

**MODULE OPTIONS**

*for*

**Law Affiliate students**

2024/25



Note: this document is only for students enrolled in the Law Affiliate programme.

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**Introduction**

This document contains important information about the modules that will be available when you study on this programme.

In order to express a preference for optional modules, you must complete the University of Birmingham form that is sent to you, ranking your order of preference for the modules that are listed in this handbook.

**When choosing from this booklet you need to make sure that the respective module is running in the relevant semester. Affiliate students staying for one semester only are not allowed to choose modules that run over two semesters.**

In some circumstances it is not possible to accommodate all students on the module and we may have to place a cap on the number of students who enrolled. In such circumstances the students are randomly allocated until the numerical cap is reached.

If you have any queries about the process for expressing a preference for optional modules or about the content of a particular module, please email: lawoptions@contacts.bham.ac.uk. You can also seek further advice from the School’s Head of Global Engagement, Paul McConnell (p.j.mcconnell@bham.ac.uk).

As a Law Affiliate student, you will need to study at least 40 credits worth of Law modules if you are here for one semester, or 80 credits worth of Law modules if you are here for the full academic year. Please note you will not obtain any qualification at the end of your studies at the Law School, but you will be able to have your achieved credits recognized by your home university and counted towards your original degree programme.

**How to choose your modules**

The standard undergraduate Law programme takes 3 years to complete. The modules in this options booklet are marked accordingly as beginner, intermediate and advanced. Whilst beginner and intermediate modules provide you with foundational knowledge of the English and European legal system, advanced modules deal with more specific aspects of the law. You are generally advised to choose a mixture of modules. If you have no prior knowledge of English Law, choosing mostly advanced modules may place too heavy a burden on you. Please take this into consideration when selecting your modules.

Some intermediate and advanced modules build on prior knowledge of a specific area of law. Although there are no specific pre-requisite requirements, your module selection will be checked against your transcript to ensure it is suitable and you would be able to successfully complete your studies.

Furthermore, some modules are rather technical and have proved particularly problematic for exchange students in the past. These modules include but are not limited to Equity, Trusts, Wills & Formalities and Land Law. If you choose any of these modules, your transcript will be checked by the School’s Head of Global Engagement before confirming the allocation. Similarly, Company Law has proved difficult for some students in the past – please consider carefully before choosing this module.

If you are here for the whole academic year, in order to help you achieve the best possible outcome, the School will endeavour to ensure your credits are spread as evenly as possible throughout the year. This will either mean that you have a 60/60 credit split **or** 50/70, depending on the combination of year-long and semesterised modules that you choose. Please bear this in mind when choosing your options.

Lastly, it is your responsibility to make sure that your choice complies with the requirements of your home university – so if there are modules that need to be undertaken as part of your home programme you need to indicate this as your top choice(s), and indicate that they are compulsory on your form.

Matching preferences to places

We are not able to guarantee that you will be allocated the options you most want to study, but we shall endeavour to do so wherever possible. Please note:

1. some modules may have a “cap” placed on them limiting the total number of students able to register for them.
2. some timetable clashes are unavoidable. The School will do its best to minimise these, but sometimes not all combinations of preferred modules are feasible.
3. unpredictable events may require a module to be withdrawn at late notice.

Every year some students end up doing some modules they did not initially consider — and enjoying them. Birmingham Law School will do its best to match students with their preferred modules.

FULL LIST OF MODULES

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| **Title:** **Advanced Criminal Law****Semester:** 2**Level:** Advanced**Description**Advanced Criminal Law provides a theoretically engaged analysis of criminal offences and defences. We explore contextual questions around the purpose and legitimate limits of criminalisation, as well as complex offences relating to multi-party and inchoate/pre-emptive liability.     |
| **Assessment:**Take home exam (open-book)  |

**Title:**  **Criminal Evidence**
**Semester:** 2

**Level:**  Advanced
**Description**
This module explores the rules and principles that regulate the trial stage of the criminal process. The module examines the way the legal rules are constructed as well as a number of specific evidential rules will be examined, which may include: vulnerable witnesses, character evidence, hearsay evidence, confessions and improperly obtained evidence.

The module aims to develop key transferable skills as well as more traditional academic ones. In line with this, students will be partially assessed via a 10 mins recorded presentation.
presentation.

**Assessment:**

Two parts:
(a) 10-minute recorded presentation (30% of final grade)
(b) Take home exam - (open book) (70% of final grade)

**Title:** **Decolonising Legal Concepts**
**Semester:** 2

**Level:**  Beginner
**Description**Decolonising Legal Concepts critically examines key legal constructs in their social, economic, historical and political contexts. It will equip students to reflect critically on the way legacies of empire, inequality and oppression intersect with and continue to inform law’s subjects, objects, and its construction. The module will do this by examining, both theoretically and empirically, critical questions such as: Who/what is a person under the law? What is the public (interest/domain)? What is the United Kingdom and how did it come about? What is the nation state and how did it come about? What is the rule of law and how is it (if at all) distinct from or linked to domination? What is law enforcement and how is (if at all) distinct from or linked to illegitimate coercion? Students’ interrogation of these concepts will be concretised through historical and contemporary case studies.
As such, this module will complement students’ doctrinal learning, understanding, and use of legal concepts by providing them with the tools to recognise and reflect upon their social, economic, historical and political underpinnings.
 **Assessment:**1 x 3000-word essay (100% of final grade)

**Title: Equity, Trusts, Wills & Formalities**

**Semester:** 2

**Level:**  Advanced

**Description**

This module will cover the following main areas of study:

1. The nature of equity and the trust
- Historical introduction
- Equitable maxims
- Basic classifications of express trusts and trusts implied by law
2. (2) Classification and validity of trusts powers, gifts and interests under a will
- Capacity
- Validity and interpretation of requests/clauses in a will
- Identification of situations where a gift may fall
- How interests pass under a will on intestacy

(3) Charitable trusts
- To understand how “regulation” and “regulators” operate in conjunction with the common law
- Charitable heads
- Public benefit
- Operation of the Charity Commission

(4) Resulting trusts
- Theoretical basis
- Private purpose trusts
- Application in the Inland Revenue Cases
- Operation of the presumptions and equality considerations

(5) Constructive trusts
- Operation in the domestic familial context (interests in the cohabitation)
- Operation in the context of receipt of bribes and secret commissions

(6) Trustee’s powers and duties and breach of trust
-Dispositive powers under the Trustee Act (as distinct from powers of management/delegation)
- Duties of care
- Breach of duty, liability and defences
- Relation to fiduciary duties

**Assessment:**

Two parts:

a) Multiple choice test (30% of final grade)

b) 3000-word essay (70% of final grade)

**Title:** **Gender and the Law**
**Semester:** 2
**Level:**  Advanced
**Description**
Gender and the Law is a module about diverse and contemporary gender issues, studied within a legal and socio-legal framework but with an interdisciplinary twist. Gender is a socially constructed concept about what it means to be male and female. The purpose of this module is to examine, both theoretically and empirically, the relationship between gender and law. For example, to what extent are gender-based assumptions embedded within the law? How do gender essentialisms impact on perceptions of crime, perpetrators and victims? The first part of the module will be conceptual and theoretical. It will examine, inter alia, feminist legal theory, masculinities and the law, socio-legal perspectives on gender, the concept of gender essentialism and heteronormativity. The second part of the module will explore the operationalization of gender and the law in practice, through the in-depth exploration of selected themes.

**Assessment:**
1 x 3500-word essay (100% of final grade)

**Title:** **Global Law and Globalisation**
**Semester:** 2
**Level:** Beginner
**Description**
The module will explore and evaluate various conceptualisations of Global Law and will focus on a range of contemporary global legal issues.
In particular, the module will outline the concepts, sources, subjects, rights and events which shape and challenge existing understandings of International Law and/or processes of globalisation, and which can be said to constitute a new field of Global Law.

Topics covered include: i) the various theories and conceptualisations of “Global Law” advanced by various leading global legal theorists (i.e. Morag Goodwin, Boaventura de Sousa Santos, Eve Darian-Smith, Upendra Baxi, Neil Walker, and others);
ii) global legal history – colonialism and imperialism, classical theories of positivism and natural law, the origin of state sovereignty, the League of Nations, and the development of international law-making;
iii) different global actors (including individuals, corporations, the Global South/Third World, and global governance institutions);
iv) different global law events (e.g. independence, decolonisation, revolution, self-determination, crises, war)
v) prescient contemporary global issues – such as, the Global North-South gap, human rights and migration; international criminal law; gender, and armed conflict; transitional justice; media, war and global justice.
vi) a range of critical perspectives on global law (for example, Kantian cosmopolitanism, Marxism, Third World Approaches to International Law (TWAIL), Positivism, Natural Law Theory, Feminism).

The aim of this course is to introduce students to interdisciplinary approaches to Global and International Law and to develop critical legal thinking skills about global issues, events and developments. Students will apply critical theoretical frameworks to various case studies.

**Assessment:**
1 x 2500-word essay (100% of final grade)

**Title: International Criminal Law and Justice**
**Semester:** 2

**Level:** Advanced **Description**This course will deal with one of the most important, and controversial areas of contemporary international and criminal law, international crimes. Over recent decades, the subject has moved from being a largely-overlooked specialism to a major area of study, and of practical relevance. This course will cover both the institutions and substantive law applicable to international crimes to give a broad introduction to this fascinating area of study.

We will begin by investigating what is meant by international criminal law, what its sources are and some of the appropriate frameworks of analysis to take to international criminal law. We will then move on to what can be considered the birth of modern international criminal law; the Nuremberg and Tokyo International Military Tribunals after the Second World War. There has been a lot of criticism made of the Military Tribunals. The validity of these arguments as well as the IMTs’ contribution to the development of International Criminal Law will be explored. We will then look at more modern international criminal tribunals, taking in the International Criminal Tribunal for former Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR) before turning to the ‘Internationalised’ Tribunals in Sierra Leone and Cambodia, and the permanent International Criminal Court (ICC).

Having investigated the institutions we will turn to the substantive criminal law applied by the international criminal tribunals (and national courts prosecuting international crimes), As a result, the course will cover the law relating to genocide, crimes against humanity and war crimes, as well as the general principles of liability that apply to international crimes, and the defences applicable to them. We may also look at domestic prosecutions of international crimes and some of the alternative mechanisms for dealing with international crimes that have been used.

The magnitude and seriousness of the crimes under discussion during the module can be troubling, however the seek for appropriate legal accountability and principles of justice, peace and reconciliation run throughout our discussions.
 **Assessment:**Take home exam (open-book)

**Title:** **International Disputes and Dispute Resolution**
**Semester:** 2

**Level:** Advanced
**Description**This module explores the legal frameworks governing, and politico-legal concerns relating to, dispute resolution in both public and private international law. Students will be introduced to the different methods for resolving disputes between different types of actors at the transnational, regional and international levels. They will gain an understanding of international disputes, the options for resolving them, and how the nature of a dispute might inform decisions as to resolution mechanism used. The module will explore questions such as the legal and political factors relevant to selecting dispute resolution approaches, the choices available to parties, ‘forum shopping’, informal resolution structures (such as negotiation, conciliation, and mediation), arbitration, and international judicial adjudication.
 **Assessment:**1 x 3500-word essay (100% of final grade)

**Title:**  **Legal Issues in Health Care Law**
**Semester:** 2

**Level:**  Advanced
**Description**Doctors and patients are faced on a day-to-day basis with legal and ethical challenges and dilemmas from the GP's surgery, the outpatient department or in the operating theatre. English law regulates health care law questions from the beginning to the end of life. In the Legal Issues in Heath Care course some of these dilemmas – both every day and extraordinary – will be explored. Typical issues which will be considered will include: NHS resource allocation- when is it right to ration treatments? Informed consent, decision making capacity- who gives consent to treatment and when? Should reproductive technologies be regulated? Should English law recognise a right to an abortion? When can a patient demand a right to die and a right to live?
 **Assessment:**Take home exam (open-book)

**Title:** **Legal Solutions**
**Semester:** 2

**Level:**  Intermediate
**Description**Students will be presented with a selection of legal problems that legal service providers and associated services face in the real world and will be required to work in groups to research the associated issues and devise a ‘solution’ to one of those problems. Problems will be posed by a range of partners from commercial and service industries along with British and International NGOs and potentially academic colleagues on issues arising from or linked to their research. Projects will be curated to ensure they are appropriate to the particular degree programme.

It is anticipated that solutions proposed by students might encompass: use of technology (e.g., development of apps or use of websites); forms of public legal education and training; and development or re-engineering of systems and work models, etc. Students will be introduced to examples of such legal solutions and approaches to addressing them through the taught component of the module. They will be required to present their solution in a summative presentation and to reflect on the process.

**Assessment:**

Two parts: a) Presentation (70% of final grade)
 b) Group Reflection (30% of final grade)

**Title:**  **Private International Law**
**Semester:** **2
Level:** Advanced
**Description**
Private International law is the study of private relationships and disputes which have some form of international element to them. This may be because one of the parties is from another country to that of the other, or from that of certain events.

A basic example would be:

A is English, he travels on holiday to France where he purchases an expensive painting. Whilst on the way to the airport he is in a taxi which collides with a Lorry. He suffers personal injury and the painting is damaged. He has to have hospital treatment in France and further medical treatment and time off work back in England. When he has the damage to the painting assessed it turns out that it is a copy of the painting he thought he had purchased and is not worth anything at all.

Here there are a number of questions which need to be answered if A wants to bring any legal proceedings for what has happened to him. A needs to know the following things:

Which court will hear these disputes? Can he make legal claims in England or will he have to travel to France to make the claims?

Which law will that court apply to determine the claims? Is it automatically French law or might English law apply?

If the English court were to take jurisdiction of his claims and give judgment in his favour, would the French courts recognise the judgments and enforce them against the Defendants?

The three questions – Which court? Which law? Will my judgment be recognised and enforced?  - define the remit of this module and of Private International Law more generally. This course will look at each of these issues/topics in relation to claims in contract and tort, along with various sub questions which fall to be answered under each of them.

**Assessment:**
Take Home Exam (open-book)