches of Intellectual Property.

**Trademarks:** The theory and practice of private remedies for the protection of “trade identity” and related intangibles of commercial value: the focus on legislations and conventions governing trademark and its impact on private rights to regulate the use of trademark, trade names and unfair competition practices. Topics examined are the common law action of passing off, distinctiveness, use of the criterion for trademark registration and the procedure for opposing a grant of registration.

**Copyright:** The fundamentals of copyright in music, literature and the arts. Among the areas covered are the manner and scope of protection of dramatic, musical, artistic and literary works, the concepts of

authorship and ownership, originality, the idea/expression dichotomy and the fair dealing defence and thorough analysis of copyright acts, international conventions and case law. The course attempts to assess the copyright regimes in terms of its justification and its public policy objectives, exposing students to theoretical discussions surrounding copyright protection in the information and Internet era.

**Patents:** Patents provide limited term monopoly-like property right in inventions- “product of the mind”. The purported purposes of patent law are encouragement of innovation and product for social benefit. The course examines the statutory basis of patent law in an international context and covers the doctrinal development in case law for patents and trade secrets. The course also explores contemporary controversies over the expansion of patent rights in biotechnology and the shift from copyright protection for computer programmes.

**Trade Secrets:** arise from the combination of contracts, equity and property law.

Building on the introductory part on Intellectual Property, Part II of the course goes on to examine:

- Some of the issues and problems that the law must confront in the age of information and technological innovation.
- The Digital Age and the question of the extensive use of the Internet as a tool in modern commerce, domain names and non-original databases.
- How these well-established principles interface with business development and developing countries concerns.
- The challenges faced by Commonwealth Caribbean countries which operate within the strictures of WTO and the Free Trade Areas of the Americas (FTAA).

It is therefore imperative that trade negotiators understand the world trading system and the unprecedented linkage between intellectual property and trade which must inform Caribbean trade negotiations.

This brings into sharp focus the role of the Caribbean Regional Negotiating Machinery and its trade negotiators who need to appreciate the value and importance of intellectual property. They must find creative and innovative negotiating techniques that would buy leverage and create positive prospects for Caribbean businesses, operating within the context of CSME and the wider global economy.

#### Assessment

25% Take-home written assignment; 75% Final Examination

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COURSE CODE: LAW 6490

TITLE: Advanced Corporate Insolvency

CREDITS: 6

#### Description

Insolvency law has become part of the mainstream commercial law and plays a significant economic and social role in contemporary credit economies, the Commonwealth Caribbean being no exception. The insolvent company raises complex issues of law and policy that impact on rights and obligations. This has

fuelled a greater focus on the existing legal regulatory framework and its ability to cope with the consequences of business failure.

Undoubtedly, amongst the many challenges that globalisation presents for businesses in the Commonwealth Caribbean the issue of the sustainability of companies in this new globalised dispensation will loom large. Thus the philosophy and policies which inform business operations and strategies in the Commonwealth Caribbean must be thoroughly analysed in the context of the legal and regulatory framework within which companies operate.

It is therefore important that lawyers and insolvency practitioners in general understand recent developments in insolvency law and increase their awareness of developments internationally, with a view to improving procedures and practices to deal with both existing and new problems.

In this context, the course will consider the fundamentals of business insolvency from a Commonwealth Caribbean perspective while examining the comparative bankruptcy and insolvency regimes. This course combines an analysis of relevant statutory material, concepts and procedures with an understanding of the policy choices in Corporate Insolvency and the different rules which an insolvency regime may play in the contemporary Commonwealth Caribbean society.

#### Assessment

100% Research Paper

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COURSE CODE: LAW 6520

TITLE: Advanced International Environmental Law

CREDITS: 6

#### Description

This course examines the principles, rules, policies, politics, conventions and institutions of international and transnational environmental law:

1. The basic principles and philosophies that have shaped the emergence of international environmental law.
2. The political economy of international environmental law particularly the relations between developing and developed countries.
3. The broader international law context within which the subject is largely nested.

The majority of the course is then devoted to specific topics. These include: sustainable development policy; trade and the environment, jurisdiction over conservation of maritime living resources; marine pollution, territorial biodiversity and trans-boundary pollution. These issues and the legal and institutional responses to them are examined through a variety of conceptual frameworks.

The course concludes with a look at Caribbean International Environmental Law.

#### Assessment

This course will be assessed by means of one or more of the following:

- (a) A written final examination of three hours duration;
  - (b) Coursework;
  - (c) A take home examination.
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COURSE CODE: LAW 6600

TITLE: Advanced Caribbean Integration Law

CREDITS: 6

#### Description

This course seeks to introduce candidates to the issues of public international law which are engaged by the process of deepening of integration among the West Indian countries, with special reference to the landmarks of the implementation of the CARICOM Single Market and Economy (CSME) and the establishment of an OECS Economic Union.

Topics to be covered are:

1. The International Law Context of Caribbean Integration: the Law of International Organizations
  - a. The state in international law,
  - b. The international organization in international law,
  - c. Supra-state entities in international law: the case of the European Union,
  - d. Supra-state entities in international law: the case of the Commonwealth; and
  - e. Regional customary international law.
2. Caribbean Integration: Nesting and Intersection
  - a. Legal issues of the nesting or intersecting relationship of CARICOM and OECS with (in particular) OAS and the Inter-American System, ACS, SICA, ACP Group, AOSIS, CBI, CARIBCAN, CARIFORUM;
3. Caribbean Integration: CARICOM and OECS as political institutions
  - a. Decision-making in CARICOM and OECS, CARICOM institutional reform, the OECS Economic Union, supranationality;
4. Caribbean Economic Integration, CSME and OECS Economic Union
  - a. The most favoured nation treatment principle,
  - b. The national treatment principle,
  - c. Right of establishment,
  - d. Movement of natural persons,
  - e. LDCs,
  - f. Safeguards,
  - g. The competition régime, and
  - h. Subsidies
5. Dispute Settlement in Caribbean Regional Integration
  - a. The original jurisdiction of the Caribbean Court of Justice;
  - b. Other dispute settlement mechanisms; and



- c. Conflicts between dispute settlement mechanisms
- 6. Caribbean Integration: Functional Co-operation
  - a. CDB, ECCB, the Appellate Jurisdiction of the Caribbean Court of Justice, the Eastern Caribbean Supreme Court, UWI and other instruments of West Indian functional regional cooperation

Candidates who undertake this course successfully should be capable of:

1. Explaining the basic implications in general international law of new developments in Caribbean legal integration;
2. Identifying the limits on freedom of political decision and economic management to which states have legally committed themselves in the process of integration;
3. Advising policymakers from a legal perspective what would be the policy implications of proposals to deepen and extend the integration process;
4. Participating effectively in discussion of the technical trade concepts which are employed in the design of the CSME and evaluating the compatibility of the CSME regime with other trade arrangements in place or under consideration;
5. Continuing their self-education in the issues canvassed in the course by making effective use of information technology; and
6. Researching and writing on such issues.

#### Reading

The heavy dependence on web-based sources of official documents and decided cases, which can be expected to continue to appear at frequent intervals, will dictate the reading assignments for this course. Round the clock access to the internet will provide the basic source of information, with supplementary access to printed periodical materials and works of reference. Detailed reference to the texts of the Revised Treaty of Chaguaramas and of the Revised Treaty of Basseterre will be required, and copies of those texts will be available for consultation while writing the examination.

#### Assessment

This course will be assessed by means of one or more of the following:

- (a) A written final examination of three hours duration;
- (b) Coursework;
- (c) A take home examination.

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COURSE CODE: LAW 6720

TITLE: Public Law I (Advanced Constitutional Law)

CREDITS: 6

#### Description

This course in Advanced Constitutional Law takes a distinctly comparative and philosophical approach to the study of constitutional law. The idea is to give students a better appreciation of the theoretical issues embedded in the whole area of constitutional law. The comparative perspective helps students appreciate similarities and differences between Commonwealth Caribbean Constitutional Law and the

constitutional law of other countries, in particular, the United States, the United Kingdom, Canada and South Africa.

The course proceeds on the central premise that constitutional law is foundational: it is that area of law that establishes the legal foundation of the State and the allocation of its sovereign powers among the central institutions of the State, and lays down the ground rules for the exercise of political authority in the society. Above all else, constitutional law is that area of law that addresses itself to defining the relationship between the individual citizen and the State.

The course begins by addressing the question of Constitutional Fundamentals: questions about the nature of a constitution - its legal and moral validity; in other words, questions regarding the obligation of the citizen to obey the constitution; questions as to what makes a constitution valid law. These are questions that cannot be answered according to law, but are rather questions for political theory and moral philosophy.

In order to address some of these philosophical questions, we begin with the question of constitutional founding, using the U.S. Founding as representing the closest approximation in modern history of the ideal of constitutional founding.

The course then considers the issue of constitutional fundamentals in respect of Britain and Canada before focusing on the Commonwealth Caribbean. In each case, the idea is to take a sampling of certain cases thought to address issues of constitutional fundamentals. In the case of Canada, the Secession Case (1998) might well be ideal; whereas, in the case of the West Indies, the case of *Ophelia King v. the Attorney General (Barbados)* will suffice.

#### Part II

The second part of the course focuses in more detail on the Constitutional Structure of the State. It explores the question of the centrality of the principle of Separation of Powers, as a structural and normative principle, in the design of the just State and to the practice of judicial review.

#### Part III

The third part of the course focuses on Fundamental Rights. This is the most intensely philosophical aspect of the course and begins by considering the central question of the nature of fundamental rights: What makes a right fundamental.

The remainder of the course is taken up with extensive treatment being given to each fundamental right. That begins with Freedom of Speech and the Press - the premier democratic right - considering its centrality to public discourse and democratic governance. This is followed by Freedom of Religion, having regard to the importance of religion and religious beliefs in human life. The critical task is to construct a principle of freedom of religion for a pluralist society such as Trinidad.

Next, the course studies Property as a fundamental right. Here, we explore the moral basis of property rights; that is to say, starting with Locke's Labour Theory, the course attempts to articulate a philosophical justification for the recognition of property rights as fundamental rights and draw the connections

between rights to liberty and rights to property. But property is a special kind of social institution, or 'defining who, in a society, may control various classes of valuable objects for a variety of present and future purposes and the conditions under which this power may be exercised.' On this view, property rights are understood to be an integral part of the economic organization of any society. It also means there are limitations on the exercise and enjoyment of the 'right.' For example, the State, through its police, tax and eminent domain powers, may impose limitations on property for the purpose of the economic and social development of the country and to achieve a more equitable distribution of wealth in the society.

This is followed by Due Process and the Right against Cruel, Inhuman and Degrading Punishment or Treatment. This covers the whole range of death penalty cases in the Commonwealth Caribbean.

#### Assessment

100% Take Home Examination

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COURSE CODE: LAW 6730

TITLE: Public Law II (Advanced Administrative Law)

CREDITS: 6

#### Description

This course in Advanced Administrative Law is designed principally to satisfy the continuing need for legislative draftspersons to remain topical and appreciative of the radical changes taking place in a dynamic discipline.

The philosophy behind the syllabus is to provide students with a firm theoretical grasp of Administrative Law principles as well as appreciation of the directions in which Administrative Law is moving. While focus is on the Commonwealth Caribbean we shall inexorably be adopting a comparative approach to our seminars, drawing on precedents from the wider Commonwealth as well as the respective jurisdictions from which our students are drawn.

The course proceeds on the central premise that we live in regulated societies, those regulations being measured against the constitutional backdrop. Furthermore, it is a tenet of modern-day reality that increasingly litigation as between citizens has given place to litigation between citizens and the state. Accordingly, the course focuses on those areas of the law that draftspersons ought to be constantly aware of, as they draft laws and offer policy advice to governments.

The course begins by addressing the question of Administrative Law fundamentals. Through an examination of select case law, trends and movements are identified with respect to new directions in Judicial Review.

#### Ouster Clauses

Students will be called upon to reflect on the conflict between two fundamental principles. - The right of

access to the courts by citizens who have a genuine grievance versus the right of Parliament to decide on what legislation is appropriate for the good governance of the polity.

A critical examination of the role of the courts will be undertaken. The fundamental question to debate is whether, having regard to the overwhelming attitude of the courts toward ouster clauses, the valiant attempts to legal draftspersons to exclude judicial review are exercises in futility.

#### The Boundaries of Administrative Justice

Using the Administrative Justice Act of Barbados, as a model, students will be required to examine both procedural and substantive aspects of administrative justice. A detailed and reasoned critique of the Administrative Justice Act will be given to the students to offer their version of a redraft of the Act in the light of its evolution and the decided cases.

#### Natural Justice

For the Caribbean region, natural justice is not simply a common law doctrine designed to offer procedural protections to citizens across the board. Natural Justice is firmly embedded in the bowels of Caribbean constitutions. Seminal cases on the subject will be critically examined and analysed.

#### Doctrine of Legitimate Expectation

A new and evolving doctrine, there is legitimate scope for argument and discussion as to how far its boundaries should extend.

An opportunity will be provided, once again, to pit the Caribbean case law against those of other jurisdictions, notably the UK, Australia, Canada and South Africa.

#### Remedies

From the prerogative writs, to orders and now to the inclusion of some important Private law remedies, the field is now chocked. By what principle can we rationalise these remedies? Should there be a single set of remedies or not? Should the courts be permitted to offer advisory opinions by way of aiding good administration? Should the courts play a part in developing a code of good administration?

#### Assessment

This course will be assessed by means of one or more of the following:

- (a) A written final examination of three hours duration;
- (b) Coursework;
- (c) A take home examination.

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COURSE CODE: LAW 6740

TITLE: Legislative Drafting

CREDITS: 12

#### Description

The objective of this course is to instruct in the techniques of writing legislation. Instruction is given by

exercises devised to simulate on-the-job training in a government drafting service through the assignment and revision of drafting projects.

Emphasis will be on the composition of legislation. Other topics are complementary and are devised to give the student a greater awareness of the place and role of legislative drafting in the legislative process, and to enable the student to make comparisons with and understand the legislation of drafting services elsewhere.

The course will be delivered under the following headings:

A. Introduction

1. Preliminary and General:- Legislative Institutions; Classes of Legislatures; Instruments of the Written Law; and History of Parliamentary Drafting
2. Drafting Environment:- Drafting Services in the English speaking societies; Comparing Drafting Services- Strengths and Weaknesses; and Law Officers of the Crown Complex
3. Common Law Drafting:- Classifying the Methods; Structure of Bills; and Structure of Statutory Instrument.

B. Composition of Legislation

1. The Legislative Sentence:- English Tradition; Colonial Tradition; American Tradition; Coode's legislative sentence; and "Modern" legislative sentence
2. The Grammatical Sentence in Legislation:- Achieving a simpler form; "Plain English" Functional Clarity; New and old styles; and Communication difficulties
3. Elements of the Legislative Provision:- Coode's Legislative sentence; and Grammatical Sentence examined
4. Exercises in Writing Legislative Provisions
5. Preparing the Draft Legislation:- Legislative Policy and Role of Drafters; Analyses; research, syntheses; Legislative Plan; Revision and Editing and Checking; Environment
6. Standing Orders; and Constitution Interpretation Acts, etc.
7. Relations of the Drafter to Ancillary Processes:- House Committees – Second Reading; Responsibility to sponsoring Minister, Chief Law Officer, Clerks of Parliament, Cabinet, and Printing Office

C. Statutes

1. Public Bills:- Government Bills; Private Members Bills; Private Bills; and Hybrid Bills
2. Acts:- Public Acts; Local and Personal Acts; Private Acts; Omnibus Acts; Amending Acts; Consolidating Acts; Codifying Acts; and Repealing Acts
3. Statutes:- Accessibility of Legislation; Tables and Indices; Text Processing, Storage and Retrieval; and Responsibility of Drafting Services
4. Revision of Statutes:- Consolidation and Revision; Classes of Revision; Types of Revisors; Publication Methods; Recording of Sources; and Text Processing Methods

D. Management and Operation of the Drafting Office

1. Classification of Drafting Services:- Autonomous office; Dependent office; Hybrid office; and Other offices

2. Relationship to Parliamentary Process:- United Kingdom; Barbados; United States - Federal and State; Canada - Federal and Province; and Comparison of Advantages and Disadvantages
3. Ancillary or Related Services:- Construing Statutes; and
4. The Drafter's Perspective

#### Assessment

This course will be assessed by means of one or more of the following:

- (a) A written final examination of three hours duration;
  - (b) Coursework;
  - (c) A take home examination.
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COURSE CODE: LAW 6750

TITLE: Advanced International Human Rights Law

CREDITS: 6

#### Description

This course considers international human rights law as this field has developed since the end of the Second World War. Emphasis will be placed on the so-called "three generations of human rights", namely: (a) civil and political rights, (b) economic, social and cultural rights, and (c) group rights, such as the right to development. The nature and content of various rights will be examined, and although these rights will be considered mainly from a legal standpoint, reference will be made to the political and economic considerations that help to explain modern conceptions of human rights. The course will also consider developments with respect to the International Criminal Court and the law pertaining to the status of refugees. Considerable attention will be paid to the application of international human rights norms to Caribbean circumstances, as well as to the relevance of human rights norms in the context of modern terrorism.

#### Assessment

This course will be assessed by means of one or more of the following:

- (a) A written final examination of three hours duration;
  - (b) Coursework;
  - (c) A take home examination.
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COURSE CODE: LAW 6900

TITLE: Research Paper

PREREQUISITES: Completion of all courses

CREDITS: 6

#### Description

A candidate, who intends to submit a Research Paper shall submit a research proposal before the end of

his second semester or teaching session. The Research Paper should be between 10,000-12,000 words exclusive of the bibliography, footnotes and appendices. The Research Paper requires wide reading. It is an exercise in thinking and reflection.

The Research Paper should indicate a fair degree of originality in argument, conclusion and source material. Where appropriate, evidence of extensive reading, clear comprehension of secondary materials and well-planned presentation may compensate for lack of originality.

**There is no set course content in terms of research topic areas.**

#### Choice of Topics

A candidate has a choice of topics, insofar as the topic chosen has relevance to Corporate and Commercial Law, Public Law or Intellectual Property Law. However, the candidate should not choose a topic taught by instruction on the LLM Programme except where the proposed Research Paper will go considerably beyond the topic as taught. A topic chosen by a candidate is subject to approval by the Board for Graduate Studies and Research.

#### Submission of Proposals

The Proposal should be submitted for approval to the Chairperson, Subcommittee for Graduate Studies and Research, Faculty of Law (Cave Hill), and copied to the Deputy Dean, Graduate Studies and Research, Faculty of Law (Cave Hill), University of the West Indies before the end of his or her second semester or teaching session.

The Proposal should include a synopsis of the topic of the Research Paper and should give detailed information on:

- (a) the need for the study;
- (b) the scope of the study;
- (c) methodology;
- (d) research materials (including citation of the relevant cases, statutes, treaties, journal articles and books);
- (e) the format, inclusive of headings and sub-headings; and
- (f) the potential use of the study.

The candidate may consult the Deputy Dean, Graduate Studies and Research, or a member of the academic staff in preparing the Proposal. This will enable the candidate to determine the appropriate scope or precise scope of the Research Paper to be undertaken. A candidate may request a particular member of staff to supervise the Research Paper and consult that staff member on his or her availability and for preliminary assistance. However, there is no guarantee that a staff member consulted will automatically be assigned to supervise the writing of the Research Paper of the candidate. Where a candidate has not requested a particular staff member to be his or her Supervisor, the Chairperson of the Sub-Committee, Graduate Studies and Research will appoint a Supervisor for that candidate.

The candidate shall consult regularly with the Supervisor, and adhere to the supervisory directions and

arrangements between the Supervisor and the candidate. The candidate has the responsibility to make the Supervisor aware of the progress of the research and of the difficulties encountered in the preparation of the Research Paper.

In determining whether a candidate should register for the Research Paper, the Sub-Committee, Graduate Studies and Research will consider, among other things, the following: (a) the candidate's performance in the four six (6) credit courses; and (b) the availability of a supervisor for the Research Paper.

#### Form of Research Paper

The Research Paper should:

- (a) have a title page which contains the title of the Research Paper, the name of the student, the Faculty degree sought and the academic year of presentation;
- (b) be organised into chapters with headings and sub-headings where appropriate;
- (c) be free of typographical, grammatical or other errors;
- (d) be typed on 8.5 x 11 sized paper, double spacing; and
- (e) have well organised appendices where applicable, name of supervisor, a table of contents, footnotes and a well-arranged bibliography with the author, title, date and place of publication clearly stated.

#### Presentation and Style of the Research Paper

1. The candidate should seek to submit to the Supervisor the draft of the Research Paper within a reasonable time so as to enable final comments of the Supervisor to be made and to allow for alterations in time for the final Research Paper to be submitted by the required date which would normally be the end of the semester or teaching session after the appointment of the Supervisor.
2. The style of citation should follow the style of the Oxford Standard for Citation of Legal Authorities or OSCOLA.
3. The candidates are encouraged to utilise primary sources where appropriate, in particular, unreported West Indian cases in the Law Library, UWI (accessed online on CARILAW and in hard copy); and, where possible, newspaper reports, reports from regulatory and quasi-judicial bodies.
4. Candidates must submit their Research Papers of the prescribed length properly documented with footnotes and bibliography. Candidates must submit four (4) spiral-bound copies of their Research Paper in type-written form on 8.5 x 11 paper and electronic format.
5. Candidates are encouraged to use the Turnitin software to evaluate their Research papers prior to submission.

#### Assessment

100% Research Paper



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COURSE CODE: LAW 6910

TITLE: Supervised Legislative Drafting Internship

CREDITS: 6

#### Description

Permission of Dean of Law or Deputy Dean (Postgraduate and Research) is required before students select this course. Note that students will **not** be permitted to intern with a present employer.

Students permitted to take this course will engage in intensive legal drafting over the course of a summer term. They will work very closely with a supervisor and the legal unit within which that supervisor operates. The student will learn to take instruction and to research and draft legal documents, including legislation.

The course will be assessed by way of a student-created portfolio and a supervisor's report. The portfolio comprises all of the legal documents and legislation produced by the student during the internship. The supervisor's report formally assesses the student's performance during the internship.

#### Assessment

- Portfolio – 70% of the course mark;
- Supervisor's Report – 30% of the course mark

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COURSE CODE: LAW 6000

TITLE: MPhil Law Thesis

CREDITS: 0

#### Description

Students produce a thesis of approximately 50,000 words, exclusive of footnotes, under the supervision of a member of the Faculty.

#### Assessment

Pass/Fail

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COURSE CODE: LAW 8000

TITLE: PhD Law Thesis

CREDITS: 0

#### Description

Students produce a thesis of approximately 80,000 words, exclusive of footnotes, under the supervision of a member of the Faculty.

#### Assessment

Pass/Fail

[Return to Table of Contents](#)



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July 2016