



THE UNIVERSITY OF THE WEST INDIES  
CAVE HILL CAMPUS, BARBADOS

**THE FACULTY OF**  
**Law**

UNDERGRADUATE PROGRAMME  
& COURSES HANDBOOK

**2012-2013**

**Information Guide**





**THE UNIVERSITY OF THE WEST INDIES**  
**CAVE HILL CAMPUS**

**FACULTY OF LAW**  
**UNDERGRADUATE PROGRAMME AND COURSES HANDBOOK**  
**2012 - 2013**

This booklet gives information on Courses offered in the Faculty of Law at the Cave Hill Campus of the University of the West Indies (Barbados). For courses offered at the other Campuses, please see Faculty booklets for the Mona (Jamaica) and St. Augustine (Trinidad & Tobago) Campuses.

**THE UNIVERSITY RESERVES THE RIGHT TO MAKE SUCH CHANGES TO THE CONTENTS OF THIS PUBLICATION AS MAY BE DEEMED NECESSARY.**

**Students should consult the Dean's office where clarification is required.**

**These regulations govern the programmes of study for all students entering in 2012/13. Students who started programmes in previous years are governed by the regulations in force in their year of entry which can be found online at [www.cavehill.uwi.edu/law](http://www.cavehill.uwi.edu/law)**

Disclaimer:

The information in this booklet is accurate at time of printing. Subsequent publications may therefore reflect updated information. Students should consult their Dean where clarification is required.

**CONTENTS**

INTRODUCTION ..... 5

DEAN'S MESSAGE ..... 6

ACADEMIC CALENDAR: 2012-2013 ..... 7

COURSE REQUIREMENTS FOR THE LLB ..... 8

ACADEMIC PROGRAMME ..... 8

UNIVERSITY OF TORONTO/UWI EXCHANGE PROGRAMME ..... 10

COURSES AND SYLLABUSES ..... 11

SYLLABUSES, TEACHING AND EXAMINATION METHODS FOR LAW SUBJECTS..11



## INTRODUCTION

The Faculty of Law was established at the University of the West Indies in 1970 with headquarters at the Cave Hill Campus. Its primary objective is to provide for an academic qualification which is a compulsory prerequisite to professional legal training for lawyers in the Commonwealth Caribbean. However, the traditional basic legal skills of concise and pertinent oral argument, systematic and relevant presentation of essential issues, clarity and precision of written opinions and detached and balanced judgment are also useful and reliable skills for other professions such as the Civil and Police Service, Accountancy, Banking and Commerce.

The Faculty of Law offers both undergraduate and postgraduate programmes. The undergraduate programme is offered only to students from territories which contribute to the Faculty. The programme is divided into 3 parts - Part I -III are offered at the Cave Hill and Mona Campuses and also at the College of the Bahamas. Commencing 2012/2013 the three-part programme will be offered at the St. Augustine campus of the University of the West Indies. Part I is offered at the Turkeyen Campus of the University of Guyana.

A student is generally required to complete each Part successfully before being allowed to enroll for the part following. However, very limited trailing is permitted into Parts II and III of the programme.

The degree offered by the Faculty of Law is the LL.B. which may be awarded in the following categories:

- First Class Honours
- Upper Second Class Honours
- Lower Second Class Honours
- Pass

Graduate studies in the Faculty lead to the Graduate Diploma, the LL.M., M.Phil and Ph.D. The LL.M. is awarded on the basis of coursework and an optional research paper. It is offered in the areas of Corporate and Commercial Law; Legislative Drafting; and Public Law. The Legislative Drafting option is open only to members of the legal profession who are specifically nominated by their Governments.

The M.Phil and Ph.D. by research are available to suitably qualified candidates.

Full details on these programmes are contained in the Faculty's Graduate Information Guide, the Faculty Office or the website of the School for Graduate Studies and Research **[www.cavehill.uwi.edu/gradstudies](http://www.cavehill.uwi.edu/gradstudies)**.

## **DEAN'S MESSAGE**

Welcome to the Faculty of Law! If you are starting the LL.B. programme at the Cave Hill, St. Augustine or Mona Campus you are joining the region's premier Faculty of Law, one with a rich history and strong tradition of academic excellence. Our graduates are placed at the highest echelons of the fields of law and politics in the Caribbean, and our Faculty members include the region's most eminent scholars. If you are a returning second or final year student, we warmly welcome you back and encourage you to continue to strive for excellence in your studies and other activities.

The Faculty of Law is at an exciting moment in its history. Soon all three years of the LL.B. programme will be offered by Cave Hill, Mona and St. Augustine. As our teaching staff increases to meet the needs of three campuses, both the Faculty and its students stand to benefit from the broader pool of legal scholars, increasing inter-Campus partnerships, and the tremendous potential of the University's combined intellectual resources. We are also in the process of rolling out a part time LL.B. degree, which will enable a wider cross section of students from the Caribbean and elsewhere to study law. The Faculty is intent upon strengthening and building upon its graduate programmes and its academic quality assurance and service quality processes.

You are also studying law at a time of increasing competitiveness and the Faculty is keen to help you acquire the skills and knowledge that will make you the most sought after graduates in the Caribbean. We continue to offer a strong traditional first and second year programme, and have developed a wider variety of third year courses which will help prepare you for a 21st Century law career, or other career of your choosing. In addition, the Faculty remains committed to encouraging creative and critical thinking, effective oral and written communication skills, and strong ethical values.

The Faculty of Law encourages you to become fully involved in all of its activities. In addition to classes, workshops and tutorials, you are urged to attend the special lectures and seminars by regional and international experts that may be offered in the Faculty. You are also encouraged to participate in student activities, including social activities, sports and student and University governance. Cave Hill is celebrating its 50th Anniversary in 2013 and you should be sure to enjoy the festivities.

Again, I warmly welcome you to the Faculty of Law. I hope that your experiences at Cave Hill or elsewhere in the University will enrich you and provide a strong foundation for future excellence.

**Dr David S Berry**

**July 2012**

## Calendar: 2012-2013

### Semester 1

Payment of Fees	by Sunday August, 2012
Registration Period	August - September, 2012
Semester Begins	Sunday August 26, 2012
Teaching Begins	Monday September 03, 2012
Application for Leave of Absence	by Friday September, 2012
Change in Registration (Add/Drop)	by Friday September, 2012
Teaching Ends	Friday November 30, 2012
Examinations Begin	Wednesday December 05, 2012
Examination Ends	Friday December 21, 2012
Semester Ends	Friday December 21, 2012

### Semester 2

Payment of Fees	by Sunday January, 2013
Semester Begins	Sunday January 20, 2013
Teaching Begins	Monday January 21, 2013
Application for Leave of Absence	by Friday February, 2013
Change in Registration (Add/Drop)	by Friday February, 2013
Teaching Ends	Friday April 19, 2013
Semester Break	April 22 - 26, 2013
Examinations Begin	Monday April 29, 2013
Examination Ends	Friday May 17, 2013
Semester Ends	Friday May 17, 2013

### Annual Business Meeting of Council

**Friday April 26, 2013**

### CROSS CAMPUS MEETINGS

St. Augustine	October 01 - 05, 2012
Mona, Regional Headquarters	January 20 - 24, 2013
Cave Hill	May 27 - 31, 2013

### Graduation

Cave Hill	October 20, 2012
St. Augustine	October 25 - 27, 2012
Mona	November 2 - 3, 2012
Open Campus	October 13, 2012



**COURSE REQUIREMENTS FOR THE LL.B.**

Every student in his or her first year is required to read Foundation courses **unless** exempted from so doing under the terms of Faculty Regulations (see Examination and Regulations). Every first year student is required by the University to read such Foundation courses as may be prescribed by the Faculty of Law.

**ACADEMIC PROGRAMME**

Courses may be taught in a semester other than as indicated below.

**PART I (YEAR ONE)**

**Semester I**

LAW1010	Law and Legal Systems
LAW1110	Criminal Law I
LAW1230	Legal Methods, Research and Writing (continued in Semester II)
FOUN1002	Language Argument
FOUN1101	Caribbean Civilisation
FOUN1210	Science, Medicine & Technology in Society

**Semester II**

LAW1020	Constitutional Law
LAW1120	Criminal Law II
LAW1230	Legal Methods, Research and Writing (continued)
LAW1310	Law of Torts I
LAW1410	Law of Contract I

**PART II (YEAR TWO)**

**Semester I**

LAW2010	Law of Torts II
LAW2110	Law of Contract II

LAW2210	Real Property I
LAW2310	Public International Law I
LAW2510	Jurisprudence

**Semester II**

LAW2220	Real Property II
LAW2320	Public International Law II
LAW2710	Administrative Law
LAW2810	Equitable Remedies
LAW2910	Commonwealth Caribbean Human Rights Law

**PART III (YEAR THREE)**

Ten courses chosen from the following list of Optional Courses. It should be noted that not all of the courses may be available in any academic year.

LAW3020	Employment Law
LAW3110	Company Law
LAW3120	Law of Corporate Management
LAW3140	Law of Corporate Insolvency
LAW3150	Revenue Law
LAW3170	Law of Trusts
LAW3180	Administration of Trusts and Estates
LAW3210	Family Law I (Relating to Husband and Wife)
LAW3220	Family Law II (Law Relating to Children)
LAW3260	Gender and the Law in the Commonwealth Caribbean
LAW3280	International Mooting
LAW3290	Supervised Independent Research Paper
LAW3330	International Trade Law
LAW3340	European Union Law
LAW3400	Insurance Law
LAW3450	Caribbean Environmental Law
LAW3460	International Environmental Law
LAW3550	General Principles of Private International Law

LAW3560	Specialized Problems in Private International Law Litigation
LAW3620	Law of International Organisations
LAW3630	Caribbean Integration Law
LAW3640	Introduction to Offshore Law
LAW3650	Competition Law in the CSME
LAW3720	International Law of Human Rights
LAW3760	Intellectual Property
LAW3840	Alternative Dispute Resolution
LAW3850	Public Law Remedies
LAW3870	Poverty Law I
LAW3880	Poverty Law II

Students in Part III may select up to two one-Semester Courses offered in a Faculty other than the Faculty of Law. Prior approval by the Dean of the Faculty of Law is required. These courses must be taken either in Semester 1 or Semester 2 of Year III and not during the summer following Year II.

## **UNIVERSITY OF TORONTO/UWI STUDENT EXCHANGE PROGRAMME**

A maximum of four (4) places per year are available for study at the University of Toronto under the University of Toronto/UWI Student Exchange Programme. The length of the programme is one semester and students may attend the University of Toronto in either semester. Students are required to maintain a 'B' average in order to be eligible for participation in the programme.

Students are expected to follow a programme comprising courses totaling 13-15 credits. These courses must be approved by the Dean, Faculty of Law at Cave Hill. No fees are payable to the University of Toronto. However students are expected to fund their own living expenses in Toronto for the semester. Such students may apply to the UWI for assistance. Students are required to pay their annual fees to the University of the West Indies as usual. Grades obtained at the University of Toronto will be taken into consideration in awarding the U.W.I. LL.B. degree.

Application forms are available in the International Office and on completion must be approved by the Dean, Faculty of Law.

All applications must be submitted to the Dean by late March so that they can be forwarded to the International office by mid April.

## **COURSES AND SYLLABUSES**

### **SYLLABUSES, TEACHING AND EXAMINATION METHODS FOR LAW SUBJECT**

#### **LAW1010 Law and Legal Systems**

##### **1. General**

This course will be taught in the first Semester of Year 1 of the LL.B degree programme. It is a compulsory core course.

##### **2. Course Objective**

The fundamental objective of this course is to provide students with knowledge of the historical, institutional and legal context of law in the Commonwealth Caribbean, including the important comparative law dimension. The issues dealt with in the course cover not only institutions within the legal system, but also significant legal functionaries within it.

##### **3. Course Content**

The topics covered in this course are as follows:

- i. The Nature and Functions of Law
- ii. Legal Families and Traditions, including Hybrid Legal Systems
- iii. The Reception of Law in the Commonwealth Caribbean and its historical context.
- iv. Sources of Law
- v. The Court System and Administration of Justice.

##### **4. Method of Teaching**

This course will be taught by way of three lectures per week. Each lecture will be of one hour's duration.

##### **5. Method of Assessment**

Assessment is by way of a 100% examination whereby the student is required to answer three questions from a total of not less than six questions.

#### **LAW1020 Constitutional Law**

##### **1. General**

This course will be taught in the second Semester of Year I of the LL.B. degree programme. It is a compulsory core course.

##### **2. Course Objective**

All of the independent states of the Commonwealth Caribbean have written constitutions which represent their basic law. It is therefore crucial that students be exposed very early in their law course to a study of this basic law. The aim of the Constitutional Law course, then, is to provide such exposure.

##### **3. Course Content**

Because of its importance, the Constitutional Law course coverage aims at both depth and breadth. The topics covered include:

- (i) The General Characteristics of the Constitution
- (ii) General Constitutional Principles including Judicial Review

- (iii) The Legislature
- (iv) The Executive
- (v) The Judiciary
- (vi) The Machinery for Protection of Fundamental Rights and Freedoms
- (vii) Constitutional Reform

#### **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial per week. Each lecture will be of one hour's duration and the tutorial will also be of one hour's duration.

#### **5. Method of Assessment**

This course will be assessed by way of a three hour final examination at the end of the semester in which it is taught. Students will be required to answer three questions selected from a total of six questions.

### **LAW1110 Criminal Law I**

#### **1. General**

This course will be taught in the First Semester of Year One of the LL.B. programme. It is a compulsory core course.

#### **2. Course Objective**

The course is intended to expose students to a critical appreciation of the nature and purpose of the Criminal Law and to the general principles of criminal responsibility which are or may be applicable in the context of specific crimes.

#### **3. Course Content**

The course will include the following topics:-

- (i) nature and purpose of the Criminal Law
- (ii) proof
- (iii) elements of a crime - actus reus and mens rea
- (iv) strict liability
- (v) participation in crimes
- (vi) causation
- (vii) general defenses
- (viii) inchoate crimes - incitement, conspiracy, attempt

#### **4. Method of Teaching**

The course will be taught through two lectures and one tutorial each week. Each class will last for one hour. Students will be expected to prepare in advance for these classes, which are intended not only to impart knowledge and understanding but also to promote those analytical and critical skills which are essential in legal argument.

#### **5. Method of Assessment**

Students will be assessed through a two-hour written examination at the end of the Semester. Candidates will be required to answer three from a total of six questions.

### **LAW 1120 Criminal Law II**

#### **1. General**

This course will be taught in the Second Semester of Year One of the LL.B. programme. It is a compulsory core course.

## **2. Course Objective**

The course is intended to complement Criminal Law I by a close study of specific crimes.

## **3. Course Content**

The course will include the following topics:-

- (i) homicide - murder and manslaughter
- (ii) defenses to murder - provocation and diminished responsibility
- (iii) non-fatal offences against the person
- (iv) sexual offences
- (v) minor crimes
- (vi) offences against property - theft, deception, criminal damage

## **4. Method of Teaching**

As for Criminal Law I.

## **5. Method of Assessment**

As for Criminal Law I. Candidates will not be examined specifically on those areas covered by Criminal Law I but will be expected to retain sufficient knowledge and understanding of that course to be able to recognise and illustrate its relevance.

## **LAW1230 Legal Methods, Research and Writing**

### **1. General**

This course will be taught in Semesters I and II of the first year of the LL.B. degree programme. It is a compulsory core course.

## **2. Course Objective**

The basic objectives of this course are to introduce students to the methodology of legal research and to lay a foundation for the understanding of legal concepts and the effective written presentation of legal argument and analysis.

## **3. Course Content**

- i. The basics of legal reasoning.
- ii. The case brief.
- iii. The case note.
- iv. Fundamentals of effective legal writing.
- v. Fundamentals of legal research.
- vi. Forms of citation and elements of style.
- vii. Basics of editing.
- viii. The office memorandum/opinion.
- ix. Writing essays and answering problem questions.

## **4. Method of Teaching**

This course will be taught by lectures, seminars and workshops.

## **5. Method of Assessment**

This course will be assessed by coursework. There will be no supplemental examination offered in this course.

## **LAW1310 Law of Torts I**

### **1. General**

This course is taught as a core subject in the first year of the LL.B. degree programme.

## **2. Course Objective**

The law of torts is essentially concerned with regulating the means of redressing losses incurred by a person where the person does not rely on a contractual relationship with that person who caused the loss. The issues considered in this course therefore, concern the type of loss for which the law grants compensation. The course analyses the legal concepts which the court uses and the public policy positions implicit in these concepts.

## **3. Course Content**

Torts I concentrates on the historical development of torts and the nature of the law of torts. The following topics are examined.

- i. History and the Nature of Law of Torts
- ii. Trespass and Malicious Prosecution
- iii. Negligence
- iv. Nuisance
- v. Rylands v. Fletcher
- vi. Occupiers' Liability

## **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial per week. Each lecture and tutorial will be of one hour's duration.

## **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the Semester. Students will be required to answer three questions selected from a total of six questions.

The examination paper may be divided into two parts, with students being required to answer at least one question from each part.

## **LAW1410 Law of Contract I**

### **1. General**

This course will be taught in Year I as a core subject of the LL.B. degree programme.

### **2. Course Objective**

The primary objective of this course is to examine the purpose and scope of the legal protection accorded to agreements. To achieve this, the course attempts to deal with the general principles applicable to the types of bargain transactions found in contemporary West Indian society.

### **3. Course Content**

Contract I focuses on problems of contract formation, the doctrine of consideration, the problem of third party beneficiaries, intention as an element in contractual objections, and the problem of determining the boundaries of obligations created by the contracts, with special reference to exemption clauses. The topics covered are:

- i. Offer and Acceptance
- ii. Intention to Create Legal Relations
- iii. Consideration
- iv. Privity
- v. Contractual Terms
- vi. Exemption Clauses

#### **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial per week. Each lecture will be of one hour's duration and the tutorial will also be of one hour's duration.

#### **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the Semester. Students will be required to answer three questions selected from a total of six questions. The examination question paper may be divided into two parts, with students being required to answer at least one question from each part.

## **B. SECOND AND THIRD YEAR COURSES**

### **COMPULSORY CORE COURSES**

#### **LAW2010 Law of Torts II**

##### **1. General**

This course is taught as a core subject in Year II of the LL.B. degree programme.

##### **2. Course Objective**

This course builds on the knowledge developed in Law of Torts I and introduces the student to other specific torts. It will be assumed in this course that students have sufficient knowledge of the basic principles of Negligence.

##### **3. Course Content**

The topics covered in Torts II are as follows:

- i. Vicarious Liability
- ii. Employers' Liability
- iii. Liability for Animals
- iv. Defamation
- v. Damages for Personal Injuries

##### **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial per week. Each lecture will be of one hour's duration.

##### **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the Semester. Students will be required to answer three



questions selected from a total of six questions. The examination question paper may be divided into two parts, with students being required to answer at least one question from each part of the paper.

## **LAW2110 Law of Contract II**

### **1. General**

This course will be taught as a core subject in Year II of the LL.B. degree programme.

### **2. Course Objective**

The primary objective of this course is to examine the purpose and scope of particular areas of the Law of Contract.

### **3. Course Content**

- i. Mistake
- ii. Misrepresentation
- iii. Illegality
- iv. Breach of Contract
- v. Frustration of Contract
- vi. Remedies including quasi contractual remedies

### **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial per week. Each lecture will be of one hour's duration and the tutorial will also be of one hour's duration.

### **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the Semester. Students will be required to answer three questions selected from a total of six questions.

The examination question paper may be divided into two parts, with students being required to answer one question from each part of the paper.

## **LAW2210 Real Property I**

### **1. General**

This course will be taught in Semester I of Year II of the LL.B. degree programme.

### **2. Course Objective**

The purpose of this course is to examine the fundamental principles governing the holding, use and disposition of land in the Commonwealth Caribbean.

### **3. Course Content**

The areas to be covered in Real property I are as follows:

- i. Historical Introduction, Classification and Meaning of Land
- ii. Tenures and Estates
- iii. Nature of Equitable Interests, Priorities and Licences
- iv. Outline of Registration of Title and Registration of Deeds
- v. Adverse Possession
- vi. Settlements and Trusts for Sale
- vii. Co-ownership.

### **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial per week. Each lecture will be one hour's duration and the tutorial will also be of one hour's duration.

## **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the Semester. Students will be required to answer three questions selected from a total of six questions. The examination question paper may be divided into two parts, with students being required to answer at least one question from each part of the paper.

## **LAW 2220 Real Property II**

### **1. General**

This course is taught in Semester II of Year II of the LL.B. degree programme.

### **2. Course Objective**

This course builds on the knowledge conveyed in Real Property I and introduces the student to the five most important areas of modern land law.

### **3. Course Content**

This course will deal with the following topics:

- i. Leases and Tenancies
- ii. Condominium Law
- iii. Easements
- iv. Restrictive Covenants
- v. Mortgages.

### **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial per week. Each lecture will be of one hour's duration and the tutorial will also be of one hour's duration.

## **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the Semester. Students will be required to answer three questions selected from a total of six questions. The examination question paper may be divided into two parts, with students being required to answer at least one question from each part of the paper.

## **LAW2310 Public International Law**

### **I**

### **1. General**

This course will be taught in the first Semester of Year II of the LL.B. degree programme.

### **2. Course Objective**

The objective of this course is to provide an introduction to the principles, customs and rules of International Law. Students after completing this course should be able to tackle most advanced International Law topics.

### **3. Course Content**

The course will deal with the following topics:

- i. Nature and History of International Law
- ii. Sources of International Law
- iii. Law of Treaties
- iv. Subjects of International Law and Recognition of States and Governments
- v. International Law and Municipal Law
- vi. International Dispute Settlement

#### **4. Method of Teaching**

This course will be taught by way of lectures and workshops. There will be two hours of lectures per week and one two-hour workshop per week.

#### **5. Method of Assessment**

This course will be assessed by way of a two hour final examination at the end of the Semester in which it is taught. Students will be required to answer two questions selected from a total of four questions.

### **LAW2320 Public International Law II**

#### **1. General**

This course will be taught in the second Semester of Year II of the LL.B. degree programme. Public International Law I is a prerequisite for this course.

#### **2. Course Objective**

This course builds on the knowledge acquired in Public International Law I and introduces advanced topics of International Law.

#### **3. Course Content**

- i. Title to Territory
- ii. Law of the Sea
- iii. Nationality
- iv. State Responsibility
- v. Criminal Jurisdiction
- vi. Immunity

#### **4. Method of Teaching**

This course will be taught by way of lectures and workshops. There will be two hours of lectures per week and one two-hour workshop per week.

#### **5. Method of Assessment**

This course will be assessed by way of a two hour final examination at the end of the Semester in which it is taught. Students will be required to answer two questions selected from a total of four questions.

### **LAW2510 Jurisprudence**

#### **1. General**

This course will be taught in the first Semester of the second year of the LL.B. degree programme.

#### **2. Course Objective**

The general objective of this course is to examine the theories of jurisprudence and provide students with a philosophical approach to understanding the nature of law.

#### **3. Course Content**

The areas to be covered are as follows:

- i. Natural Law
- ii. Positivism
- iii. Realism
- iv. Dworkin
- v. Kelsen

#### **4. Method of Teaching**

This course will be taught by way of two lectures per week and one tutorial per week. Each lecture and tutorial will be of one hour's duration.

#### **5. Method of Assessment**

This course will be assessed by way of a two hour final examination at the end of the Semester. Students will be required to answer three questions selected from a total of six questions.

- vi. Public Law Remedies
- vii. The Civil Liability of the State
- viii. The Office of the Ombudsman

#### **4. Method of Teaching**

There will be no limitation on numbers in this course. Consequently, the course will be taught by way of two lectures and one tutorial per week. Each lecture will be of one hour duration.

#### **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the Semester in which it is taught. Students will be required to answer two questions from a total of four questions.

### **LAW2710 Administrative Law**

#### **1. General**

This is a core course to be taught in the second Semester of Part II the LL.B. degree programme.

#### **2. Course Objective**

The course surveys the legal principles of governance by administrative agencies. It emphasises judicial control of administrative action but also explores other controls of administrative action.

#### **3. Course Content**

The areas to be covered in this course include:

- i. Constitutional Basis of the Review of Administrative Action
- ii. Delegated Legislation
- iii. The Doctrine of Ultra Vires
- iv. Judicial Review of Administrative Decisions
- v. Natural Justice

### **LAW2910 Commonwealth Caribbean Human Rights Law**

#### **1. General**

This course will be taught in Semester II of the second year of the LL.B. programme. It is a compulsory core course and the complement to Constitutional Law. It is devoted to exploring the chapters protecting fundamental rights and freedoms in the Constitutions of the Commonwealth Caribbean, also referred to as the "bills of rights".

#### **2. Course Objective**

The aim of this course is to strengthen the student's understanding of constitutional law and of the importance of "bills of rights" as part

of the system of democratic governance and constitutionalism in the Caribbean.

### **3. Course Content**

- i. Introduction to background and structure of the “bill of rights” and to the concept of fundamental rights.
- ii. Fundamental principles
  - a. Opening sections to the bill of rights
  - b. Savings law clauses
  - c. State action doctrine
  - d. Presumption of constitutionality
  - e. Limitations on rights
  - f. Periods of emergency
  - g. Redress and locus standi
  - h. Bills of rights and international law
- iii. Some of the following specific rights:
  - a. Expression
  - b. Association and assembly
  - c. Movement
  - d. Religion
  - e. Liberty and security of person
  - f. Privacy
  - g. Life
  - h. Property
  - i. Non-discrimination
  - j. Fair Trial
  - k. Cruel and degrading punishment

### **4. Method of Teaching**

This course will be taught by a combination of lectures and seminars. There will be two lectures, each of one hour’s duration, and one seminar each week.

### **5. Method of Assessment**

This course will be assessed by way of a two hour written final examination at the end of Semester II. Students will be required to answer two questions from a total of four questions.

## **LAW2810 Equitable Remedies**

### **1. General**

This is a core course to be taught in the second Semester of Part II of the LL.B. degree programme.

### **2. Course Objective**

The gamut of equitable remedies is very wide and growing. The objective of the course, therefore, is to expose students to the subject by focusing on specific equitable remedies which reflect recent developments in the area, and by analysing the modern approach to their application.

### **3. Course Content**

- i. Equity in a historical context
- ii. The Injunction: particularly interlocutory injunction, such as the Mareva injunction and the Anton Piller order
- iii. Specific Performance and Part Performance
- iv. Damages in Equity
- v. The Trust as a Remedy and
- vi. Proprietary Estoppel and Licenses

#### **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial per week. Each lecture will be of one hour's duration and the tutorial will also be of one hour's duration.

#### **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the semester. Students will be required to answer three questions selected from a total of six questions. The examination question paper may be divided into two parts, with students being required to answer at least one question from each part of the paper.

#### **OPTIONS**

### **LAW3010 Industrial Relations Law**

#### **1. General**

This course will be taught either in the first or in the second semester of the third year of the LL.B. programme. This is an optional course but it may be slated to be a pre-requisite for other options.

#### **2. Course Objective**

The general objective of this course is to introduce students to the major principles of law which govern industrial relations and trade unions. The course aims at breadth without sacrificing depth and prepares students interested in Industrial Relations Law for advanced courses in this area.

#### **3. Course Content**

- i. Trade Unions and their Legal Structure
- ii. Trade Unions: their Membership and Internal Government
- iii. Trade Union Disputes
- iv. The Law on Strikes
- v. Freedom of Association
- vi. Picketing
- vii. Tort Liability of Trade Unions
- viii. The Collective Bargaining Process and the Collective Agreement

#### **4. Method of Teaching**

This course will be taught in two lectures and one tutorial per week, each lecture and tutorial being of one hour's duration. A seminar approach would be optional, depending on numbers.

#### **5. Method of Assessment**

This course will be assessed by means of a two-hour final examination at the end of the semester in which it is taught. Students will be required to answer two questions out of a total of a minimum of four questions, one of which will be a compulsory question.

### **LAW3020 Employment Law**

#### **1. General**

This course will be taught either in the first or in the second semester of the third year of the LL.B. programme. This is an optional course but it may be slated to be a pre-requisite for other options.

## 2. Course Objective

The general objective of this course is to introduce students to the major principles of law that govern the contract of employment and their terms and conditions of work. The course aims at breadth without sacrificing depth and prepares students interested in Employment Law for advanced courses in this area.

## 3. Course Content

- i. Identifying the Contract of Employment
- ii. Terms and Conditions of the Contract of Employment
- iii. Termination of the Contract of Employment
- iv. Occupational Safety and Health Legislation
- v. Redundancy
- vi. The Relationship of the Collective Agreement to the Contract of Employment

## 4. Method of Teaching

This course will be taught in two lectures and one tutorial per week, each lecture and tutorial being of one hour's duration. A seminar approach would be optional, depending on numbers.

## 5. Method of Assessment

The course will be assessed by a two-hour examination that will account for 100% of the final mark. In the two-hour examination students will be required to answer two out of a total of a minimum of four questions, one of which may be a compulsory question.

## LAW3030 Discrimination in Employment

### 1. General

This course will be taught either in the first or in the second semester of Year III of the LL.B. programme.

### 2. Course Objective

This course will examine the several broad areas of discrimination which exist in employment and posit solutions to the problem. It will draw on the increasing legislation on specific areas (such as race, equal pay), the ILO Conventions and case-law on the subject, and the dynamic and contemporary jurisprudence which is emerging from the courts.

The course will also attempt to straddle the public law arena, since underlying notions supporting legal solutions to the problem of discrimination in employment are derived from public law.

### 3. Course Content

The following topics will be examined:

- i. Public Law elements involved in Discrimination in Employment Issues - The Constitution Judicial Review and Remedies.
- ii. Discrimination on Ground of Religion.
- iii. The role of the ILO in eliminating discrimination in employment - The conventions and ILO case-law.
- iv. Gender Issues - Philosophical Underpinnings of Gender in Employment.

- v. Equal Pay and Equal Remuneration for Work of Equal Value.
- vi. Equal Access to Employment (Gender, Race)
- vii. Privacy and Discrimination - Pregnancy and Maternity.
- viii. HIV/AIDS and Employment Law.
- ix. Issues of Race - New Legislative Initiatives on Relevant Case-law.
- x. Discrimination against Trade Union members - legislative protection and the use of Judicial Review proceedings.

#### **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial per week, each lecture and tutorial being of one hour's duration. A seminar would be optional, depending on numbers.

#### **5. Method of Assessment**

This course will be assessed by means of a two hour final examination at the end of the semester in which it is taught. Students will be required to answer two questions from a selection of at least four questions. The examination paper may be divided into two parts, with students being required to answer at least one question from each part.

## **LAW3040 Dismissal Law**

### **1. General**

This course will be taught either in Semester I or in Semester II of Year III of the LL.B. degree programme. Students applying for participation in this course are expected to have

at least a rudimentary knowledge of LAW3020 - Employment Law. Application for entry to this course should be made in writing to the Course Director by the last teaching week of the first semester.

### **2. Course Objective**

This course is designed to explore the law and practice governing the termination of private individual employment at the initiative of the employer in the Commonwealth Caribbean. In particular, it examines the historical evolution of the law governing dismissals and analyses the impact of international conventions, statute and judicial activism on the common law.

### **3. Course Content**

This course will deal with the following topics:

- i. Termination of Employment
- ii. The Nature of Dismissal
- iii. Wrongful Dismissal
- iv. Unfair and Other Statutory Dismissals
- v. Redundancy
- vi. The Future of Employment

### **4. Method of Teaching**

The course will be taught by way of two seminars of two hours each per week.

### **5. Method of Assessment**

This course will be assessed by way of a term paper which will account for 33 1/3% of the final mark and a written two hour examination (66 2/3%) at the end of the semester in which it is taught.



## **LAW3110 Company Law**

### **1. General**

This course will be taught in the first semester of the third year of the LL.B. degree programme. This course is optional but it is prerequisite for the Law of Corporate Management and the Law of Corporate Finance.

### **2. Course Objective**

The main objective is to introduce students to the concept of the Company and to equip students for in-depth study in the Law of Corporate Finance and/or the Law of Corporate Management.

### **3. Course Content**

- i. Corporate Personality and Limited Liability
- ii. Promotion and Pre-Incorporation Contracts
- iii. Equity Financing and Debt Contracts
- iv. The question of Corporate Capacity
- v. The Relationship between the Company and Corporate Investors (in particular - Shareholders)
- vi. Company Officers (in particular - Directors and the Corporate Secretary)
- vii. Shareholder Protection

### **4. Method of Teaching**

The course will be taught by way of two one-hour lectures per week and one one-hour tutorial per week.

### **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the semester in which it is taught. Students will be required to answer three questions selected from a total of six questions.

## **LAW3120 The Law of Corporate Management**

### **1. General**

This course will be taught in the second semester of the third year of the LL.B. degree programme. Company Law (LAW 3110) is a prerequisite for this course.

### **2. Course Objective**

The main objective of this course is to explore the major legal and related problems of Corporate Management. Particular emphasis will be placed on the competing interests of shareholders, creditors and management in the affairs of the company.

### **3. Course Content**

- i. The Distribution of Power within a Company
- ii. Company Officers (in particular the Director and the Company Secretary)
- iii. Directors' Duties
- iv. Insider Trading
- v. Investor Protection (in particular Minority Protection)
- vi. Remedies

#### **4. Method of Teaching**

The course will be conducted on the basis of a two-hour weekly seminar and a one-hour weekly workshop.

#### **5. Method of Assessment**

The course will be assessed by way of one “take-home” written assignment during the Semester, and one two-hour examination at the end of the Semester in which it is taught. Students will be required to answer two questions selected from a total of six questions in the two-hour examination.

### **LAW3130 Law of Corporate Finance**

#### **1. General**

This course will be taught in Semester II of the third year of the LL.B. degree programme. Company Law (LAW 3110) is a prerequisite for this course.

#### **2. Course Objective**

The main objective of this course is to engender in the student an appreciation of the rules of corporate finance and the various interests which these rules protect or infringe upon.

#### **3. Course Content**

- i. The concept of Capital and Financing of Companies
- ii. Raising Share Capital and the Capital Maintenance doctrine
- iii. Corporate Self Dealings
- iv. Corporate Distribution
- v. Classes of Shares (and Class rights)

- vi. Loan Capital (in particular - Debt Financing)
- vii. The Taxation of Companies

#### **4. Method of Teaching**

The course will be conducted on the basis of a two-hour weekly seminar and a one-hour weekly workshop.

#### **5. Method of Assessment**

This course will be assessed by way of one “take-home” written assignment during the semester and a two-hour examination at the end of the semester in which it is taught. Students will be required to answer two questions from a total of four questions.

### **LAW3140 Corporate Insolvency Law**

#### **1. General**

This course will be taught as an option in the second semester of year III of the LL.B degree programme. It is recommended that students taking this option should have already studied Company Law (LAW3110) and Law of Trusts (LAW3170) but these subjects are not prerequisites.

#### **2. Course Objective**

In the last twenty-five years or so, businesses have been assuming more and more importance in the economic life of CARICOM countries. Many of these businesses are incorporated and many of them fail. One result of all this is that the corporate lawyers in the Caribbean are having

to confront more and more corporate insolvency legal issues, the rules applicable to the resolution of these issues, and the legal policies which underline those rules.

### **3. Course Content**

- i. Framework of Corporate Insolvency Law
  - (a) Theory and Sources of Corporate Insolvency Law
  - (b) Corporate Debt and Securities
  - (c) Creditor Protection and Registration of Company Charges
- ii. Management of Corporate Solvency
  - (a) Directors, General Duties to Creditors
  - (b) Compromise and Arrangements
  - (c) Amalgamations
  - (d) Fraudulent Preferences and Wrongful Trading
  - (e) Misfeasance
- iii. Secured Creditors Remedy - Receiverships
- iv. Liquidations (Both Solvent and Insolvent)

### **4. Method of Teaching**

This course will be conducted on the basis of a two-hour weekly seminar and a one-hour weekly workshop.

### **5. Method of Assessment**

This course will be assessed by way of one “take-home” written assignment during the second

semester and a two-hour written examination at the end of the second semester. Students will be required to answer two questions from a total of six which will cover topics taught in the course. The “take-home” assignment will account for 33 1/3% of the final marks.

## **LAW3150 Revenue Law**

### **1. General**

This course will be taught either in Semester I or in Semester II of the third year of the LL.B. degree programme. The course is an optional one but it may be slated to be a prerequisite for other options.

### **2. Course Objective**

The course is based mostly on income taxation of the individual and as such is about technical tax law. The overriding objective of the course, however, is to develop in students skills to deal with tax statutes and tax policy which guide courts in resolving tax problems.

### **3. Course Content**

Given its fundamental objectives, the topics covered in this course are as follows:

- i. Constitutional and Fiscal Background to Taxation
- ii. Lawyer and Taxing Statutes
- iii. Chargeability: Residence and Source Concepts
- iv. The Income Concept
- v. Business Income
- vi. Employment Income

- vii. Income from Property
- viii. Deductibility Concept
- ix. Computation
- x. Tax Planning and the Concept of Fiscal Nullity.

#### **4. Method of Teaching**

This course will be conducted on the basis of a two hour weekly seminar and a one hour weekly workshop.

#### **5. Method of Assessment**

This course will be assessed by way of one “take-home” written assignment during the Semester and one two-hour written examination at the end of the Semester in which it is taught. Students will be required to answer two questions selected from a total of six questions in the two hour examination. The “take-home” assignment will account for 33 1/3 % of the final mark.

### **LAW3170 The Law of Trusts**

#### **1. General**

This course will be taught in either the first or the second Semester in the third year of the LL.B. degree programme. It is an optional one but may be slated to be a prerequisite for other options.

#### **2. Course Objective**

The primary objective of the course is to provide students with an in-depth knowledge of the modern trust. This knowledge is believed to be especially useful in estate planning and tax planning.

#### **3. Course Content**

Given its basic objectives, the topics which will be covered in the course are as follows:

- i. Trusts distinguished from other legal relationships
- ii. Formalities and Constitution of Trusts
- iii. Charitable Trusts
- iv. Non-charitable Purpose Trusts
- v. Secret Trusts and Mutual Wills
- vi. Donaciones mortis causa
- vii. Resulting Trusts

#### **4. Method of Teaching**

The course will be taught by way of three one-hour seminars per week.

#### **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the Semester in which it is taught. Students will be required to answer three questions selected from a total of six questions. The examination paper may be divided into two parts, with students being required to answer at least one question from each part of the paper.

### **LAW3180 The Administration of Trusts and Estates**

#### **1. General**

This course will be taught in either the first or the second Semester of the third year of the LL.B. degree programme. The course is an optional one but may be slated to be a prerequisite for other options.

## 2. Course Objective

The primary objective of the course is to provide students with an in-depth knowledge of the administration of trusts, including the duties and powers of trustees, and of the administration of the estates of deceased persons, including the duties and powers of executors and administrators.

## 3. Course Content

Given its basic objectives, the topics which will be covered in the course are as follows:

- i. Categories of Trustee
- ii. Appointment, Retirement and Removal of Trustees
- iii. Duties and Powers of Trustees
- iv. Accountability of Trustees and Other Fiduciaries
- v. Variation of Trusts
- vi. Remedies for Breach of Trust
- vii. Grants of Probate and Letters of Administration
- viii. Duties and Powers of Personal Representatives

## 4. Method of Teaching

This course will be taught by way of three one-hour seminars per week.

## 5. Method of Assessment

This course will be assessed by way of a two hour written final examination at the end of the Semester in which it is taught, and students will be required to answer three questions selected from a total of six questions. The examination paper may be divided into two parts, with students

being required to answer at least one question from each part of the paper.

## **LAW3210 Family Law I - Law Relating to Husband and Wife**

### 1. General

This course will be taught in the first Semester of the third year of the LL.B. degree programme. The course is an optional one but it may be slated to be a prerequisite for other options.

### 2. Course Objective

This course explains the principles and policies which guide the law relating to domestic relationships in the Commonwealth Caribbean as well as proposals for reform.

### 3. Course Content

The topics to be covered in this course include:

- i. Introduction to the Family Law of the Commonwealth Caribbean.
- ii. Marriage
  - (a) Engagement Contracts
  - (b) Contracts of Marriage, Capacity, Formalities, etc.
  - (c) Annulment of Marriages.
- iii. Husband and Wife
  - (a) Legal Effects of Marriage, e.g. unity of man and wife, contractual capacity of married women, right of consortium, criminal and tort liability, marital

- communications
- (b) Separation agreements
- (c) Maintenance and property adjustment
- (d) Proceedings for resolving property disputes
- (e) Ownership and occupation of matrimonial home
- (f) Devolution of property on death
- (g) Property rights of de facto spouses
- (h) Protection against domestic violence

iv. Divorce

- (a) grounds for divorce
- (b) bars (defences) to divorce.

**4. Method of Teaching**

The course will be taught by way of two lectures and one tutorial per week. Each lecture and tutorial will be of one hour's duration.

**5. Method of Assessment**

This course will be assessed by means of a two-hour final examination at the end of the semester in which it is taught. Students will be required to answer two questions selected from a total of four questions.

**LAW3220 Family Law II - Law Relating to Children**

**1. General**

Family Law I (Law Relating to Husband and Wife) and Family Law II are separate and distinct courses. Therefore, the completion of Family Law I is not a prerequisite in order to enroll in Family Law II.

This course will be taught in the second semester of the third year of the LL.B. degree programme. The course is an optional one but it may be slated to be a prerequisite for other options.

**2. Course Objective**

This course explains the principles and policies which guide the law relating to children in the Commonwealth Caribbean, including proposals for reform.

**3. Course Content**

The topics to be covered in this course include:

- i Introduction to the law relating to children of the Commonwealth Caribbean
- ii. Status of Children at Common Law, Presumption of Legitimacy
- iii. Status of Children's Legislation, Presumption of Paternity, Blood Test Evidence
- iv. Maintenance
- v. Property Rights
- vi. Inheritance, including Inheritance Family Provision Legislation
- vii. Affiliation Proceedings
- viii. Adoption
- ix. Custody Proceedings under Guardianship, Matrimonial Causes, Maintenance and Affiliation Acts
- x. Wardship Proceedings
- xi. Child Abduction
- xii. Miscellaneous Parental Rights and Duties
- xiii. Child Care Law and Child Protection Legislation
- xiv. Domestic Violence

#### **4. Method of Teaching**

The course will be taught by way of two lectures and one tutorial per week. Each lecture and tutorial will be of one hour's duration.

#### **5. Method of Assessment**

This course will be assessed by means of a two-hour final examination at the end of the semester in which it is taught. Students will be required to answer two questions selected from a total of four questions. The paper will be divided into two parts - one consisting of essays and the other of scenario questions - requiring the candidate to answer one question from each part.

### **LAW3260 Gender and the Law in the Commonwealth Caribbean**

#### **1. General**

The course will be taught in the first or second semester of the third year of the LL.B. degree programme. It is an optional course. Some of the substantive areas covered in Gender and the Law in the Commonwealth Caribbean will be familiar to students who have studied Employment Law or Family Law and Commonwealth Caribbean Human Rights. However, none of these courses is a prerequisite.

#### **2. Course Objective**

The main objective of this course is to examine issues of gender and the law in the Commonwealth Caribbean. The first part of the course will introduce students to some relevant theoretical issues and themes. The second part of the course will examine gender in some substantive areas

such as wage work, the family, family violence, reproduction and pornography, focusing on the constitutions, legislation, common law and legal systems of the Commonwealth Caribbean.

#### **3. Course Content**

Part I - Theories and Themes

- i. Introduction to Feminist Theory
- ii. The "Neutrality" of Law
- iii. Equality
- iv. Public/Private Divide

Part II - Selected Issues

- i. Wage work
- ii. Family
- iii. Family Violence
- iv. Reproduction
- v. Pornography

#### **4. Method of Teaching**

The course will be conducted by a two-hour weekly seminar.

#### **5. Method of Assessment**

Students will be assessed by way of two written "take home" essays during the semester.

### **LAW3280 International Mooting**

#### **1. General**

The completion of Public International Law I is a prerequisite for this course, which is optional and will be taught in the second Semester of year III of the LL.B. programme. Course enrolment will

be restricted, and students will have to compete for class spaces through Moot Selection Rounds.

## 2. Course Objective

This course will prepare students for participation in selected international moot court competitions. It will develop skills related to research, writing, and oral and written advocacy.

## 3. Course Content

- i. Introduction to the substantive areas of law related to each moot (public international law and international human rights law).
- ii. Research techniques
- iii. Memorial writing techniques
- iv. Independent research
- v. Oral skills sessions/practice moots
- vi. International moot participation

## 4. Method of Teaching

This course will be taught in small seminars and workshops. It will involve significant independent research.

## 5. Method of Assessment

Students will be assessed on the basis of their participation in seminars and workshops (20%), written memorials (40%), and practice moots (40%).

## **LAW 3290 Independent Research Paper**

### 1. Course Requirements

Students wishing to register for this course need to submit an abstract of no more than 250 words

outlining their proposed research topic/issue to the Course Director for approval. This abstract must be submitted to the Course Director **within the first week of the semester.**

***Students will not be allowed to continue with this course without the Course Director's approval of their abstract. Students registering for this course without an approved abstract will be de-registered.***

Students need to identify a member of staff, with relevant background in the area, who is willing to supervise their independent research paper.

Students must meet regularly with their supervisor and submit periodic drafts of their paper to the supervisor over the course of the semester.

Students are required to submit 2 hard copies of their completed research paper to Mrs. Marcia Bradshaw in the Faculty Office on the last day of the semester. ***Late submissions will incur a penalty. See Regulation 36 for further details regarding the research paper***

## **LAW 3330 International Trade Law**

### 1. General

This course will be taught in the first or second semester of the third year of the LL.B. degree programme. It is an optional course.

The completion of Public International Law I is a prerequisite for this course. The completion of Public International Law II is recommended.



## **2. Course objective**

The aim of this course is to introduce students to the basic concepts and principles underlying the WTO multilateral trading system and WTO dispute settlement. It also sensitizes students to CARICOM's experiences with and perspectives on the WTO.

## **3. Course content**

The areas to be covered:

- (i) Historical background to the International Trading System/GATT 1947
- (ii) The World Trade Organisation
- (iii) Schedules of Concessions and Border measures
- (iv) Most-Favoured Nation Obligation
- (v) National Treatment Obligation
- (vi) General Exceptions
- (vii) Regional Trade Agreements/Free Trade Areas
- (viii) Dispute Settlement

## **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial per week, each lecture and tutorial being of one hour's duration.

## **5. Method of Assessment**

The course will be assessed by way of a two-hour examination at the end of the semester in which it is taught. Students will be required to answer two out of a total of four questions. The examination paper will be divided into two parts with students being required to answer at least one question from each part of the paper.

# **LAW 3340 European Union Law**

## **1. General**

This course is an optional one taught in either Semester I or Semester II of the third year of the LL.B degree programme.

## **2. Course Objective**

The primary objective of this course is to provide students with a clear understanding of the structure and operation of European Union Law relating to and surrounding the Internal Market of the EU. All matters will be considered both from the perspective of businesses established within Member States and from that of businesses established outside the EU but involved in business activities or investment, or both, within the EU.

## **3. Course Content**

Particular attention will be paid to:

- i. Fundamental principles relating to the free movement of goods between Member States of the EU; the prohibition of discriminatory internal taxation; the prohibition of quantitative restrictions and measures having equivalent effect; exceptions to that prohibition.
- ii. Intellectual property rights under the EC Treaty, including parallel imports of protected goods from outside the EU.

- iii. The free movement of persons, citizenship of the EU, derogation based on public policy, public security and public health.
- iv. The freedom of establishment (Arts. 43-48 TFEU) and freedom to provide and receive services (ART 49-55 TFEU).
- v. EC Competition Law including the Examination of Arts. 101 and 102 TFEU and Merger Regulation 139/2004, the enforcement of EU Competition Law and its extra-territorial application.

#### **4. Method of Teaching**

This course will be delivered by means of a weekly two-hour lecture and one-hour seminar. Lectures will be used to provide a conceptual framework and perspectives on the internal market. The main objective of a seminar will be to analyse and evaluate the particular area of law under the consideration and to provide students with the opportunity of discussing controversial and difficult topics in the light of the relevant case law. Students will be invited to develop their own ideas about some of the more problematic aspects of EU law.

#### **5. Method of Assessment**

The Assessment will be twofold: by one assignment of no more than 1500 words in the form of a case study. The assignment will be handed out to the students in the third week of the semester for the completion by week 8. This work will account for 40% of the total mark. Students will be required

to sit an end of semester formal examination, which will account for 60% of the total mark. The examination paper will contain four questions. Students will be asked to answer only two of these. There will be no compulsory questions.

### **LAW3400 Insurance Law**

#### **1. General**

Insurance Law is an optional course which relies heavily on Contract Law. Accordingly, the attainment of at least a “B” average in Contract Law I and II might be required as a prerequisite for studying the course. Insurance Law will be taught in either Semester I or Semester II of the third year of the LL.B. programme.

#### **2. Course Objective**

This course is designed to explore basic principles of modern Insurance Law and to introduce students to specialized problems in particular areas of the subject.

#### **3. Course Content**

The topics to be covered in the course may include all or any of the following:-

- i. Introductory Principles  
Nature of Insurance Law - The Contract of Insurance - Regulation.
- ii. Insurable Interest  
Insurable Interest - Life and Property Insurances - Assignment.
- iii. Uberrimae fides  
Making the contract - Agency - Contract

formation - Premiums - Utmost good faith and Non-disclosure - Interim cover.

- iv. Risk  
Terms of policy - Construction - Causation.
- v. Indemnity  
Claims - Settlement - Subrogation - Contribution - Double Insurance.
- vi. Specialised Problems  
Beneficiary designation - Compulsory Motor Vehicle Insurance - Employers' Liability Insurance - Environmental Insurance.

#### **4. Method of Teaching**

This course will be taught either by way of two one-hour lectures or by way of one two-hour seminar, plus one one-hour enhancement session per week. Students will be notified of the teaching method to be adopted for the Semester in which they register to read the course during the first week of the Semester.

#### **5. Method of Assessment**

This course will be assessed by way of a two-hour final examination at the end of the semester in which it is taught. Students will be required to answer three questions, one of which may be a compulsory question, from a total of six questions.

### **LAW3450 Caribbean Environmental Law**

#### **1. General**

This is an optional course which will be taught in

the first or second Semester of the third year of the LL.B. degree programme.

#### **2. Course Objective**

The course is designed to examine the methods by which the law has sought to place limits on human activity having adverse impacts on the environment. In particular, the course explores the evolution from common law control to regulatory means established primarily by statute, with particular reference to environmental laws in force and decided cases in Commonwealth Caribbean countries.

#### **3. Course Content**

The topics to be covered in the course may include all or any of the following:-

- i. Introduction to Environmental Law
- ii. Constitutional Aspects
- iii. Regulation of Land Development
- iv. Environmental Impact Assessment
- v. Conservation of Natural Resources
- vi. Pollution Control
- vii. Protection of the Marine and Coastal Environment
- viii. Compliance, Enforcement and Environment Litigation
- ix. Alternative Approaches

#### **4. Method of Teaching**

This course will be taught by a combination of lectures and seminars. There will be one two-hour lecture and one-hour seminar each week, unless notified otherwise.

## 5. Method of Assessment

This course will be assessed by means of a coursework assignment, accounting for 33 1/3% of the final mark, and a two-hour final examination accounting for 66 2/3% of the final mark. In the final two-hour examination, students will be required to answer two questions out of a total of four.

## **LAW3460 International Environmental Law**

### 1. General

International Environmental Law is an optional course which will be taught in the first or second Semester of the third year of the LL.B. degree programme.

### 2. Course Objective

This course examines the evolution and content of International Law rules which limit human activity having adverse impacts on the global environment. An important objective is to highlight the relevance of international environmental law solutions to general international law problems.

International Environmental Law is complementary to LAW3450, Caribbean Environmental Law, but may be studied independently of that other option. The course presumes knowledge of Public International Law; familiarity with International Development and Economic Law and the International Law of Human Rights would be an advantage but is not required.

## 3. Course Content

The topics to be covered in the course may include any of the following:-

- i. The Development of International Environmental Policy and Law
- ii. State Responsibility for Pollution and Environmental Harm
  - customary international law and the prevention of environmental harm;
  - interstate claims;
  - enforcement through national law.
- iii. Marine pollution
- iv. Trans-boundary Movements of Hazardous Wastes
- v. Air Pollution
- vi. Protection of Endangered Species
- vii. Conservation of Marine Mammals
- viii. International Regulation of the Global Environment

## 4. Method of Teaching

This course will be taught by a combination of lectures, seminars and workshops. There will be either (i) a two hour weekly seminar and a one hour weekly or fortnightly lecture or (ii) a two hour weekly seminar and a one hour weekly or fortnightly workshop.

## 5. Method of Assessment

This course will be assessed in one of two ways. Either there will be a “take-home” semester assignment to account for 33 1/3% of the final mark and a two hour final examination to account for 66 2/3% of the final mark in which students will be required to answer two questions from a total of four; or there will be a two hour final examination to account for 100% of the

final mark in which students will be required to answer three questions selected from a total of six questions, one of which may be a compulsory question. Students will be advised of the selected method of assessment at the start of the semester in which the course is taught.

## **LAW3550 General Principles of Private International Law**

### **1. General**

This optional course will be taught in the first or second Semester of the third year of the LL.B. degree programme.

### **2. Course Objective**

The fundamental objective of this course is to provide students with an insight into the ways in which Caribbean courts deal with legal problems that are connected with foreign jurisdictions. The problems considered are drawn from those affecting private individuals as well as States acting in their private capacity. The course forms an essential basis for advanced work in all forms of transnational litigation.

### **3. Course Content**

Part I - Preliminary Topics

- i. Definition, nature and scope of private international law
- ii. Historical development and current theories
- iii. Classification and Renvoi
- iv. Exclusion of foreign law
- v. Domicile and residence

Part II - Procedure

- i. Substance and procedure
- ii. Proof of foreign law

Part III - Jurisdiction and Foreign Judgments

- i. Jurisdiction
- ii. Staying of proceedings and restraining foreign proceedings
- iii. Recognition and enforcement of foreign judgments
- iv. Enforcement of foreign arbitral awards

### **4. Method of Teaching**

This course will be taught by way of two one-hour lectures and a one-hour tutorial per week.

### **5. Method of Assessment**

This course will be assessed by a written final examination at the end of the semester in which it is taught.

## **LAW3560 Specialized Problems in Private International Law Litigation**

### **1. General**

This optional course will be taught in the first or second Semester of the third year of the LL.B. degree programme.

### **2. Course Objective**

This course builds upon the understanding of the General Principles of Private International Law. It examines the ways in which Caribbean courts deal with specific types of contractual and non-contractual litigation as well as family law disputes that are connected with foreign jurisdictions. An

overriding objective is to facilitate understanding of the implications of transnational litigation and globalization trends for the Caribbean society.

### **3. Course Content**

- i. Nature of Private International Law Litigation
- ii. Transnational Contracts
- iii. Multi-jurisdictional torts
- iv. Offshore investments
- v. Transnational Marriages and Matrimonial Causes
- vi. Polygamous Unions
- vii. Children

### **4. Method of Teaching**

This is a one-semester optional course. It will be taught by a combination of lectures, seminars and workshops.

### **5. Method of Assessment**

This course will be assessed by way of a written final examination at the end of the semester in which it is taught. Students will be required to answer three out of six questions. Students have the option of writing a term paper accounting for 33.3% of the final mark. In the event that the mark on the term paper is higher than the lowest mark obtained in the final examination, the mark for the term paper will be substituted for the examination mark.

## **LAW3620 Law of International Organizations**

### **1. General**

This course will be taught in either Semester I or Semester II of the Third Year of the LL.B. degree programme. It is an optional course but may be slated to be a prerequisite for other options. The completion of Public International Law I and Public International Law II would be an asset, but they are not prerequisites for this course.

### **2. Course Objective**

This course presents an overview of the role of international organizations in the maintenance of international peace and security and in the promotion of other world values including those associated with social, economic and political justice. An overriding objective of the course is to evaluate the extent to which such institutions can be seen as alternative to the state system rather than as extensions of it.

### **3. Course Content**

- i. Institutionalization of the World Structure - Historical Overview
- ii. Universal International Organizations
- iii. Regional Organizations
- iv. International Judicial Institutions
- v. Common Features of International Organizations
- vi. The Prospects for the Future: Restructuring the U.N.

### **4. Method of Teaching**

This course will be taught in two lectures and one

tutorial per week, each lecture and tutorial being of one hour's duration.

#### **5. Method of Assessment**

This course will be assessed by way of one essay assignment during the semester which will account for 30% of the final mark and one two-hour examination at the end of the semester accounting for 70% of the final mark. Students will be required to answer two questions selected from a total of four questions in the examination.

### **LAW3630 Caribbean Integration Law**

#### **1. General**

This course is an optional one taught in either Semester I or Semester II of the third year of the LL.B. programme. Public International Law 1 is a prerequisite for this course.

#### **2. Course Objective**

The general objective is to introduce students to forms of integration structures to enable the development of a jurisprudence which addresses Caribbean Community issues.

#### **3. Course Content**

- i. Introduction: Broad Issues and Legal Concepts
- ii. Historical Development of Regional Organisations
- iii. Caribbean: Community Organs, Rule-Making Processes and Enforcement
- iv. European: Community Organs, Rule-Making Processes and Enforcement

- v. Internal Relations
- vi. External Relations and Policies

#### **4. Method of Teaching**

This course will be taught by way of a combination of lectures and workshops for three hours per week.

#### **5. Method of Assessment**

This course will be assessed by way of one "take-home" written assignment during the Semester in which it is taught and one two hour examination at the end of the Semester in which it is taught. Students will be required to answer two questions selected from a total of four questions in the two hour examination. The "take-home" assignment will account for 30% of the final mark and the two hour examination 70% of the final mark.

### **LAW3640 Introduction to Offshore Law**

#### **1. General**

This optional course will be taught in the first and/or second Semester of the third year of the LL.B. degree programme.

#### **2. Course Objective**

The course aims to give an appreciation of the legal aspects of new, diverse and contemporary subject areas of offshore investment. It straddles several other legal disciplines such as the law of banking, fiscal law, the law of trusts and the conflict of laws. Still, the study is a unique and holistic subject in itself as several legal concepts

are innovative and distinct. Students taking this course should have a background in either revenue law, the law of trusts or the conflict of laws.

### **3. Course Content**

The areas to be covered are as follows:

- i. The Anatomy of Offshore Financial Structures, their Development and Rationale
- ii. The Nature of the Offshore Trust
- iii. Problems facing the Offshore Trust
- iv. Confidentiality and Disclosure Initiatives in Offshore Financial Regimes
- v. Offshore Vehicles for Tax Avoidance
- vi. Conflicts of Laws and Offshore Investment
- vii. The Captive Insurance Model
- viii. Ethical and Constitutional Issues in Offshore Investment
- ix. Developmental Issues and Offshore Investment

### **4. Method of Teaching**

The course will be taught by way of a combination of seminars, workshops and lectures for three hours per week.

### **5. Method of Assessment**

The course will be assessed in one of two ways, either by a 'take home' semester assignment in the form of a research paper or project to account for 25% of the final mark and a two hour final examination to account for 75% of the final mark in which students will be required to answer two questions from a total of four, or by a two hour

final examination to account for 100% of the final mark in which students will be required to answer two out of a minimum of four questions, one of which will be a compulsory question.

## **LAW3650 Competition Law in the CARICOM Single Market and Economy**

### **1. General**

This an optional course will be taught either in Semester I or Semester II of the third year of the LL.B. programme.

### **2. Course Objective**

The principal aim of the course is to introduce students to competition law and policy in the Caribbean region bearing in mind that it has either already influenced the CARICOM Single Market and Economy competition law or is likely to influence it, to provide students with a comparative perspective on the application and enforcement of competition law from a different jurisdiction.

### **3. Course Content**

- (i) Introduction:  
The Development of Competition Law in the Caribbean Region: The Concept of Sustainable Competition Law; Competition Law in Small Market Economies; Challenges for Competition Authorities in Small Economies.
- (ii) The Main Features of CSME Competition Law.
- (iii) Comparing and contrasting Article 30(i) of Chapter 8 of the Revised Treaty of



- Chaguaramas with Article 81 EC.  
(iv) Comparing and contrasting Article 30  
(j) (k) of Chapter 8 of the Revised Treaty of  
Chaguaramas with Article 82 EC.  
(v) Merger Control and the CSME.  
(vi) Enforcement of the CSME and EC  
Competition Law.  
(vii) The CSME Competition Law in the  
Context of World Trade.

#### **4. Method of Teaching**

This course will be taught by way of two hours of lectures and a one-hour seminar per week.

#### **5. Method of Assessment**

The course will be assessed by way of a two-hour written final examination at the end of the semester in which it is taught. Students will be required to answer two questions from a total of four questions.

## **LAW 3720 International Human Rights Law**

### **1. General**

This is an optional course which will be taught either in Semester I or in Semester II of the third year of the LL.B. programme.

### **2. Course Objective**

This course is designed to provide a comprehensive understanding of international human rights standards and of the international machinery of the United Nations, the Council of Europe, and the OAS for the implementing of these standards. It also examines the evolution of international human rights, the theoretical foundations of

the idea of human rights in various civilizations and cultures, and the meaning and relevance of international human rights law in dealing with major issues in the contemporary world.

### **3. Course Content**

Part I of course deals with the system of the United Nations for the protection and promotion of international human rights law. Part II of the course focuses on the rules, institutional structures and processes of regional systems for the protection and promotional of human rights, in particular in the European and Inter-American systems.

The following topics will be examined:

#### **PART I**

- i. The UN Charter and the International Protection of Human Rights;
- ii. Implementation and Standard Setting in Conventions sponsored by the United Nations
  - (a) The International Covenant on Civil and Political of Human Rights;
  - (b) The International Covenant on Economic, Social and Cultural Rights;
  - (c) The UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment;
  - (d) The UN Convention Relating to the Status of Refugees

## PART II

- i. The Inter-American Rights System
- ii. The European System of Human Rights

### 4. Method of Teaching

The course will be taught by way of two lectures and one tutorial per week throughout the semester. Each lecture will be of one-hour duration and the tutorial will also be of one-hour duration.

### 5. Assessment

This course is assessed by one “take home” assignment, which contributes 30% of the overall mark, and one two-hour examination at the end of the course, which contributes 70% of the overall mark. The “take home” assignment shall be submitted on or before noon on the Monday which falls three weeks before the end of semester in which the course is taught.

## **LAW3760 Intellectual Property**

### 1. General

This optional course will be taught in the first or second semester of the third year of the LL.B. degree programme.

### 2. Course Objective

The main objective of this course is to introduce students to the general principles of intellectual property law.

### 3. Course Content

The areas to be covered include:

- (i) The nature and objectives of intellectual property
- (ii) Copyright
- (iii) Trade Marks
- (iv) Patents
- (v) Confidential Information
- (vi) Designs

### 4. Method of Teaching

This course will be taught by way of two lectures and one tutorial per week, each lecture and tutorial being of one hour’s duration.

### 5. Method of Assessment

The course will be assessed by way of a two-hour written final examination at the end of the semester in which it is taught. Students will be required to answer three out of a total of six questions. The examination paper may be divided into two parts, with students being required to answer at least one question from each part of the paper.

## **LAW3840 Alternative Disputes Resolution**

### 1. General

This optional course will be taught in either the first or the second semester of Year III of the LL.B. degree programme.

## **2. Course Objective**

The course aims to enable students to appreciate the nature of Alternative Disputes Resolution (ADR); to examine particular applications of ADR techniques to public law issues; and to provide students with a comparison with court based dispute resolution to public law issues.

## **3. Course Content**

- i. ADR in Public Law, nature of court based dispute resolution, identification of ADR techniques, application of ADR techniques to public law issues
- ii. Dispute resolution: Tribunals, Ombudsman
- iii. Dispute avoidance: Circulars, Guidance and Extra Statutory Concessions
- iv. Combined techniques: Self-regulation and adjudication
- v. Assessment of the role of ADR in Public Law

## **4. Method of Teaching**

The course will be taught by way of two lectures and one tutorial per week. Each lecture and tutorial will be of one hour's duration.

## **5. Method of Assessment**

This course will be assessed by way of a two-hour written final examination accounting for 70% of the final mark and a draft of an ADR clause accounting for the other 30%, at the end of the semester in which it is taught. In the two-hour examination students will be required to answer three questions selected from a total of six questions.

## **LAW3850 Public Law Remedies**

### **1. General**

This course is an optional course taught in the first or second semester of the third year of the LL.B. degree programme. The prerequisite courses for this option are Constitutional Law and Administrative Law.

### **2. Course Objective**

The course is intended to expose the student to an area of law which has become increasingly important in recent years. In this regard the course will focus on specific Public Law Remedies as well as the recent development of the law and the need for reform in this area.

### **3. Course Content**

The areas to be covered in this course are:

- i. The historical context of Public Law Remedies
- ii. The Prerogative Remedies
- iii. The Civil Liability of the State
- iv. Public Law Remedies under Statute
- v. Public Law Remedies under Caribbean Constitutions
- vi. Procedures for Redress
- vii. The need for Reform

### **4. Method of Teaching**

This course will be taught by way of two lectures and one tutorial, each of one hour's duration, per week.

## 5. Method of Assessment

This course will be assessed by way of a two-hour written final examination at the end of the Semester in which it is taught. Students will be required to answer three questions selected from a total of six questions.

- iii. perspective on poverty - lawyer and client , policeman and citizen, literacy in the courts
- iv. perspective on poverty - child care, mental health, drugs, rastafarians as targets
- v. women in crisis
- vi. minor offences - vagrancy-type provision and prostitution

## **LAW3870 Poverty Law I and LAW3880 Poverty Law II**

### 1. General

The Poverty Law Programme will take place over the two Semesters of the academic year as LAW3870 and LAW3880. This is an optional programme in Part III of the LL.B. programme.

At the commencement of the Programme, students will be assigned to a professional mentor (a practising lawyer) or to Community Legal Services. The assignment may include court visits.

Weekly clinics will be held in which students (under supervision) will interview and assist underprivileged members of the public who have legal problems. Students will prepare reports following the interviews and offer recommendations for further action.

### 2. Course Objective

The programme is designed to promote an understanding of varied experiences and perspectives in the inter-relationship of law and social deprivation and of legal, ethical and social dilemmas in the context of poverty. It seeks to promote fundamental inquiries into the nature, function and suitability of laws in the context of poverty within the developing societies of the Commonwealth Caribbean.

During the Programme students will keep a journal of their experiences in class and clinics and of their own 'interior journey' of sensitisation to issues of deprivation and poverty

### **Semester Two - LAW3880 Poverty Law II**

The teaching component of the Programme will include the following:-

### 3. Course Content

#### **Semester One - LAW3870 Poverty Law I**

The teaching component of the Programme will include the following:-

- i. nature and causes of poverty
- ii. access to justice - legal aid

- i. consumer protection
- ii. welfare
- iii. divorce and maintenance
- iv. taxation and National Insurance
- v. redundancy and wrongful dismissal
- vi. ADR - the role of the Ombudsman and mediation

The clinics will continue. The journal will be kept. Students will produce a research paper of upwards

of 3 000 words which relates to some aspect of the Programme.

#### **4. Method of Teaching**

The academic component of the Programme will be taught through a two hour lecture/seminar each week. Further instruction will be given through the work of the clinics.

#### **5. Method of Assessment**

##### Poverty Law I

Students will be assessed through a two-hour written examination in which candidates will answer two from a total of six questions. This examination will carry 60% of the total marks awarded. The remaining 40% may be awarded after assessment of the journal (30%) and by continuous assessment of input to the Programme by the student (10%).

##### Poverty Law II

Students will be assessed through a two-hour written examination in which candidates will answer two from a total of six questions. This examination will carry 40% of the total marks awarded. A maximum of 30% of the total marks will be awarded after assessment of the research paper and 20% after assessment of the journal. The remaining 10% may be awarded by continuous assessment of input to the Programme by the student.

#### **6. Prerequisites**

Because of its complex administrative nature, admission to the Programme will normally

be limited to 20 students. These students are required to register for both Poverty Law I and Poverty Law II (the entire Programme). Students may not register for Poverty Law II unless they have completed Poverty Law I. Early registration is advised.



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