



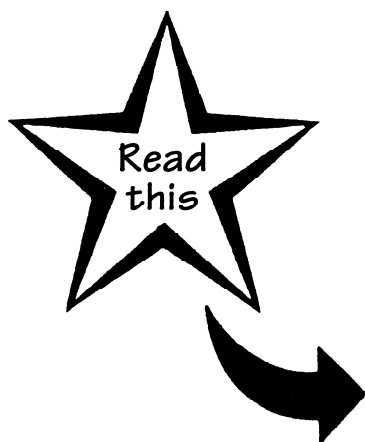
UNDERGRADUATE COURSE ADVICE 2008

This booklet contains the teaching staff's advice to continuing students about choosing papers for 2008. It is (believed to be!) accurate at the time of writing, though, of course, staff changes or other unforeseen events may disrupt our plans. If that happens we will let you know as soon as we can.

Contents		page
1	The Enrolment System	2
2	LLB Compulsories	4
3	Research and Writing	5
4	Double Degrees: requirements	6
5	Course Loads	10
6	Choosing your papers	11
7	About the papers	13
	Part A: Compulsory 30 point papers	14
	Part B: Optional 30 point papers	15
	Part C: Optional 15 point papers	18
	Part D: Summer School Papers	38
8	Schedule of papers	41
9	Lecture Timetable	43
10	Honours	44
11	Model course structures for double degrees	46
12	LLB Regulations	53
13	LLB(Hons) Regulations	54

*Cover: Alan Dove Photography
Graduation, May 2004.*

ENROLLING FOR LAW PAPERS



The University's enrolment system for 2008 will be the same as for 2007. In outline, 'registration' will be done by post, and will precede 'course approval'. Faculties and Departments differ a little in how they dovetail their own arrangements with the University system. **Please read this booklet carefully; it tells you how the Law Faculty operates the system, and it contains our advice on how to plan your course for next year.**

When thinking about your course, remember that you are not committed to the papers you put in your registration form when you come to enrol in February. You can change to other papers if they seem more appropriate then. However, to enrol in LAWS 464 — Advocacy, you do have to apply in advance (see the separate entry for this paper). If you have not done that but subsequently change your mind, keep an eye on the noticeboard in case there are any vacancies.

The course advice available to you from the teaching staff of the Law Faculty consists of:

- 1 this booklet
- 2 the general advice session on Friday 5 October
- 3 individual advice, which will be available when you come for course approval between 15 and 19 February.

1st step: study the enrolment information pack that will be posted to you by the Registry in September. That will give you the general picture and the rules.

2nd step: read this booklet. It contains our advice on putting courses together. It may contain all the advice that you need about choosing your papers. In addition you may want to attend our general advising session. This is meant primarily for second year students, but others are welcome to come along too. It will be held on a Friday afternoon, and will take the form of a general introduction by staff members, followed by questions.

Date: Friday 5 October: 1 pm Castle 1

3rd step: complete your registration form, and return it to the Registrar of the University by 20 December. You should wait until you have received your examination results before you return your registration form. The Registry will send you a form for Course Approval and an Account for Fees. The latter will be calculated from the papers which you have listed on your registration form.

4th step: send the Registry a cheque for your fees. You must do this by post before 10 February. If you change your course when you have got your course approved, your fees will be reassessed.

5th step: get Course Approval. Come to the 9th floor of the Richardson Building on February 15-19, and get your form signed by a Course Adviser or, if you need special permission for something, the Dean, Professor Mark Henaghan. If you need individual course advice, this is when you will get it.

We will not give Course Approval before the period February 15-19. The summer vacation is our time, when we are free to do our research uninterrupted.

However, if you have a **really pressing reason** for needing Course Approval earlier you may do so **by appointment only**, through the Faculty Administrator. More information about this option will be posted on our website: www.otago.ac.nz/law

Your reason must relate to something beyond your control; if you choose (for whatever reason) not to come between February 15-19, then you must come later rather than earlier.

6th step: take your signed form for Course Approval to the Castle Lecture Theatre Complex to complete the process. An additional fee will be charged if you submit your form after 19 February.

LLB COMPULSORIES

You need to have passed the four 200-level Law papers before going on to higher level Law papers. If you have not, you can go on to some 300- or 400-level Law papers, but only so long as you take all the missing 200-level Law papers at the same time.

Also compulsory: Torts and Jurisprudence. These are usually taken in the third year. If you are taking a combined degree and have a timetable problem, one or other of them may be postponed—but Torts, in particular, is useful for other papers and should be taken in the third year if you can possibly manage it.

We have three further compulsory elements in the LLB course:

- *Research and Writing Programme (LAWS 498)* (see page 5)
A programme of written research in conjunction with your 300- and 400- level papers. In addition you must complete a training programme. Although you can and should get started on this work in your third year, don't enrol formally until the year (or semester) in which you complete your LLB.
- *Advocacy Skills Programme (LAWS 499)*
You must take part in the mooting programme. This is usually held during the first semester. A staff member co-ordinates the mooting programme, and Moots are judged by local practitioners. This requirement is normally completed in your final year.
- *Requirement for Admission to the Legal Profession*
If you wish to be admitted as a lawyer, you must take Legal Ethics. You may take this in your third or in any subsequent year.

BEFORE YOU ARE ABLE TO GRADUATE YOU MUST . . .

- pass non-Law papers worth 108 points
- pass Legal System and the six other compulsory papers
- pass optional Law papers worth 210 points
- complete the Research and Writing programme
- complete the Advocacy Skills programme
- pass Legal Ethics (LAWS 463) if you wish to be admitted as a lawyer.

RESEARCH & WRITING

(LAWS 498)

For today's graduates research skills are not optional. Of course employers are interested in your degree—what you took and how well you did—but they are interested too in what are sometimes called 'generic skills'. Asked to rank those in order of importance, employers of Law graduates recently bracketed

- the skills to find and assess information, and
- written communication skills

top equal with 'conceptual and analytical skills' and 'a willingness to learn'. When asked more narrowly what they expect graduates to gain specifically from a Law degree, the employers ranked

- ability to find relevant legal materials

third equal with 'ability to apply legal knowledge/understanding to resolve practical problems'. Only 'capacity to analyse legal materials' and 'capacity to critically evaluate argument' ranked higher.

Unless you practise you will not pick up these skills. So we have designed LAWS 498, Research & Writing, to help.

In your second year you began the skills component of LAWS 498 when you attended the three Legal Writing Workshops. We continue this process with the Legal Research Skills Programme in your third year of law. This programme is designed to be taken in conjunction with the Law of Torts and consists of a guide, exercises and compulsory sessions in library research and in computer-assisted research. **Satisfactory completion of the Legal Research Skills Programme is a compulsory element of LAWS 498.**

In order to graduate you must also complete to a satisfactory standard at least *five* pieces of legal research and writing while enrolled in 300- and 400-level papers at Otago. This is a minimum requirement; it is expected that many students will do more. Nearly all written work counting as internal assessment for individual papers also counts towards the Research & Writing requirement.

You may *not* complete Research & Writing while enrolled at another university COP for Otago, nor when not currently enrolled in a 300- or 400- level paper for the LLB.

DOUBLE DEGREES

1 BA/LLB

The minimum number of points you will need to complete a BA/LLB is 714. This maximises the 180 point cross-credit provision for a combined three and four year degree ($534 + 360 - 180 = 714$). So:

You will need for your LLB:

- 108 non-Law points (Arts)
- 216 points from the compulsory papers
- 210 points from optional papers
- completion of the Research and Writing Programme
- completion of the Advocacy Skills Programme

In addition to the above you will need 180 points to complete your BA degree:

- 54 points at 200-level
- 72 points at 300-level
- 54 points at 100-level or higher (18 of these may be non-Arts)

This programme will usually take you five years to complete, with an annual course load of 150-165 points in your third, fourth and fifth years.

You will find model BA/LLB courses on pages 46 and 47, along with a diagram outlining the structure of the double degree on page 48.

2 BA(Hons)/LLB

A combined BA(Hons)/LLB programme is normally completed in six years. You have to satisfy the regulations for both the LLB and the BA(Hons) degrees. Usually students will take 108 Arts points at 100-level and the Legal System in first year, second year Law in the second year and a combination of BA(Hons) papers and LLB papers in the third and fourth years. The fifth year is devoted entirely to the final year requirements of the BA(Hons). In the sixth year the outstanding Law papers, 135 or 150 Law points are completed. See page 9 for an example of how this double degree might be structured.

Sometimes with the agreement of the relevant Arts department, the Law degree is completed first, that is at the end of the fifth year. In those circumstances the BA(Hons) is completed in the sixth year.

3 BA(Hons)/LLB(Hons)

It is possible to complete a combined BA(Hons)/LLB(Hons) programme in six years. The structure of the programme is similar to that for the BA(Hons)/LLB, except that a slightly heavier load of Law papers may be taken in the third or fourth years in order to make room for the LLB(Hons) final research paper in the final year of Law studies.

4 BSc/LLB

This is a popular combination. The basic structure is the same as the BA/LLB although the BSc papers tend to vary a lot more in the points value of papers at each level.

If you need help with enrolment for BSc/LLB please see the Faculty Administrator or Professor Nicola Peart.

5 BCom/LLB

The minimum number of points you will need to complete a BCom/LLB is 714. This maximises the 180 point cross-credit provision for a combined three and four year degree ($534+360 - 180 = 714$). So:

You will need for your LLB:

- 108 non-Law points (at least 30 points must be Commerce points)
- 216 Points from the compulsory papers
- 15 points from Company Law*
- 195 points from the optional papers
- Completion of the Research & Writing Programme
- Completion of the Advocacy Skills Programme

In addition to the above you will need 150 points to complete your BCom:

- 54 points at 200-level
- 72 points at 300-level
- 54 points at 100-level or above (all of these could be non-Commerce)

The programme will usually take you five years to complete, with an annual course load of 150–165 points in your third, fourth and fifth years.

You will find model BCom/LLB courses on pages 49 and 50 along with a diagram outlining the structure of the double degree on page 51.

* Company Law is not compulsory but if you have not done the Business Law papers for Commerce you should include it as, along with Property Law and Law of Contract, it completes the Business Law requirements for the Professional Examination in Accountancy. Please check your BCom requirements with the Administrative Assistant, School of Business.

6 BCom(Hons)/LLB

It is possible to complete a combined BCom(Hons)/LLB programme in six years. You have to satisfy the regulations for both the LLB and for the BCom(Hons) degrees. Commerce honours papers and Law papers are combined in third and fourth year, with students normally taking 135-180 Law points in each year. For example, in third year you would take second year BCom honours and in addition take Jurisprudence and Law of Torts. The fifth year is devoted entirely to the final year requirements of the BCom(Hons). In the sixth year the outstanding Law papers are completed.

7 BCom(Hons)/LLB(Hons)

It is possible to complete a combined BCom(Hons)/LLB(Hons) programme in six years. The structure of the programme is similar to that for the BCom(Hons)/LLB, except that a slightly heavier load of Law papers may be taken in the third or fourth years in order to make room for the LLB(Hons) final research paper in the final year.

8 All students enrolled for an Honours course outside Law, plus the LLB or LLB(Hons), must see one of the special course advisers or the Dean.

BA(Hons)/LLB or LLB(Hons) - Example

Year	BA(Hons)	Cross Credits	LLB
1	At least 126 points to determine eligibility for entry	144 or 126 or 108	LAWS 101 + 108 non-Law points
2			2nd Year Law LAWS 201, 202, 203 and 204
3	2nd Year Honours 3 or 4 additional papers (54 pts of 200-level Law)	54 or 36	A minimum of 54 pts and preferably: LAWS 301 Law of Torts LAWS 302 Jurisprudence Double Honours students may be permitted to take more papers.
4	3rd Year Honours		45 pts maximum from Schedule of Law papers Double Honours students may be permitted to take more papers.
5	4th Year Honours		
6		30	Completion of LLB: 30 points cross-credited from BA(Hons) 2nd year to be substituted for 30 optional Law points 135 optional Law points LAWS 498 and 499 LAWS 490 for LLB(Hons)
		228	(Maximum cross credits allowed = 234)

COURSE LOADS

The rules:

The University has tightened up on course loads. It regards a 'normal' course load as being about 126 points, or 144 for an Honours degree. Any load exceeding 162 points needs special approval. If a double degree is involved two special approvals are needed, one from each of the Pro Vice-Chancellors concerned, or their nominees.

The practice:

if you are taking just the LLB:

after your second year you will not normally be allowed to enrol for more than 150 points in a year. If you gained all the required 108 non-Law points in your first year it might be advisable to spread your remaining work evenly over your two remaining years. So in your third year you would take Torts and Jurisprudence plus optional papers worth 75 points, leaving 135 points for your fourth year.

if you are taking a double degree:

to fit the degrees into five years you will need to take 150-165 points in each of your third, fourth and fifth years. The Dean has delegated authority from the Pro Vice-Chancellor (Humanities) to approve heavy loads, and will usually give permission for 165 points, and may exceed that in special cases. But you will also need special approval from someone else, usually the Divisional Administrator of the Division responsible for your other degree.

if you are completing your degrees in 2008:

the Dean will give permission for a load of 165 points to complete, though if you are taking a double degree you will also need permission from the Divisional Administrator of the Division responsible for your other degree. Higher loads may sometimes be approved, but only if there are special reasons and if your previous academic performance warrants it.

if you are an LLB Honours student:

you will usually be allowed a load of 180 points in your final year. If you anticipate difficulty fitting this degree in with another you should see the advisor to LLB(Hons) students.

!Be warned: careful planning of double degrees is necessary. Take some time now to map out the loads for all your remaining years, not just next year. Students transferring into LLB(Hons) after their third year (or equivalent) need particularly careful advice.

CHOOSING YOUR PAPERS

Advising you how to choose your papers is a hopeless business. If we thought that some papers were so important that everybody must do them we would have made them compulsory. If we thought a paper not worth doing we would not be offering it. It really is over to you to put together a package that suits you. To guide you in this process, we encourage you to make a time to see Barry Allan, our Third and Fourth Year Co-ordinator.

Basic propositions:

- Third year students should normally take both Torts and Jurisprudence. It is not essential; but you should have a good reason if you decide not to.
- You cannot enrol for a paper for which you do not have the necessary prerequisite or corequisite papers. The course description for each paper tells you what these are (so do the Handbook and the Calendar).
- You may have to take Legal Ethics now or in a later year; see page 4.
- Because it is difficult for you to accurately predict if you will ever practise in any form of litigation, where a knowledge of the law of evidence is **essential**, the Otago District Law Society has made a special recommendation that you take the Evidence course (*LAWS 314*) as part of your degree.
- You should enrol in Advocacy Skills (*LAWS 499* – the Mooting Programme) in your final year unless you envisage the possibility of your transferring to a Law Faculty at another University.

Choosing optional subjects:

- what interests you most?
papers building on others that you liked
papers linking with ones you have enjoyed as part of another degree
papers linking with particular interests
- what skills do you want to acquire or develop?
consider the Research & Writing opportunities; seminar/workshop work; oral presentations; negotiation exercises.
- what might you do best at?
papers with a high or low internal assessment component, suiting your strengths
papers taught by someone to whom you relate well
papers taught intensively—provided that you are willing to do the work!
- ‘I may never have another chance to study this ...’
- availability?
check whether this booklet says that the paper may not be available in a subsequent year (because of staff leave, for example)

Next: balance your workload. Think about the distribution of papers between semesters (and about the timetable for any other degree that you are studying for at the same time). If you are in your second year, think about the distribution of papers between your subsequent years. Are there some papers best left until your final year? Are there things you would like to get over quickly? How much leeway do you want to leave for changes of mind in subsequent years? Balance full and half year papers too: fill up your third year with full year papers, and you may struggle with too many half year papers later.

Going into the Third Year?

Torts & Jurisprudence ... and what?

Have you already picked up all the 108 non-Law points you need for your LLB? If not, this would be a good time to make up the shortfall.

Credits for Non-Law Papers

- If you have 'spare' non-Law papers (200 level or above), you can use them up in this way (up to a maximum of 30 Law points). But you must make sure that they really are spare. You cannot normally credit non-Law points to a Law degree if they are already being credited to another degree.
- If you have completed a degree prior to starting your LLB
- If you are enrolled in a 4 year degree (eg BA(Hons), BSC(Hons), BCom(Hons) etc)

You must check with the Faculty Administrator that your proposed substitution falls within the rules. If it does, Registry will be notified so that it can be recorded on your academic record. And you must nominate the paper(s) to be substituted.

CHOOSING FOR USEFULNESS

If you hope to become a practising lawyer you are likely to include some papers in your degree because you think that they will increase your chances of employment by a law firm, or because you want to prepare yourself for the reality of practising law. Here you meet a problem: law firms are inclined to think that their specialities are essential, but that other law firms' are not. So commercial law specialists usually say that you should have Company Law plus other subjects such as Banking Law, Securities Regulation, Intellectual Property, Competition Law, Commercial Transactions, Secured Transactions, Creditors' Remedies, Taxation and others—not necessarily all of them of course, but usually Company Law plus two or three others. Litigation specialists put similar weight on Evidence and, perhaps, Civil Procedure or Sentencing. Small firms with a general practice might look for Family Law, Labour Law and Wills and Trusts perhaps. You could aim for a balance, of course.

Don't overlook the skills you can and should be acquiring: the 'knowledge' gained from particular papers is only part of the story. Think about the Research & Writing component. If you do only the minimum, and choose only the shortest exercises, will you be able to present yourself as an accomplished legal researcher with good writing skills? If you choose only big classes where you hope not to participate in discussion, will you acquire the verbal skills needed to explain a difficult legal point to a client or to engage in argument with an opposing lawyer?

ABOUT THE PAPERS

We include in this section a note on the two compulsory papers, Torts and Jurisprudence, and a description of each of the optional Law papers available in 2008. Papers at 300-level are taught over the whole year and are worth 30 points each; papers at 400-level are single semester papers worth 15 points each. After second year you may take any of these papers, subject to any special prerequisites they may have. Each entry lists the prerequisites and corequisites, the internal assessment requirements, the staff members responsible for the paper and the lecture times in 2008. It also contains a description of the paper, written by one of the staff who teach it.

Of the papers listed, most are the same as they were in 2007. However the following papers will not be available in 2008: **Advanced Intellectual Property, Advanced Family Property, Banking Law, Crime and Property, Information & Data Protection, International Human Rights Law, Legal Theory, Sentencing, Treaty of Waitangi.**

The following papers return after a break: **Advanced Company Law, Advanced Criminal Law, Law & Society, Legislation, Legal History and Restitution.**

There is a NEW PAPER: Commercial Equity

We remind you that for those who intend to be admitted as lawyers, Legal Ethics is compulsory.

Summer School papers will vary from year to year.

! **Beware:** not all the papers available in 2008 will necessarily be available in 2009. It is anticipated that in future **Legal Theory** and **Law & Society** will be offered in alternate years. **Advanced Intellectual Property, Advanced Family Property, Banking Law, Crime and Property, International Human Rights Law, Legal Theory, Sentencing and Treaty of Waitangi** are expected to return in 2009. **Criminal Justice** will not be offered in 2009. There will doubtless be other changes, dictated by availability of staff, but they cannot yet be foreseen.

Papers taught in one semester in 2008 may be taught in the other semester in 2009, and at a different time.

PART A
Compulsory Papers worth 30 points each, taught over the full year

LAW OF TORTS

(LAWS 301)

Barry Allan , John Smillie and Judith Ferguson

Tuesday and Thursday 10.00 am

Analysis of the various heads of tortious liability including negligence, nuisance, trespass, defamation and the implications of the Accident Compensation scheme.

Internal Assessment: optional research paper counting for 20% of the final mark.

JURISPRUDENCE

(LAWS 302)

Michael Robertson, John Dawson

Wednesday and Friday 11.00 am

Jurisprudence has been described as “the most fundamental, general, and theoretical plane of analysis of the social phenomenon called law”.

Jurisprudence considers questions like these: What is law? Is it a system of rules? What is the relationship between law and morality? Is it ever justified to break the law? Is the law capable of being objective and neutral, or will it always be biased in favour of the dominant groups in society? How does law differ from politics? What is the appropriate and actual role of the judge? What is the role of discretion in judging? Does law progress? Can law be made a science? Is there a distinct form of legal reasoning? Is law an autonomous discipline?

In the first semester we will consider the responses of HLA Hart and Ronald Dworkin and the Legal Realists to some of these questions. In the second semester we will look at the contrasting responses of critical jurisprudence.

Assessment will be by two examinations — one in the Semester 1 worth 50% and another in Semester 2 worth 50%. There is also the option of writing a research paper of 2,500 words worth 25% of the final grade.

PART B
Optional Papers worth 30 points each, taught over the full year

ADVANCED PUBLIC LAW
(LAWS 304)

Stuart Anderson

Tuesday 2.00 - 3.50 pm

The emphasis in this paper is on judicial review, building on the introduction you had in Public Law. Since almost any area of public life can be subject to a review, contexts vary widely, from applications against Ministers to contractors for health services, schools, parole boards, welfare agencies, city councils, lower courts (especially in the area of criminal procedure), the list seems endless. You will get to understand how the law works today, and become familiar with the interplay between legal principle, statutory setting, and the wider political and policy contexts within which value choices have to be made.

The paper looks also at remedies ancillary to judicial review, particularly at damages and habeas corpus, and at rights and remedies available under the Official Information Act. The remainder of the paper examines other processes for the control of public power. These vary from year to year, but have included looking at the use of parliamentary processes (notably select committees), Offices of Parliament and at other complaints mechanisms modelled loosely on the Ombudsman.

Though I often give introductory overviews, and lecture a little on the more difficult topics, the emphasis is usually on group discussion. There is a lot to be read.

Prerequisite: Public Law

Internal Assessment: 50%, made up as follows:

- a) an opinion of up to 3,000 words, for 25% (deadline late August). (This counts as 1 piece of research for Laws 498.)
- b) two shorter assignments together counting for 25%; usually a topic will be set each week, and students may attempt as many as they like, with the best two counting. (Together count as 1 piece of research for Laws 498.)

The final examination, which is 'open book', accounts for the remaining 50%.

FAMILY LAW
(LAWS 311)

Mark Henaghan

Tuesday and Thursday 11.00 am

Family law is a central part of the general practice of law. All lawyers should have a general knowledge of family law, both for their professional and personal life. There are also a growing number of lawyers who become specialists in family law.

The course is taught at two levels—a practical and policy analysis of family law in New Zealand. There is analysis of and practise at the processes and procedures of family law (eg counselling, mediation, negotiation, court hearing). There is also detailed analysis of and practise at the main areas of family law—custody / access, guardianship, marriage, same sex relationships, separation, dissolution, violence in the home, maintenance, child support, relationship property, child abuse, property and welfare of incompetent persons, adoption

and new birth technologies. A number of perspectives on family law are explored—these include children’s rights, feminist points of view, Māori aspirations, cultural differences, Christian perspectives, fathers’ rights and social science inputs.

The goal of the course is that by the end students should be able to handle complex family law problems on behalf of a client in a confident and effective manner. They should also be able to understand and analyse the policy choices which family law has been built on.

Internal Assessment: compulsory practical file for client—50% of final mark; optional project—20% of final mark.

INTERNATIONAL LAW (LAWS 312)

Kevin Dawkins

Wednesday and Friday 10.00 am

The course examines the rules of customary and treaty law that govern the international relations of states and international organisations. The introductory parts deal with the nature and sources of international law and the relationship between international law and national law. The remaining parts focus on particular areas of international law applicable to recent and contemporary issues and events. These include the use of force (the allied intervention in Iraq), terrorism (the response to the attacks of 11 September 2001), self-determination and secession (Chechnya), the use of nuclear weapons (the 1996 Advisory Opinion of the International Court of Justice), and individual accountability for violations of international humanitarian law (the Pinochet cases; Congo v Belgium; the International Criminal Tribunals for the Former Yugoslavia and Rwanda; the Special Court for Sierra Leone; the International Criminal Court).

Internal Assessment: optional written opinion of up to 2,500 words, counting for 25% of final mark.

Examination is ‘open book’.

LAW OF EVIDENCE (LAWS 314)

**Donna Buckingham, Richard Mahoney
& Stephen Smith**

Monday and Wednesday 9.00 am

In general, New Zealand Courts follow the adversarial style of litigation. Proof of the facts in issue (the evidence needed to establish or defend a civil claim or to prove or raise a defence to a criminal charge) is brought to the court by the parties concerned.

The Law of Evidence sets out the set of rules and principles which govern whether particular proof of a fact will be rejected or admitted as evidence. Often therefore this means that the rules are largely concerned with stating what is not admissible evidence, followed by limited restorative exceptions.

It has been said by a famous writer that in 9 out of 10 cases an advocate can say that a piece of proposed evidence should not be admitted, but is frequently at a loss to say why that is so. The Law of Evidence supplies the ‘why’. It is therefore crucial to any student who is

contemplating appearing as counsel in any form of litigation.

Because it is difficult for students to accurately predict if they will ever practise in any form of litigation, where a knowledge of the law of evidence is **essential**, the Otago District Law Society has made a special recommendation that students take the evidence course as part of their degree.

Internal Assessment: optional research paper of up to 1,500 words, counting for 10% of final mark.

Examination is 'open book'.

RESOURCE MANAGEMENT LAW

(LAWS 315)

Ceri Warnock

Tuesday and Thursday 9.00 am

Content: This course considers the management of New Zealand's natural and physical resources. It is a full year course, which focuses on the Resource Management Act 1991 (the RMA). The course addresses the purpose and principles of the RMA; general duties concerning resources and activities; the planning functions of central and local government; the role of the Environment Court; the grant of resource consents; the treatment of existing uses; the designation of resources for utilities and works and the enforcement procedures of the RMA. The interplay between the RMA and other statutes governing natural resources is addressed. To conceptualise the theory, specific topical resource management issues are considered.

Who should take Resource Management Law? There are no prerequisites. Knowledge of Resource Management Law is relevant to many areas of legal practice. Those students undertaking joint degrees in economics, geography or the biological sciences may find the course of particular interest.

Course materials: Students should have a copy of the RMA. The relevant authorities are contained in the course materials.

Internal Assessment: There is an optional 'take home' opinion that counts as 20% of the final mark. The opinion may count towards the research and writing requirements of the LLB.

Examination is 'closed book' although candidates are permitted to take a copy of the RMA into the exam.

PART C
Optional Papers worth 15 points each, taught in a single semester

ADVANCED COMPANY LAW
(LAWS 468)

Struan Scott

Second semester
Tuesday and Thursday 9:00 am

As its name suggests, this paper builds upon and expands the material covered in the Company Law paper (Laws 407). In this paper a selection of topics involving such areas as company formation; the powers, duties and liabilities of directors; and shareholder rights and remedies will be considered.

The method of instruction will be a combination of lectures, workshops and small group seminar discussion. The seminars are presented by one or more students using designated materials. The scheduled time for Advanced Company Law is 9.00 am Tuesdays and Thursdays but, to accommodate the seminars and with the agreement of members of the class, one of the scheduled classes may be replaced with one at another time.

Prerequisites: Company Law

Internal Assessment:

- a) compulsory class participation—i.e., presentation of material at one seminar and a commentary on another student's presentation—may count for a third of the final mark.
- b) optional research essay not exceeding 2,500 words in length may count for a third of the final mark.

The final mark will be based on the best three of each of the examination answers, the class participation and the essay (if one has been submitted).

Terms requirements: fulfilling the roles of Presenter, Commentator and Scribe.

Examination is 'open book'.

ADVANCED CRIMINAL LAW
(LAWS 430)

Richard Mahoney

First Semester
Monday and Wednesday 12.00 noon

- 1 Procedure/Double jeopardy
- 2 Drunk Driving
- 3 Drugs
- 4 Consent in cases of sexual violation

Prerequisite: Criminal Law

Internal Assessment: optional paper of up to 1,500 words, counting for 20% of final mark.

Examination is 'open-book'.

ADVOCACY

(LAWS 464)

Len Andersen

First semester OR Second semester
Friday 1.00 - 2.50 pm

This course is designed for final year students. Its purpose is to teach practical skills of advocacy so that when the student practises in the Court it can be done with a knowledge of the basics and an appreciation of what is required to perform successfully. The class size is limited to 12 students and the majority of the course work is practical and recorded on video tape. The subjects covered include mitigation pleas, theory of the case, examination, cross examination, conduct in court and appeals.

Prerequisite: Law of Evidence. Students will find it helpful to have passed Sentencing.

Assessment: compulsory varied internal assessment, counting for 50% of final mark. The examination consists of being counsel in a trial. Students have the opportunity to indicate whether they would prefer a criminal, civil or employment dispute trial.

Special conditions: course entry is restricted and by application. **Applications for the course close on 1 December for Semester 1 and 23 May for Semester 2.** If there are more than 12 final year applicants the class size will be limited by giving entry to the students with the best mark in Law of Evidence. You should make your application to the Faculty Administrator.

BILLS OF RIGHTS: THEORY AND PRACTICE

(Dean's Special Topic 11: LAWS 482)

Andrew Geddis

Second semester
Tuesday and Thursday 1.00 pm

Recent years have seen something of a "rights explosion" take place around the globe, with a number of different countries incorporating "human rights instruments" into their national legal order. New Zealand has participated in this development through the enactment of the *New Zealand Bill of Rights Act 1990* (NZBORA). This course examines some issues that flow from this decision.

1. What is the purpose of adopting such a "human rights instrument"? What is it designed to do? What potential benefits does it promise, and what potential problems may it create?
2. How does the form and design of New Zealand's chosen rights instrument, the NZBORA, compare with those adopted in countries with similar legal and governmental traditions: specifically, Canada, the United Kingdom and Australia? What effects have these various rights instruments had on the law-making processes in those various countries?
3. How does the NZBORA actually operate in the New Zealand context? What impact does it have on: (i) the legislative process; and (ii) the judicial process?

The purpose of this course is to examine both the theoretical underpinnings of the NZBORA and its equivalents in other countries, as well as to understand how it has affected the framework of lawmaking and judicial decision making. While there are no mandatory pre- or co-requisites for taking the course, background knowledge of Public Law will be assumed, and a general familiarity with jurisprudence and/or political theory would assist.

Assessment: To be negotiated with the class.

Examination: To be negotiated with the class.

CIVIL LIBERTIES

(LAWS 405)

Selene Mize

**First semester
Monday and Wednesday 1.00 pm**

This course is aimed at familiarising students with selected theories on the source and nature of civil liberties, and with laws and applications which affect civil liberties, such as employment discrimination, sexual harassment, and privacy. Other topics which may be included are protest, dwarf tossing, fluoridation of public water, corporal punishment, smacking, smoking restrictions, pornography, school students' rights, affirmative action, the death penalty, innovative punishments, sex and religious education in schools, young people's access to contraceptives, public nudity, and religious practices. Class time will be devoted to lecture, class discussion, and student presentations.

The aims of this course are for students to improve fluency and confidence in speaking; if opting for the research paper, to improve the quality of their research skills and their written expression; to develop or further an appreciation of the desirability of diversity and the importance of inclusive policies; to canvas a range of civil liberties issues, selected on the basis of current events, lecturer interest and student interest; to develop their own views, and an awareness of and sensitivity to the views of others, on civil liberties issues; and to improve their ability to articulate and justify various ideas and arguments.

By the end of this course, students should be able to discuss several approaches to civil liberties; be able to identify potential civil liberties issues in laws and their application; be able to apply the law covered in the course to a given set of facts; and be able to argue persuasively the advantages and disadvantages of a law or a proposed change in the law which impacts on civil liberties.

Assessment: class discussion is an important part of the course and may affect marks in exceptional cases. There will be an optional mid-semester exam and a compulsory group project. This will be discussed with students the first week of class. There will be an 'open book' final exam requiring students to state the relevant law correctly and apply it to a given set of facts.

Students can undertake an optional research paper.

CIVIL PROCEDURE

(LAWS 406)

Barry Allan and Donna Buckingham

**Second semester
Monday and Thursday 3:00 pm**

The theories of why we have courts and what we expect from their procedural rules is an important element of this course. The focus is at all times on the practical application of the Rules, in light of their theoretical underpinning. So you will be creating statements of claim, a statement of defence and making various interlocutory applications.

While not a formal pre-requisite, it would be useful if you have previously studied the Law of Torts.

Assessment: There are 8 tasks set for the paper: all are required but you can be excused from two. In the final teaching week, you will need to prepare and orally argue an interlocutory application. This is compulsory. You will be working in teams of two for all tasks. There is no examination.

There is an **optional** research and writing essay, with 20% and due in early October.

COMMERCIAL EQUITY

(LAWS 473)

Jessica Palmer

First semester
Monday and Wednesday 2.00pm

This course considers how equitable doctrines and principles affect commercial activities. The course will cover:

- features of the courts' equitable jurisdiction
 - fiduciary law in joint ventures and contracts
 - commercial uses of trusts
 - third party assistant liability
 - unconscionability
 - equitable remedies
-

Prerequisite: Law of Contract, Property Law

Internal Assessment: optional research essay / case comment of up to 3,000 words, counting for 30% of final mark. Plussage applies.

Examination is open book.

COMMERCIAL TRANSACTIONS

(LAWS 436)

Jessica Palmer

Second semester
Monday and Wednesday 2.00pm

This course provides a detailed analysis of sales law and consumer protection with particular emphasis on defective products. The following topics are covered: commercial sales law (Sale of Goods Act 1908); consumer sale law (Consumer Guarantees Act 1993); deceptive trade practices (Fair Trading Act 1986) and international sales law (the Vienna Convention).

Prerequisite: Law of Contract

Internal Assessment: optional research essay / case comment of up to 3,000 words, counting for 30% of final mark. Plussage applies.

Examination is open book.

COMPANY LAW (LAWS 407)

Shelley Griffiths

First Semester
Tuesday and Thursday 4.00pm

An introduction to the basic concepts of company law

Internal Assessment: an optional group research assignment not exceeding 2,500 words. The assignment is worth potentially 25% of the final mark (plussage applies).

Except for those students enrolled in Laws 380 (Preliminary Honours) (and not also enrolled in Laws 490 (Final Honours Research Paper)), the assignment is a **group research assignment** to be completed by students working in groups of three. Students can choose the membership of their own group.

Students enrolled in Laws 380 may chose either to be involved in the group research assignment or alternatively to undertake an individual assignment.

Examination is 'open book'.

COMPETITION LAW (LAWS 437)

Rex Ahdar

First semester
Monday and Wednesday 2.00 pm

Competition Law (also called "Antitrust Law") is concerned with efforts by traders to restrict competition at the expense of rivals, consumers and society at large. The law in this field is found in the Commerce Act 1986 as amplified by decisions of the Commerce Commission and the Courts.

This course examines the economic effects and legality of anticompetitive practices such as price fixing, group boycotts, resale price maintenance, exclusive dealing and tying, and monopolisation. Mergers will also be covered, as will the exemption or 'authorisation' process.

Economics plays a significant role in this course but is confined to an elementary level. Material on the basics of antitrust economics is included at the beginning of the course.

Internal Assessment: optional research essay/case comment of up to 3,000 words, counting for 30% of final mark. Plussage does not apply.

Examination is 'closed book'.

CONFLICT OF LAWS

(LAWS 409)

Giora Shapira

**First semester
Monday 10.00 – 11.50**

Conflict of law is about cross-boundary transactions. In a shrinking world, many transactions happen in more than one State. Shipping, international trade insurance, travel and communication are areas where national boundaries are likely to be crossed. A transaction, or an event with legal consequences, may start in one State, continue in another and end in yet another. Such situations require a different approach from that applying to purely New Zealand transactions.

Conflict of Laws (also called Private International Law) deals with transactions involving foreign elements. It is divided into three main parts:

- Jurisdiction of the New Zealand courts
- The choice of law process
- Enforcement of foreign judgments

Jurisdiction—What jurisdiction do the New Zealand Courts have over foreign defendants, and transactions.

Choice of Law—The process by which a New Zealand court will choose what law to apply to a transaction involving foreign elements.

For example—A in New Zealand orders by fax goods from B in Australia. The goods are to be delivered in New Caledonia. The goods are defective and arrive two weeks later than agreed. A sues in New Zealand, for repudiation, and B raises defence of non-formation of contract, alternatively, Act of God, and finally, that the action sounds in damages, not repudiation. What law should the New Zealand Court apply—New Zealand law, Australian law, New Caledonian law, or elements of each? (The choice may be crucial to the result.)

The above example is from the area of Contract. We study the choice of law process in a number of other areas: Torts, Property and Family.

Enforcement of Foreign Judgments—Under what conditions will a foreign judgment, issued by an overseas court, be recognised here, and what is the procedure for its enforcement?

Conflict of laws is largely judge-made law which is constantly evolving. Students find it intellectually stimulating, but it is not everybody's cup of tea, and sometimes a matter of acquired taste. Its practical importance is growing due to dramatic increase in volume of international transactions.

Internal Assessment: optional essay of 2,500 words, counting for 25% of final mark (on a plussage basis).

Examination is 'open book'.

CRIMINAL JUSTICE

(LAWS 417)

Geoff Hall

First semester
Friday 1:00 – 2.50 pm

NOTE: This course will not be offered in 2009

The course examines the criminal justice process from the individual's first contact with the police (eg questioning, search, arrest) and traces progress through the trial process to ultimate disposition by the Courts and possible entry into the penal system.

Group and/or individual research will be required.

The opportunity to participate in Police and Duty Solicitor observation schemes will be available.

Prerequisite: Criminal Law

Internal Assessment: optional research paper of up to 2,500 words, counting for 25% of final mark.

Examination is 'closed book'.

ENVIRONMENTAL LAW

(LAWS 440)

Nicola Wheen

First semester
Tuesday and Thursday 1.00 pm

An economic, ethical and ecological analysis and assessment of the law relating to the use and protection of the natural environment. This paper complements Resource Management Law, and covers topics including new organisms, indigenous forests, commercial fisheries (and fishing-related mortality), the conservation estate, and the Treaty of Waitangi.

Pre- or corequisite: Resource Management Law (called Planning Law pre-2008)

Internal Assessment: optional assignment worth 40%, plussage applies.

Examination: 60% or 100%, and is 'open book'.

INTELLECTUAL PROPERTY

(LAWS 444)

John Smillie

First semester
Wednesday and Friday 11.00 am

An introduction to the law conferring rights in relation to the use and expression of ideas, including patents, copyright, industrial designs, confidential information, trademarks, passing off and the Fair Trading Act 1986.

Prerequisites: Law of Contract and Property Law

Internal Assessment: optional research paper counting for 50% of final mark.

Examination: two hour 'open book' examination.

INTERNATIONAL ENVIRONMENTAL LAW

(Dean's Special Topic 10: LAWS 479)

Nicola Wheen

Second semester
Tuesday and Thursday 1.00 pm

An introduction to the principles and sources of international environmental law, and an investigation of current issues including the impact of and on state sovereignty, and tensions between trade and environment. An analysis of the international and domestic law relating to topics including climate change, ozone depletion, biodiversity, trade in endangered species, whales and Antarctica.

Internal Assessment: optional assignment worth 40%, plussage applies.

Examination: 60% or 100%, and is 'open book'.

INTERNATIONAL TRADE REGULATION

(LAWS 471)

Tracey Epps

Second semester
Monday 11:00am-12:50pm

This course will explore the regulatory framework governing international trading relations. It will draw heavily on the case law of the WTO/GATT and is aimed at an understanding of the institutional framework of the system and the ways in which it functions. As well, the course deals with a range of substantive issues that are of importance to international trade law scholars and lawyers.

The course will take an interdisciplinary approach, focusing not just on legal theory and doctrine, but also on political, economic and social perspectives. Throughout, particular attention will be paid to issues of interest to New Zealand.

Issues to be covered in the course include: the economic case for liberalizing trade as well as objections to free trade; an institutional history of how the WTO developed from the GATT to what it is now and how it fits into the wider picture of other international economic institutions such as the World Bank and the IMF; the principles of non-discrimination (most-favoured nation and national treatment), quantitative restrictions, and trade remedies (anti-dumping, subsidies and countervailing duties, and safeguards); and the WTO mechanism for resolution of trade disputes. It will also examine rules in various specific areas including trade in agriculture, health and safety, services, intellectual property, investment, and the environment.

Internal Assessment: Details TBA but will consist of marks for class participation, an optional research paper and an examination ('restricted book').

Examination: 'Restricted Book'

LABOUR LAW

(LAWS 413)

Paul Roth

**First semester
Tuesday and Thursday 12.00 noon**

The course begins with a brief introduction to labour law and policy, both generally and in specific relation to the Employment Relations Act 2000. The course will then focus on three key areas:

1. The Contract of Employment
The nature, formation, contents, and operation of the contract of service.
2. Employment Relationship Problems
Institutions and procedures for dealing with employment law matters, particularly personal grievances.
3. Collective Labour Law
The law relating to freedom of association, collective bargaining, and industrial action.

Internal Assessment: optional legal research opinion of up to 1,500 words plus a related advocacy component counting for 25% of final grade.

Examination is 'open book'.

LANDLORD AND TENANT — COMMERCIAL LEASES

(LAWS 445)

Michael Robertson

**Second semester
Tuesday and Thursday 10.00 am**

Most people buy their own homes, but most businesses do not buy the premises they operate from—instead they lease. So knowledge of the law of commercial leaseholds is important for any generalist lawyer advising business clients, as well as for those specialising in land law. While the law relating to residential tenancies has been simplified and clarified by the Residential Tenancies Act, the law of commercial tenancies remains a complex and sometimes counterintuitive mass of common law, contract, and statute (mainly found in the Property Law Act.) The aim of this course is to provide you with a basic understanding of this law of commercial leaseholds.

We will begin by considering the differences between leases and licences, and the practical importance of the distinction. We will then consider the types of leases that can exist, the prerequisites for and the problems with their creation, and the writing and registration requirements for leases. Additionally, we will look at what you can do if someone (not you—an earlier solicitor who didn't take this course) has failed to comply with these requirements. Then we turn to two of the important clauses that you find in leases—those dealing with repair and assignments.

Prerequisite: Property Law.

Assessment: will be by an 'open book' examination. There is also the option of writing a research paper of 3,000 words for 30% of the mark.

LAW AND INDIGENOUS PEOPLES

(LAWS 461)

Jacinta Ruru

Second semester
Monday 3:00-4:50 pm

The purpose for this paper is to explore how the legal systems in Australia, Canada and Aotearoa/New Zealand interact with Indigenous Peoples. The paper traces the development of the common law doctrine of native title to help bring alive a range of issues such as rights of consultation, rights to develop, and rights and responsibilities to be involved in the ownership and management of natural resources.

All areas of law impact on Indigenous Peoples, and in many instances it does so in a unique manner. For this reason, students are offered the opportunity to choose any aspect of law that interests them (be it, family, criminal justice, medical, intellectual property, environmental, tax, fisheries etc) and to explore the implications of this specific law for Indigenous Peoples in two countries.

Note: students may find it beneficial to have completed Maori land law and/or Treaty of Waitangi before enrolling in this course.

100% internally assessed, comprising

- In-class test in about week 9, worth 40%
- Compulsory research and writing paper, 4,000 words, worth 40%, due week 13
- Short seminar presentation, worth 20%

LAW AND MEDICINE

(LAWS 447)

Peter Skegg

First semester
Tuesday and Thursday 4.00 pm

The course will examine a range of issues where law impinges on medical practice and decision making. The topics usually include the beginning and end of life, the allocation of health care resources, informed consent and the right to refuse treatment, and other matters dealt with in the Code of Patients' Rights.

There will be a number of visiting speakers. Students will be encouraged to consider the ethical as well as the legal dimensions of the topics discussed. Preliminary reading will be limited so students can concentrate on their research papers.

The research paper provides students with the opportunity to pursue a topic of their choice — subject to its having *some* connection with the Code of Rights or disciplinary proceedings. In the past, students have been overwhelmingly positive about this aspect of the course, and have recommended its retention.

Assessment: compulsory research paper of up to 3,500 words, counting for 50% of the overall mark.

Examination: two hours, 'open book'.

LAW AND PSYCHIATRY

(LAWS 448)

John Dawson

First semester
Monday 2.00 – 3.50 pm

Subject Matter: New Zealand law concerning compulsory psychiatric treatment.

Areas covered include: legal definitions of ‘mental disorder’; standards governing compulsory psychiatric assessment and treatment; mental disorder and violence; review procedures; the disposition of mentally disordered offenders; confidentiality and access to psychiatric records.

The class is also attended by some health science and psychology students.

The class is usually divided into two parts, with a break between; a lecture / discussion in the first hour, followed by a problem-based discussion.

Assessment: the course will be assessed by an optional 3,000 word research essay and an exam. The essay is worth 40%, on a plussage basis, due in the eighth week of the semester. There will be a 2.5 hour, 3 question, open book exam at the conclusion of the course, worth 60%, or 100%, depending on the essay.

LAW AND RELIGION

(LAWS 469)

Rex Ahdar

Second semester
Monday and Wednesday 2:00 pm

This course looks at the connection between law and religion. It has four interrelated components.

Part 1 is theoretical and quite abstract. It involves an introduction to worldview analysis. A worldview is the lens through which we interpret the world and all of life. We will also look at the political philosophy of liberalism and its treatment of religion.

Part 2 involves a comparison of legal and scriptural interpretation. A case study of the Ten Commandments is included.

Part 3 explores issues of a constitutional law nature: the relationship between religion(s) and government (“church and state”), the secularity of the state, the legal definition of religion, the law’s recognition of religious bodies, and the scope of the right of religious freedom and any exemptions for religion or conscience under the relevant legislation (especially the NZ Bill of Rights Act 1990 and the Human Rights Act 1993).

Part 4 comprises a series of concrete case studies of the relationship between law and religion (eg the introduction of religious vilification laws, how should the law treat ‘cults’, exorcism and criminal law, religion as a factor in custody and access, the treatment of Māori spiritual values). You are free to choose a topic of interest for your research essay which—depending on the size of the class—will be presented in a class seminar.

Internal Assessment: A compulsory research essay (and seminar presentation) worth 50%.

Examination is ‘closed book’.

LAW AND SOCIETY

(LAWS 465)

Michael Robertson

First semester
Tuesday and Thursday 2.00 pm

The Modern Business Corporation in its Broader Context

The modern business corporation is an institution with which the law has a lot to do. There are laws dealing with its creation and dissolution, its financing and growth, its internal organisation and the rights and duties of its guiding minds and participants. But simply concentrating upon these rules will not allow one to appreciate the full significance of this institution. One writer in the area has said that “[t]he modern corporation is the dominant institution of our era and has been a major factor in reshaping the present century. In that sense it is an institution of world historical significance no less than the old Chinese mandarin, the classic Roman army, or even the Catholic church”. I would like the course to develop this wider picture.

In 2008 we shall cover the following topics:

- [A] The Rise of the Modern Business Corporation
 - (1) History
 - (2) The Separation of Ownership and Control Thesis
 - [B] The Power of the Modern Business Corporation
 - (1) Economic
 - (2) Political
 - [C] Legal Responses to the Modern Business Corporation
 - (1) Theorising the Corporation
 - (2) Regulating the Corporation
 - [D] Alternatives to the Modern Business Corporation
-

Assessment: 100% take home examination, or 50% take home examination and 50% research paper (4,000 words).

LAW AND THE DEMOCRATIC PROCESS

(Dean's Special Topic 8: LAWS 477)

Andrew Geddis

First semester
Tuesday and Thursday 1.00 pm

The Law and the Democratic Process course examines the way in which New Zealand's system of law-making both shapes, and is shaped by, its democratic processes. It does so through examining three interrelated sets of questions.

1. Why adopt “democracy” as a means of resolving issues of disagreement amongst the members of society, and why does this method of rule making justify the imposition of that rule upon those who may disagree with it?
2. In light of New Zealand's general commitment to democratic decision making, how does the law then shape and condition our parliamentary election process? What legal rules govern matters such as who may vote, who may they vote for, how election campaigns may be conducted, how electoral winners and losers are identified, and so

on? Why do we have *these* particular legal rules in place, and are they appropriate or adequate?

3. Once the election process has identified the members of New Zealand's Parliament, how does this institution go about making law for the country as a whole? What legal rules constrain this lawmaking process? What other forms of control apply to it? How can interested parties involve themselves in that process in an attempt to influence its outcome?

Therefore, the course combines some legal theory with an in-depth study of New Zealand's electoral laws and the various rules that govern how Parliament operates as a lawmaking body. While there are no mandatory pre- or co-requisites for taking the course, background knowledge of Public Law will be assumed, and a general familiarity with jurisprudence and/or political theory would assist.

Assessment: Mandatory 1,600 word assignment, counting for 20% of final grade, no plussage. An *additional* voluntary 4,000 word assignment may be negotiated by interested students, counting for 50% of final grade, plussage applies if B or above.

Examination: To be negotiated with the class.

LAW OF RESTITUTION

(LAWS 450)

Struan Scott

First semester
Tuesday and Thursday 9.00 am

The Law of Restitution is a loose confederation of legal rules which have one thing in common: the defendant has been *unjustly enriched at the expense* of the plaintiff. In all other respects, the law is highly diverse, ranging from claims arising out of explicit transactions between the parties (i.e., restitutionary remedies where one party has broken a contract) to claims between complete strangers (i.e., mistaken improvement of another's land); from the accidental (i.e., money paid under mistake) to the deliberate (i.e., transactions entered into under duress and coercion).

This paper considers a selection of topics coming within the Law of Restitution.

The method of instruction will be a combination of lectures, workshops and small group seminar discussion. The seminars are presented by one or more students using designated materials. The scheduled time for Restitution is 9.00 am Tuesdays and Thursdays but, to accommodate the seminars and with the agreement of members of the class, one of the scheduled classes may be replaced with one at another time.

Prerequisites: Law of Contract and Property Law

Internal Assessment:

- a) compulsory class participation—i.e., presentation of material at one seminar and a commentary on another student's presentation—may count for a third of the final mark.
- b) optional research essay not exceeding 2,500 words in length may count for a third of the final mark.

The final mark will be based on the best three of each of the examination answers, the class participation and the essay (if one has been submitted).

Terms requirements: fulfilling the roles of Presenter, Commentator and Scribe.

Examination is 'open book'.

LEGAL ETHICS

(LAWS 463)

Selene Mize & Richard Mahoney

**Second Semester
Monday and Wednesday 1.00 pm**

This course will provide an introduction to ethical analysis including an examination of various theories of ethics; the structure of the adversary system and the role of lawyers; the concept of a profession and the wider responsibilities of lawyers in the community; and the ethical and professional duties of practitioners.

Class time will be devoted to lectures with class participation. A tutorial programme will provide the opportunity for in depth analysis and discussion of selected ethical issues.

Successful completion of this course is mandatory for admission to the profession for those who complete LLB studies after 31 July 2000 (it is not a compulsory subject for the LLB).

The aims of this course are for students to canvas a range of contemporary ethical issues; to explore personal perceptions of ethical behaviour; to improve their ability to articulate and justify various ideas and arguments; and, if opting for the research paper, to improve the quality of their research skills and their written expression.

By the end of this course, students should be able to identify several main approaches to ethics; be familiar with the role ethical rules play in the areas canvassed by the course; be able to identify and deal with ethical issues arising from specific situations in practice; and be able to articulate the advantages and disadvantages of various ethical stances.

Assessment: there will be a compulsory final examination. It will be 'open-book' and require students to state the relevant law correctly, apply it to a given set of facts, and be able to discuss both sides of a variety of ethical questions.

Students can undertake an optional research paper.

LEGAL HISTORY

(LAWS 451)

Nigel Jamieson

**Second semester
Wednesday and Friday 11.00 am**

If as Maitland says, all law is history then it isn't going to matter whether you chose this or any other subject of legal study—you're never going to get away from history. If that faces you with dismay, then choose some other subject than this one—you're not ready for legal history just yet.

The course looks at the relationship between legal history and the philosophy of law; different views of legal history in relation to legal data and legal ideas; techniques and methods of historical study in relation to law; different requirements for researching ancient, medieval and modern legal history; some problems of New Zealand legal history; an introduction to the legal history of the new world order represented by UK as a member

state of EC, and by the re-approachment of western to eastern legal systems as a result of free trade and the collapse of the Soviet Union.

The course focuses on learning to write as well as to read legal history. Indeed, the capacity to read legal history (to evaluate the evidence for happenings and events, to discern the objective status of informed opinion, and to accept or reject the testimony for legal and jurisprudential values) is as quickly gathered from learning to write as it is from learning to read legal history—no less than one first learned to read and to write both together.

Internal Assessment: compulsory research assignment on an individually chosen topic, to a limit usually of 3,000 words, counting for 50% of the final mark.

LEGISLATION

(LAWS 453)

Nigel Jamieson

First semester
Wednesday and Friday 11.00 am

Over ninety percent of all cases decided in the courts relate to legislation. One corollary of that equation is that over ninety percent of all legislation requires a court case to decide what is meant by the legislation. The relationship between case law and legislation is therefore an intimate one.

Because statute law is commonplace we are inclined to mistake it for being straightforward. Some classic texts on statute law present it as such, but if you look carefully at the dozen or so different editions of Maxwell you will find that each contradicts the other. What this possibly means is that there are different styles and even fashions for legislation. Are different styles appropriate for different legislative purposes? Perhaps you believe in plain language for lawyers, in which case drafting legislation that works the way you intend it to work, will provide the severest test of your belief in plain language.

The course examines the extent and limits of legislation, especially in relation to other forms of law-making; the legislative process with particular reference to different methods of drafting and composition; judicial and executive responses to legislation by way of interpretation, enforcement, and administration; present-day problems and deficiencies of statute law; and an analysis of suggested ways of resolving the problems and remedying the deficiencies of legislation. The course will also examine and question the current equation of law reform with legislation and in other ways try to establish criteria for evaluating legislation in the context of changing social values.

Internal Assessment: compulsory research assignment on an individually chosen topic, to a limit usually of 3,000 words, counting for 50% of the final mark. Students should be prepared to purchase Burrows *Statute Law in New Zealand*.

MĀORI LAND LAW

(LAWS 455)

Jacinta Ruru

First Semester
Monday 11:00-12:50pm

The purpose for this paper is to introduce students to, and facilitate an understanding of, the legal principles applicable to Māori Land and the broader jurisdiction of the Māori Land Court.

The paper assesses the effectiveness of the purpose of Te Ture Whenua Māori Act/ Māori Land Act 1993: to promote the retention of Māori land in the hands of its Māori owners, and to facilitate the occupation, development, and utilisation of that land. Several case studies are examined including tikanga Māori, succession to Māori land, rights to alienate Māori land, ways in which Māori land can be managed, and how other statutes, such as the Resource Management Act 1991 and the Land Transfer Act 1991, affect retention and utilisation of Māori land. The Māori Land Court's exclusive jurisdiction to issue Foreshore and Seabed Customary Rights Orders as a result of the Foreshore and Seabed Act 2004, and advise on disputes arising under the Māori Fisheries Act 2004 is also explored.

The paper, in conjunction with the Ngai Tahu Māori Law Centre, offers the students the opportunity to work on a fact scenario that attempts to replicate the workings of a real life case. Note: the client file is not designed to involve an arduous amount of work, but simply to portray the different procedural rules that operate in the context of Māori land.

Internal Assessment: (To be confirmed on the first day of class)

- Compulsory client file counting for 20% of the final mark. Plussage does not apply, and it does not count towards the research and writing requirement.
- Optional essay counting for 35% of the final mark. Plussage will apply and it will count towards the research and writing requirement.

Examination is 'open book'.

NEGOTIATION

(LAWS 454)

Selene Mize

Second semester
Tuesday and Friday 1.00 pm; Wednesday 3.00 pm

This course is aimed at familiarising students with theory and research on legal negotiation strategies and techniques, and developing students' practical negotiating skills. Class time will be devoted to lecture, class discussion, and practical exercises. Some exercises may need to be completed outside of class time.

The aims of this course are for students to improve fluency and confidence in speaking and argumentation skills; improve the quality of written expression; learn and practise skills for defusing tense and potentially hostile situations; and experiment with a variety of different approaches to negotiation, and, based on this experience, develop a personal style for negotiation.

By the end of this course, students should be able to calculate accurately the economic value of going to trial given sufficient supporting information, and be able to use this information to establish parameters for a negotiated agreement; be able to identify advantages and disadvantages of adversarial, problem-solving, and cooperative approaches to negotiation; be able to represent a party effectively in a negotiation; be able to critique a negotiator's

performance in a negotiation; and be familiar with those aspects of the rules for professional conduct which are relevant to the negotiation process.

Assessment: Assessment will be discussed with the students during the first week of the term. It will include an exam, compulsory negotiation and journal exercises, and an optional research paper. Faculty research and writing credit will be given for successful completion of the optional paper. Plussage will not apply.

Attendance is compulsory and the roll will be taken. Missing a negotiation exercise, without excuse or makeup, will result in failing this course.

SECURED TRANSACTIONS

(LAWS 457)

Barry Allan

First semester
Tuesday and Thursday 2.00 pm

NOTE: This course will not be offered in 2009

Secured lending is an integral part of the commercial world, whether to consumers or to business entities. This paper examines the creation, perfection and enforcement of security interests, primarily in personal property, and the interface between secured advances and bankruptcy, insolvency and receivership law. It is also concerned with the relative priorities of secured creditors with competing claims to collateral and its proceeds, including the potential for conflicts of law to arise in international transactions. Finally, there is an analysis of the rights of consumer borrowers under both the *Personal Property Securities Act* and the new *Consumer Finance and Credit Contracts Act*.

Prerequisite: Law of Contract, Property Law

Internal Assessment: Research paper of 2,500 words worth 30%. Plussage applies.

Examination is 'open book'.

SECURITIES REGULATION

(Dean's Special Topic 7: LAWS 476)

Shelley Griffiths

Second semester
Tuesday and Thursday 3.00 pm

An introduction to the regulation of New Zealand securities markets, offers of securities to the public, insider trading, the Stock exchange, market abuse, takeovers and disclosure.

Internal Assessment: optional research paper counting for 30% of the final mark.

Examination is 'open book'.

TAXATION

(LAWS 416)

Shelley Griffiths

First semester
Tuesday and Thursday 10.00 am

An introduction to the law and policy of income tax in New Zealand.

Internal Assessment: optional research paper counting for 30% of the final mark.

Examination is 'open book'.

VENDOR AND PURCHASER

(LAWS 460)

Ian Williams

Second semester
Monday and Wednesday 4.00 pm

Vendor and Purchaser is a practically oriented course which deals generally with contracts concerning the sale and purchase of land. The course focuses on the standard form Agreement for Sale and Purchase in use in New Zealand, particularly the formation of such agreements, a number of issues associated with the 'life' of these agreements (building on topics examined in Contract and Property Law) and finally, their enforcement.

Prerequisite: Property Law

Internal Assessment: optional written assignment of about 2,500 words counting for 33% of the final mark. "Plussage" does not apply.

Examination is 'open book'.

WILLS AND TRUSTS

(LAWS 462)

Nicola Peart

Second semester
Monday and Wednesday 12:00 noon

Wills and Trusts builds on Property Law and knowledge of that paper is presumed and examinable. The Property Law course introduced you to the basic principles of property law in relation to chattels and land. It also gave you a very brief introduction to the law of trusts and wills. This course looks into these latter areas in much greater depth.

Approximately 60% of the course is devoted to the law of trusts. The aim of this course is to give you an understanding of the nature, creation and administration of trusts. Attention will also be given to the various remedies available for breach of trust. The remaining 40% of this course examines various aspects related to the making of wills, the administration of deceased estates, the intestacy rules and claims against deceased estates, particularly under the Property (Relationships) Act.

Prerequisite: Property Law

Internal Assessment: optional independent research assignment (3,000 words) worth 30% on a topic of your choice, subject to my approval.

Examination is 'open book'.

SUPERVISED RESEARCH PAPER

(LAWS 480)

Co-ordinator: Margaret Briggs (Semester 1)

Single Semester

Semester 2: Co-ordinator to be advised

This paper consists of writing a research paper of up to about 8,000 words, under supervision. Enrolment requires the consent of Margaret Briggs. If you wish to take up this option, you are invited to discuss it with Ms Briggs, either before 20 December or during the Course Approval period, 15-19 February. You will need to have decided upon a topic (in outline, at least) and, preferably, have already discussed it with a staff member who is willing to supervise you. Ms Briggs will help you find a supervisor if necessary.

Completion date is the last day of lectures in whichever semester you have enrolled for the paper.

PART D
Optional Papers worth 15 points each, taught in Summer School

Summer School runs 7 January – 20 February 2008

Note: Students who do not have the prerequisites may be admitted to the course with the approval of the Pro-Vice-Chancellor, Humanities, through the Dean of the Faculty.

COMPARATIVE LAW (Legal Responses to Climate Change)
(LAWS 408)

Professor Alon Tal
Israel

Summer School
Monday, Tuesday and Wednesday 10.00-11.50

This course will be taught in 4 weeks and will be examined in February as normal.

This paper will examine responses to the new global crises — in particular — climate change, desertification and biodiversity — which are parallel to the three major global treaties that came out of the Earth Summit in Rio in 1992, but which have not fulfilled their promise as international indicators continue to worsen. For example, on climate change, the paper will look at creative legislative and policy responses that are emerging in fields such as renewable energy, energy conservation, carbon sequestration and afforestation, etc from a variety of countries and jurisdiction around the world — and of course contrast this to New Zealand's efforts.

Prerequisites: Laws 201-204

Internal Assessment: optional research assignment worth 30%.

Examination: 3 hours 70% or 100%.

CONSTITUTIONAL DESIGN IN MODERN AFRICA
(Special Topic 3: LAWS 472)

Professor John Simpkins
Charleston School of Law

Summer School
Tuesday and Thursday 2:00-3:50

This paper will examine how almost a quarter of the countries of the world have revised or completely rewritten their constitutions during the past 25 years. African countries have been particularly active in this regard. In examining this phenomenon, this course considers modern approaches to peacefully resolving ethnic, religious, and regional differences in nations throughout the continent. Material will focus on the constitutional experiences of countries such as Eritrea, Liberia, Kenya, Nigeria, Rwanda, South Africa, Uganda. Among the issues to be discussed will be the origins of inter-ethnic violence, the role of outsiders in African constitution-making, basic modern constitutional frameworks, and the process of designing, implementing, and entrenching new constitutions.

Prerequisites: Laws 201-204

Internal Assessment: optional research assignment worth 30%.

Examination: 3 hours 70% or 100%.

THE RIGHTS AND WELL-BEING OF NEW ZEALAND CHILDREN (Taught and Examined at the Auckland Centre)

(Special Topic 14: LAWS 485)

Ms Nicola Taylor

**Summer School
Tuesday and Thursday 10:00-12:50**

This paper examines the role of the New Zealand legal system and the United Nations Convention on the Rights of the Child in enhancing the rights and well-being of children and young people. Relevant legislation, case law and socio-legal readings will be covered within a range of topics concerning children and their families.

Prerequisites: Laws 201-204

Internal Assessment: optional research assignment worth 30%.

Examination: 3 hours 70% or 100%.

CIVIL LITIGATION (Taught and Examined at the Auckland Centre)

(Special Topic 1: LAWS 470)

Mr Andrew Barker

**Summer School
Saturday 12, 19, 26 January and 2 & 9 February
10:00-midday and 1:00-4:00pm**

This paper will deal with the general principles and procedures that govern the resolution of public and private civil disputes. The paper will focus primarily on civil litigation in the High Court.

Prerequisites: Laws 201-204

Restrictions: Laws 406

Internal Assessment: optional research assignment worth 30%.

Examination: 3 hours 70% or 100%.

PUBLIC HEALTH LAW
(Taught and Examined at the Wellington Centre)
(LAWS 475)

Dr Marie Bismark

Summer School
19, 26 January and 2, 9 February: 9:00am – 4:30pm

The course will examine the role of the law in protecting and improving the public's health. The topics will include legal issues relating to communicable disease and bio-terrorism, promotion of health lifestyles (including laws relating to nutrition, tobacco, alcohol, and illegal drugs), pharmaceuticals and new biotechnologies, regulation of health practitioners, and environmental health.

Prerequisites: Laws 201-204

Internal Assessment: optional research assignment worth 30%.

Examination: 3 hours 70% or 100%.

FACULTY OF LAW

300 & 400 Level Papers for 2008

Full year papers:

LAWS	Papers	Teachers	Days and Times
301	Law of Torts	Mr Allan , Professor Smillie & Ms Ferguson	Tue Thu 10.00
302	Jurisprudence	Mr Robertson, Professor Dawson	Wed Fri 11.00
304	Advanced Public Law	Professor Anderson	Tue 2.00-3.50
311	Family Law	Professor Henaghan	Tue Thu 11.00
312	International Law	Assoc Prof Dawkins	Wed Fri 10.00
314	Law of Evidence	Ms Buckingham, Prof Mahoney, Mr Smith	Mon Wed 9.00
315	Resource Management Law	Ms Warnock	Tue Thu 9.00

380	Preliminary Honours
490	Final Honours Research Paper
498	Research and Writing

First semester papers:

LAWS	Papers	Teachers	Days and Times
405	Civil Liberties	Ms Mize	Mon Wed 1.00
407	Company Law	Ms Griffiths	Tue Thu 4.00
473	Commercial Equity	Ms Palmer	Mon Wed 2.00
409	Conflict of Laws	Mr Shapira	Mon 10.00-11.50
413	Labour Law	Professor Roth	Tue Thu 12.00
416	Taxation	Ms Griffiths	Tue Thu 10.00
417	Criminal Justice	Professor Hall	Fri 1.00-2.50
430	Advanced Criminal Law	Professor Mahoney	Mon Wed 12.00
437	Competition Law	Professor Ahdar	Mon Wed 2.00
440	Environmental Law	Ms Wheen	Tue Thu 1.00
444	Intellectual Property	Professor Smillie	Wed Fri 11.00
448	Law and Psychiatry	Professor Dawson	Mon 2.00-3.50
450	Law of Restitution	Assoc Prof Scott	Tue Thur 9.00
453	Legislation	Dr Jamieson	Wed Fri 11.00
455	Māori Land Law	Ms Ruru	Mon 11.00-12.50
447	Law and Medicine	Professor Skegg	Tue Thu 4.00
457	Secured Transactions	Mr Allan	Tue Thu 2.00
464	Advocacy	Mr Len Andersen	Fri 1.00-2.50
465	Law & Society	Mr Robertson	Tue Thu 2.00
477	Law & The Democratic Process	Assoc Professor Geddis	Tue Thu 1.00
498	Research and Writing		
499	Advocacy Skills		

Second semester papers:

LAWS	Papers	Teachers	Days and Times
406	Civil Procedure	Mr Allan & Ms Buckingham	Mon Thur 3.00
435	Banking Law	Assoc Prof Scott	Tue Thur 9.00
436	Commercial Transactions	Ms Palmer	Mon Wed 2.00
445	Landlord and Tenant	Mr Robertson	Tue Thur 10.00
451	Legal History	Dr Jamieson	Wed Fri 11.00
454	Negotiation	Ms Mize	Tue Fri 1.00 Wed 3.00
460	Vendor and Purchaser	Mr Williams	Mon Wed 4.00
462	Wills & Trusts	Professor Peart	Mon Wed 12.00
463	Legal Ethics	Ms Mize, Prof Mahoney	Mon Wed 1.00
468	Advanced Company Law	Assoc Prof Scott	Tue Thur 9.00
469	Law and Religion	Professor Ahdar	Mon Wed 2.00
471	International Trade Regulation	Dr Epps	Mon 11.00-12.50
461	Law and Indigenous Peoples	Ms Ruru	Mon 3.00-4.50
464	Advocacy	Mr Len Andersen	Fri 1.00-2.50
476	Securities Regulation	Ms Griffiths	Tue Thur 3.00
479	International Environmental Law	Ms Wheen	Tue Thur 1.00
482	Bill of Rights – Theory and Practice	Assoc Professor Geddis	Tue Thur 1.00

498	Research and Writing
-----	----------------------

Either semester:

480	Research Paper
-----	----------------

Summer School (7 January – 20 February):

LAWS	Papers	Teachers	Days and Times
408	Comparative Law (Legal Responses to Climate Change)	Professor Alon Tal	Mon Tue Wed 10.00-11.50 (First 4 weeks only)
472	Constitution Design in Modern Africa	Professor John Simpkins	Tue Thur 2.00-3.50
475	Public Health Law (<i>Taught at Wellington Centre</i>)	Dr Marie Bismark	Saturday 19, 26 Jan & 2, 9 Feb 9.00-4.30
485	The Rights & Well-being of NZ Children (<i>Taught at the Auckland Centre</i>)	Ms Nicola Taylor	Tue Thu 10.00-12.50
470	Civil Litigation (<i>Taught at the Auckland Centre</i>)	Mr Andrew Barker	Saturday 12, 19, 26 Jan & 2, 9 Feb 10.00-12.00; 1.00-4.00

timetable page

HONOURS

The focus of the LLB(Honours) programme is on high quality research, culminating in the writing of a dissertation. It takes the same time to complete as an ordinary LLB. The dissertation counts for a further 60 points on top of the ordinary LLB point requirements.

How to get in

- **by invitation:** if you get an average of at least B+ in your four 200-level papers and your marks place you in about the top 10% of the second year class, the staff will invite you to join the Honours programme.
- **by application:** if you do not get in by invitation you may apply for admission to the Honours programme after you have done some 300- and 400-level papers. Your application will be considered if:
 - (a) you have completed Law papers at 300- and 400-level worth at least 105 points (but you must not have substantially completed your LLB degree); and
 - (b) your performance in those papers falls within the range expected of Honours students; that is, your grades average at least a high B+ and your marks rank you within the top 10% of the class or close to it; and
 - (c) you have obtained at least a B+ grade in two pieces of legal research and writing undertaken in conjunction with the 300- and 400-level Law papers and the research and writing programme (you may count only one piece of research and writing per course for this purpose); and
 - (d) you apply in writing to the Dean, Professor Henaghan, by 1st February. Please fill out the Application Form available from the Office or from the Law Blackboard site or the Faculty of Law website: www.otago.ac.nz/law.

Your application will be considered by the staff before course advising begins in late February.

To come in by this route you must apply.

What the Honours degree requires

- you must complete the requirements for the LLB degree.
- you must pass Preliminary Honours.

If you are admitted by invitation this means that in the year after you are admitted to the Honours programme you must submit at least two pieces of legal research in conjunction with your 300- and 400-level courses and the research and writing programme (you may count only one piece of research and writing per course for this purpose). The best two of these, taken together, must average B+ or better. If you are planning to spend all or most of that year on subjects other than Law, see the Dean before you accept the invitation to join the Honours Programme. There is a discretion to postpone the invitation in such cases.

If you are admitted after an application, you will necessarily have satisfied the standard required for Preliminary Honours, and will be credited with having passed it.

- you must write a Final Honours Research Paper of between 10,000 and 15,000 words in length (15,000 words is the maximum length for this paper). You will write this paper, often referred to as the Honours dissertation, under the supervision of a staff member. You choose the topic yourself, though, of course, you may consult whomever you like before you make up your mind. You must submit your paper by the end of lectures in the second semester.
- you must present the research for your Final Honours Research Paper, or an abridged version of it, or the material for it, or the main arguments from it, to a seminar consisting of staff and other Honours students. Final Honours students will be expected to attend three of these seminars per year (not including your own). Preliminary Honours students must attend three seminars also. The seminars will be held in the middle of the year. Details will be posted during the first semester.

How Honours degrees are graded

The class of Honours you will ultimately receive will depend upon your marks in all your 300- and 400-level Law papers (this counts for 70%) and your Final Honours Research Paper (this counts for 30%). The calculation is undertaken as follows:

- Step 1: Add the 15 point paper scores and divide by 2. This is total A.
- Step 2: Add the 30 point paper scores. This is total B.
- Step 3: Add totals A and B and divide by the number of 30 point papers and equivalent 15 point papers. This is total C.
- Step 4: Multiply total C by 0.7. This is total D.
- Step 5: Multiply your dissertation score by 0.3. This is total E.
- Step 6: Your final score is total D plus total E.

To obtain First Class Honours you need to achieve a mark of at least 80 based on the above calculation. The dividing mark for Second Class (Division I) and (Division 2) Honours is 73. There is no rounding up of the Final Honours mark. So, for example, 79.8 is not rounded up to 80, and the class of Honours remains Second Class (Division I).

How to get more information

See the Honours programme coordinator, Dr Rex Ahdar.

MODEL COURSES FOR DOUBLE DEGREES

BA/LLB/LAW PROFESSIONAL - Variation 1

Year	Papers	Credit
First year	Legal System and six 100-level Arts papers	144
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Arts papers to value of 18 pts, Law of Torts, Jurisprudence and one optional Law paper	144
Fourth year	300-level Arts papers to value of 24 pts, one 100-level Arts paper and two optional Law papers	150
Fifth year	200-level Arts papers to the value of 12 pts, and four optional Law papers	156
	<i>BA/LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BA/LLB/LAW PROFESSIONAL - Variation 2

Year	Papers	Credit
First year	Legal System and six 100-level Arts papers	144
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Arts papers to value of 18 pts, 100-level Arts papers to value of 12 pts, Law of Torts and Jurisprudence	150
Fourth year	300-level Arts papers to value of 24 pts, one 200-level Arts paper, and two optional Law papers	150
	<i>BA completed</i>	
Fifth year	Five optional Law papers	150
	<i>LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BA/LLB/LAW PROFESSIONAL - Variation 3

Year	Papers	Credit
First year	Legal System and five 100-level Arts papers	126
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Arts papers to value of 18 pts, one 100-level Arts paper, Law of Torts, Jurisprudence and one optional Law paper	162
Fourth year	300-level Arts papers to value of 24 pts, one 200-level Arts paper and two optional Law papers	150
Fifth year	Two 100-level Arts papers and four optional Law papers	156
	<i>BA/LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BA/LLB/LAW PROFESSIONAL - Variation 4

Year	Papers	Credit
First year	Legal System and five 100-level Arts papers	126
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Arts papers to value of 18 pts, 100-level Arts papers to value of 12 pts, Law of Torts and Jurisprudence	150
Fourth year	300-level Arts papers to value of 24 pts, 100-level Arts papers to value of 12 pts and one and a half optional Law papers	153
	<i>BA completed</i>	
Fifth year	Five and a half optional Law papers	165
	<i>LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BA/LLB or LLB(Hons) - Structure Sheet

BCOM/LLB/LAW PROFESSIONAL - Variation 1

Year	Papers	Credit
First year	Legal System and six 100-level Commerce papers	144
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Commerce papers to value of 18 pts, Law of Torts, Jurisprudence, Company Law and 1 optional 5 pt Law paper	144
Fourth year	300-level Commerce papers to value of 24 pts, one 100-level Commerce paper, and two optional Law papers	150
Fifth year	Four optional Law papers, and two 100-level Commerce papers	156
	<i>BCOM/LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BCOM/LLB/LAW PROFESSIONAL - Variation 2

Year	Papers	Credit
First year	Legal System and six 100-level Commerce papers	144
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Commerce papers to value of 18 pts, two 100-level Commerce papers, Law of Torts and Jurisprudence	150
Fourth year	300-level Commerce papers to value of 24 pts, one 100-level Commerce paper, Company Law and optional Law papers to the value of 15 pts	150
	<i>BCom completed</i>	
Fifth year	Five optional Law papers	150
	<i>LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BCOM/LLB/LAW PROFESSIONAL - Variation 3

Year	Papers	Credit
First year	Legal System and five 100-level Commerce papers	126
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Commerce papers to value of 18 pts, one 100-level Commerce paper, Law of Torts, Jurisprudence, Company Law and one optional 5 pt Law paper	162
Fourth year	300-level Commerce papers to value of 24 pts, one 100-level Commerce paper, and two optional Law papers	150
Fifth year	Four optional Law papers and two 100-level Commerce papers	156
	<i>BCOM/LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BCOM/LLB/LAW PROFESSIONAL - Variation 4

Year	Papers	Credit
First year	Legal System and five 100-level Commerce papers	126
Second year	Criminal Law, Law of Contract, Property Law, Public Law	120
Third year	200-level Commerce papers to value of 18 pts, two 100-level Commerce papers, Law of Torts, Company Law and one 5 pt optional Law paper	150
Fourth year	300-level Commerce papers to value of 24 pts, 100-level Commerce papers to the value of 12 pts, Jurisprudence and one half optional Law paper	153
	<i>BCom completed</i>	
Fifth year	Five and a half optional Law papers	165
	<i>LLB completed</i>	Total Points 714
Sixth year	Thirteen week Professional Legal Studies Course for admission as a Barrister and Solicitor	

BCom/LLB or LLB(Hons) - structure sheet

BSc/LLB or LLB(Hons) - structure sheet

LLB REGULATIONS

2 *Structure of the Degree*

- (a) Every degree shall
 - (i) normally be pursued over four years of full-time study, or an equivalent period of part-time study;
 - (ii) consist of papers worth not less than 534 points;
 - (iii) include 36 points for the 100-level Law paper (LAWS 101);
 - (iv) include 180 points for the four 200-level Law papers (LAWS 201-204) and the papers LAWS 301 and LAWS 302;
 - (v) include papers selected from the Schedule of Law Papers worth at least 210 points, provided that a student may substitute for up to 30 of those points one or more papers at 200-level or higher worth at least 30 points prescribed for any other degree or diploma.
 - (vi) include 108 points for papers in other degree courses.
- (b) To qualify for the award of the degree of Bachelor of Laws, a candidate must also complete, to the satisfaction of the Dean of Law:
 - (i) the Research and Writing Programme (LAWS 498);
 - (ii) the Advocacy Skills Programme (LAWS 499).

3 *Prerequisites, Corequisites and Restrictions*

Every course of study for the degree shall satisfy the requirements for prerequisites, corequisites and restrictions laid down in the Schedule, provided that the Dean of Law may waive any prerequisite or corequisite generally in a given year for any paper, or in special circumstances waive any prerequisite or corequisite in approving a particular candidate's course of study.

4 *Compensation Passes*

The Dean of Law may grant a compensation pass to a full-time student, or a student who is completing the degree, if the Law Examiners so recommend on the basis of the student's work as a whole in the year concerned.

5 *Cross Credits*

A candidate who is enrolled for the degree of Bachelor of Laws concurrently with another degree, or who has completed one of the two degrees and is proceeding with the other, may cross credit 100- and 200-level papers which are common to both degrees up to a maximum of 180 points.

6 *Variations*

The Assistant Vice-Chancellor (Humanities) may in exceptional circumstances approve a course of study which does not comply with these regulations.

LLB(HONS) REGULATIONS

2 *Structure of the Course*

- (a) A candidate for the degree of Bachelor of Laws with Honours shall complete:
 - (i) the requirements prescribed in regulation 2 of the regulations for the degree of Bachelor of Laws;
 - (ii) the Preliminary Honours Research Papers (LAWS 380);
 - (iii) the Final Honours Research Paper (LAWS 490)
- (b) In order to obtain the degree of Bachelor of Laws with Honours a candidate shall complete its requirements within two years of first enrolling for 300-level or 400-level Law papers if studying for the degree alone, or within three years of first enrolling for 300-level or 400-level Law papers if studying for the degree concurrently with another degree, provided that in special circumstances the Dean of Law may extend these periods.

3 *Prerequisites, Corequisites and Restrictions*

Every course of study for the degree must satisfy the requirements for prerequisites, corequisites and restrictions provided that the Dean of Law may waive any prerequisite or corequisite generally in a given year for any paper, or in special circumstances waive any prerequisite or corequisite in approving a particular candidate's course of study. Details are set out in the Prescriptions.

4 *Withdrawal from the Course*

- (a) A candidate whose results are not satisfactory may be required, by the Dean of Law, to withdraw from the Honours course.
- (b) When a candidate withdraws from the Honours course, voluntarily or otherwise, the Dean of Law may recommend that the ordinary degree of Bachelor of Laws be awarded or determine the papers which shall be credited towards that degree.

5 *Level of Award of the Degree*

- (a) The degree may be awarded with First Class Honours, with Second Class Honours (Division I), or with Second Class Honours (Division II). The class of Honours awarded shall be determined by the Law Examiners on the performance of the candidate in 300- and 400-level Law papers, with particular emphasis on the result obtained for LAWS 490.
- (b) A candidate who fails to obtain Honours may, on the recommendation of the Dean of Law, be awarded the degree of Bachelor of Laws.

6 *Compensation Passes*

The Dean of Law may grant a compensation pass to a full-time student, or a student who is completing the degree, if the Law Examiners so recommend on the basis of the student's work as a whole in the year concerned.

7 *Cross Credits*

A candidate who is enrolled for the degree of Bachelor of Laws with Honours concurrently with another degree, or who has completed one of the two degrees and is proceeding with the other, may cross credit 100- and 200-level papers which are common to both degrees up to a maximum of 180 points.

8 *Variations*

The Pro Vice-Chancellor (Humanities) may in exceptional circumstances approve a course of study which does not comply with these regulations.