



**Leicester De Montfort Law School**

**LLM Law**

**LLM in Business Law**

**Full Time**

**STUDENT HANDBOOK**

2011/2012

# Introduction and Welcome to De Montfort University

**Professor DAVID WILSON**

**DEAN OF FACULTY OF BUSINESS & LAW**

I should like to take this opportunity to welcome you to De Montfort University and, more specifically, to the Faculty of Business and Law. The Faculty comprises Leicester Business School and Leicester De Montfort Law School and offers a wide range of postgraduate courses, a number of which incorporate professional qualifications. The Faculty is proud of its excellence in teaching and research. Our postgraduate courses are noted for combining academic rigour with practical application. We ensure that courses are relevant to the professional world and our graduates are highly valued by employers in both the private and public sectors.

Courses at postgraduate level are both exciting and challenging. They require great diligence from you if you are to achieve a high level of success. The priority of our academic and administrative staff is to help you to produce your best work; to gain as much as possible from your course and to obtain the qualifications you are seeking. Both Leicester De Montfort Law School and Leicester Business School staff will do all they can to make your stay here in Leicester both enjoyable and rewarding. They are easily approachable and will be happy to help at any time.

Enjoy your stay here: Leicester is a vibrant, exciting and welcoming city. I hope you will find your time here at DMU not only worthwhile but also an enjoyable learning experience.

All good wishes



Professor David Wilson  
***Dean of Faculty of Business and Law***

## Faculty of Business and Law – Leicester De Montfort Law School

You join the Law School within the Faculty of Business & Law at a very exciting time in its history following a recent move into a new, purpose built building – the Hugh Aston Building – at the gateway to the city campus.

This £35 million Hugh Aston facility caters for 6,000 students and staff and boasts:

- Contemporary lecture theatres
- A mock courtroom, law library, dedicated law clinic
- Bespoke suite for postgraduate and professional education
- Large lecture theatres and classrooms all equipped with the latest audio visual technologies
- Social spaces which include a café, public atriums, a bookshop and tree-lined plaza.

Designed to maximise natural daylight and ventilation, the Hugh Aston building was made using sustainable low maintenance construction materials. Installation of several environmentally friendly features resulted in the building receiving an 'excellent' rating by the Building Research Establishment Environmental Assessment Method (BREEAM).

### Student Advice Centre

The Student Advice Centre, located on the ground floor of the building next to the Oasis coffee shop is the **main contact point for student queries**. You should visit the Student Advice Centre to:

- Hand in coursework
- Pick up and hand in forms eg extension requests, change of address, change of name, deferral requests etc
- Find out about lecturer availability
- Ask questions

### The Postgraduate Suite

Postgraduate and professional programmes from both the Law School and the Business School are accommodated primarily in a dedicated area within the Hugh Aston building – a suite of rooms on the 4<sup>th</sup> and 5<sup>th</sup> floors – which has access control (to restrict use to PG students) and can be entered by a separate staircase/lift on the Oxford Street side of the building as well as the other main entrances. For larger classes, use is also made of the spacious lecture theatres housed on the floors below the suite.

The Postgraduate Suite is open from 9 am – 9 pm during term time and 9 am – 7 pm during the vacation. **The suite is not open at weekends**. Students wishing to use IT facilities at the weekends can use the Kimberlin Library which has both fixed PCs

and wireless access. Please check on the library website for more information:  
[www.library.dmu.ac.uk](http://www.library.dmu.ac.uk).

The suite provides a modern, comfortable learning environment conducive to study at postgraduate level and comprises:

**Fourth floor – rooms 4.09 – 4.15**

- 6 x classrooms/seminar rooms
- Common Room with vending machines, sofas, tables & chairs
- Meeting room

**Fifth floor – rooms 5.08 – 5.17**

- 6 x classrooms/seminar rooms
- Resources Room (housing PCs and the Dissertation Reference Library)
- 3 x syndicate rooms for group working and meetings (see below for booking information)

**Resources Room**

The Resources Room has 35 PCs for casual use all day long. There is one black and white and one colour printer, a scanner and a print kiosk for topping up printing credits. Students will be issued with a personal log on during enrolment week to allow them to use these facilities. The Technical Support Team are located on the second floor in room 2.01 and should be contacted with all queries of a technical nature. They can be contacted by phone on ext 7161.

All formal lab based classes will take place in one of the Faculty's five computer labs all of which can be found on the second floor.

**Syndicate Rooms**

The suite has three small syndicate rooms (HU5.15, 5.16 & 5.17) which are available to staff and students for activities such as meetings, group work, interviews etc. Bookings can be made as follows:

- By emailing your Programme Administrator, stating clearly the date and time that you require the space, the activity being undertaken and number of people involved.
- Your Programme Administrator will email to confirm the booking or otherwise
- On Monday morning each week a printout of bookings per room for that week will be placed on each door. Students/staff can then 'self book' themselves into any empty slots that remain for the week
- As this is a self managed resource, you are asked to respect the bookings system, vacating promptly at the end of your booked slot.

**Support for International Students**

The **Student Services Centre** brings together a range of key student support services which provide information, advice and guidance on a wide range of topics including:

- International student support

- Jobs and careers
- Housing
- Money and welfare
- Disability team
- Counselling and personal support
- Sport and recreation

The International Student Support Officer provides ongoing specialist support, including advice and guidance on issues such as working in the UK and opening a bank account, as well as lots of general information about living and studying in Leicester. We know that you will have lots of questions about life in a new city and we're here to try and give you as much help as we can.

The Student Services Centre is on the ground floor of Gateway House and is open 9am-5pm, Monday to Friday.

Telephone: +44 (0)116 257 7595

Email: [Internationalsupport@dmu.ac.uk](mailto:Internationalsupport@dmu.ac.uk)

Advice and assistance on immigration, housing and a range of other issues is also provided by the **Welfare and Education Team** who are based within Student Union on the first floor in the Campus Centre building. The team can also assist you in applying to extend your student visa. Call in for an appointment or telephone (0116) 257 6307.

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## Course structure

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Students must study modules to a total of 120 credits. At least two modules must have a value of 30 credits (one of which is the compulsory core module). This does not include the dissertation which is compulsory and makes up the remaining 60 credits for an LLM (180 credits).

In order to be awarded an LLM in Business Law, the dissertation must have a business related theme and 30 credits of option modules must be business-related. Options are chosen from the following list:

### 30 Credit Modules

- \*Company Law
- \*Consumer Law
- \*EU Competition Law
- \*Individual Labour Law
- \*Intellectual Property Law
- \*Law of International Trade

### 15 Credit modules

- \*Aspects of Discrimination in Business
- \*Civil Liberties in the Workplace
- \*European E-Commerce
- \*Sale and Supply of Goods
  - Sports Governance
  - Event Management
- \*Corporate Insolvency Law
- \*Personal Insolvency Law

\* denotes a business related module

**Please note that the list of modules may be added to from time to time, but there may be occasions where it is not possible to offer a particular module in a given year due to lack of relevant expertise, for example, staff absences on the grounds of ill health or study leave. A module may also not run if numbers are too small. Synopses of all modules can be found in the Appendix to this document.**

### Learning outcomes

Generic outcomes - what a student should know and be able to do upon completion of the course:

#### *Knowledge & understanding*

A successful student should be able to demonstrate knowledge and understanding of how law functions in general and should be able to demonstrate the knowledge

and understanding in depth of a range of substantive areas of law, as determined by their choice of modules.

*Cognitive skills*

A successful student should be able to demonstrate significant ability to analyse factual situations, bring together information and materials from a variety of different sources, and make critical judgements of the merits of particular arguments.

A successful student should be able to demonstrate substantial ability to act independently in planning and undertaking tasks, in undertaking independent research, in reflecting on his or her own learning, and in seeking and making use of feedback.

*Subject specific skills*

A successful student should be able to demonstrate significant ability in legal problem solving.

A successful student should be able to demonstrate significant ability to research material independently and to both access and prioritise a wide variety of legal sources.

The learning outcomes for each module are reflected in each element of assessment.

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## 30 CREDIT MODULES

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**Title of Module: LLMP5048 CONSUMER LAW**

**Learning Outcomes:**

On successful completion of the module, a student should

1. have an ability to work and research independently and seek advice as required
2. have the ability to identify and prioritise source materials needed for a proper understanding of the subject
3. have a critical awareness of the factors which shape consumer law
4. have an analytic and critical appreciation of practices within the consumer law and practice field
5. have a wide awareness of consumer law, and the ability to apply it critically in a variety of contexts

**Topic 1. Introduction**

- Who is a consumer?
- Why do consumers need protecting?
- Techniques of Consumer Protection
  - (a) Criminal Law
  - (b) Civil Law
  - (c) Business self regulation
  - (d) Administrative Controls

**Topic 2. Product Quality**

- (a) Common Law/freedom of contract/express warranties/privity.
- (b) Suitability and fitness for purpose under sale of goods legislation.
- (c) Exclusions/disclaimers of liability
- (d) Remedies

**Topic 3. Product Safety**

- (a) Negligence
- (b) Consumer Protection Act 1987 Part 1 and civil law
- (c) Consumer Protection Act 1987 Part 11, General Product Safety Regulations 2005 and criminal law

**Topic 4. Liability For Defective Services**

- (a) General Principles
  - Supply of Goods and Services Act 1982
- (b) Specific Types of Services
  - Holidays
  - Repair Services
  - Building



**Topic 5. Misleading Information/Unfair Trading Practices/ False Trade Descriptions**

**Topic 6. European Union Consumer Law**

- (a) Sources of EU Consumer Protection Policy
- (b) Implementation of EU policies and harmonisation
- (c) Conflicts between domestic consumer protection measures and EU policies.

A variety of self-assessment questions are built into the module.

**Title of Module: LLMP5050 COMPANY LAW**

**Learning Outcomes:**

On successful completion of the module, a student should

1. have a significant ability to work and research independently and seek advice as required
2. have a significant ability to identify and prioritise source materials needed for a clear and proper understanding of the subject
3. have a critical awareness of the factors which currently shape Company Law as well as accompanying policy considerations
4. have a sound analytical and critical appreciation of practices within the Company Law field
5. have a wide awareness of issues at the forefront of Company Law, and the ability to apply it critically in a variety of contexts

**Syllabus:**

Topic 1. CORPORATE PERSONALITY AND LIMITED LIABILITY

- Protection from liability
- Organic structure of companies

Topic 2 COMPANY FORMATION AND CONSEQUENCES OF INCORPORATION

- The corporate veil – judicial and statutory lifting of the corporate veil.
- Articles of association – amendment, entrenchment and enforcement

Topic 3. COMPANY CAPITAL

- Share capital.
- Maintenance of capital and variation of class rights
- Corporate borrowing

Topic 4 THE STATUS, POWERS AND LIABILITIES OF DIRECTORS

- Corporate management and ownership
- The status and disqualification of directors
- Directors' duties
- Restraints on directors

Topic 5. SHAREHOLDER STATUS AND PROTECTION

- Members' voting rights
- Minority protection

A variety of self-assessment questions are built into the module.

**Title of Module: LLMP5052 INDIVIDUAL LABOUR LAW**

**Learning Outcomes:**

On successful completion of the module, a student should

1. have a significant ability to work and research independently and seek advice as required
2. have a significant ability to identify and prioritise source materials needed for a clear and proper understanding of the subject
3. have a critical awareness of the factors which currently shape Individual Labour Law
4. have a sound analytic and critical appreciation of practices within the Individual Labour Law field
5. have a wide awareness of issues at the forefront Individual Labour Law, and the ability to apply it critically in a variety of contexts

**Topic 1. Institutions of Labour Law and Different Forms of Employment**

The institutions and their functions.

Different tests to establish whether there is a contract of service or for services. Legal consequences of the difference. Specific types of relationship, e.g. agency workers.

**Topic 2. The Contract of Employment**

Sources of contractual terms: collective agreements, statutory statement, custom, works rules, disciplinary procedures, implied terms.

Implied duties in the contract: Employer duties - duty to provide work, duty to pay wages, duty in relation to payment during lay offs and sickness, deductions from wages, duties in respect of the employee's safety, duty of mutual respect. Employee duties - co-operation, fidelity, obedience to lawful reasonable orders.

**Topic 3. Constraints on the Employment Relationship**

Concept of discrimination under the Equality Act 2010: grounds for discrimination, direct discrimination, indirect discrimination, victimisation, harassment, acts of discrimination, genuine occupational requirements, other unlawful acts. Enforcement and remedies.

Equal pay under the Equality Act 2010.

**Topic 4. Termination at Common Law**

Termination by operation of law, termination by agreement, repudiation. Common Law dismissal, procedure for dismissal, reasons for dismissal, remedies.

**Topic 5. Unfair Dismissal**

Concept of continuity of employment, excluded employees, concept of dismissal, reasons for dismissal, concept of reasonableness, automatic unfair dismissals, dismissal during industrial action, remedies.

## **Topic 6. Redundancy**

Qualifications to claim, definition of redundancy, misconduct and redundancy, suitable alternative employment, trial periods, lay off and short time working, consultation requirements, remedies.

A variety of self-assessment questions are built into the module.

**Title of Module: LLMP5054 EU COMPETITION LAW**

**Learning Outcomes:**

On successful completion of the module, a student should

1. have an ability to work and research independently and seek advice as required
2. have the ability to identify and prioritise source materials needed for a proper understanding of the subject
3. have a critical awareness of the factors which shape EU Competition
4. have an analytic and critical appreciation of practices within the EU Competition field
5. have a wide awareness of EU Competition law, and the ability to apply it critically in a variety of contexts

**Syllabus:**

After considering the economic theories that underpin Competition Law and some basic definitions, the course will look at Article 101, Article 102, Enforcement, Mergers and State Aids.

**Title of Module: LLMP5056 INTERNATIONAL TRADE LAW**

**Learning Outcomes:**

On successful completion of the module, a student should

1. have an ability to work and research independently and seek advice as required
2. have the ability to identify and prioritise source materials needed for a proper understanding of the subject
3. have a critical awareness of the factors which shape international commerce
4. have an analytical and critical appreciation of practices within the field of global commerce
5. have a broad awareness of International Trade law, and the ability to apply it critically in a variety of contexts

**Topic 1. International Sales**

- Introduction to international Trade contracts
- FOB and CIF contracts
- Incoterms

**Topic 2. The Vienna Convention for the International Sale of Goods (CISG)**

- The principles of CISG
- A comparison with the domestic Sale of Goods Act

**Topic 3. The Carriage of Goods**

- Carriage of goods by sea
- International Conventions including Hague, Hague Visby, Hamburg and Rotterdam Rules

**Topic 4. Financing, Payment and Insurance**

- Payment and Finance
- Documentary Credits
- Principles of Insurance

**Topic 5. Electronic Opportunities for International Trade**

- E commerce
- Regulation with Europe

**Topic 6. Disputes and their resolution**

- International Litigation
- International Arbitration

A variety of self-assessment questions are built into the module.

**Title of Module: LLMP5058 INTELLECTUAL PROPERTY LAW**

**Learning Outcomes:**

On successful completion of the module, a student should

1. have an ability to work and research independently and seek advice as required
2. have the ability to identify and prioritise source materials needed for a proper understanding of the subject
3. have a critical awareness of the factors which shape Intellectual Property issues
4. have an analytic and critical appreciation of practices within the Intellectual Property field
5. have a wide awareness of Intellectual Property law, and the ability to apply it critically in a variety of contexts.

**Topic 1. Introduction to Intellectual Property**

The nature of and justification for intellectual property rights.  
IP and the EU  
Remedies for IP infringement

**Topic 2. Copyright**

International co-operation.  
The variety of protected works, subsistence, and infringement.

**Topic 3. The Exploitation of IP Rights including Confidentiality**

Ownership of patents and copyright, moral rights in copyright,  
Licensing of patents and copyright.  
Requirements For Confidentiality and Contracting for Secrecy

**Topic 4. Design Protection**

Overlap between Copyright and Design Rights  
Registered Design  
Design right

**Topic 5. Patents**

The International System  
Formalities for Grant  
Subsistence of Patents  
Excluded Subject Matter

**Topic 6. Trade marks and Character Merchandising (including Passing Off)**

The International system and registration of Trade Marks  
Infringement and Revocation of Trade Marks  
Passing off  
Character Merchandising  
A variety of self-assessment questions are built into the module.

## 15 CREDIT MODULES

**Title of Module:**        **LLMP5063    CIVIL LIBERTIES IN THE WORKPLACE**

### **Learning Outcomes:**

On successful completion of the module, a student should:

1. Have an ability to work and research independently and seek advice as required;
2. Have the ability to identify and prioritise source materials needed for a proper understanding of the subject;
3. Have a critical awareness of the factors which determine the degree of legal protection for civil liberties in employment;
4. Have an analytical and critical appreciation of practices within the field of civil liberties and employment;
5. Have a wide awareness of the law concerning civil liberties in employment, and the ability to apply it critically in a variety of contexts.

### **Topic 1: Introduction to Civil Liberties in Employment**

- The nature of civil liberties
- The differing approaches of the UK, EU and European Convention on Human Rights to the protection of civil liberties
- The employment relationship as a potential source of human rights conflicts
- The application of the various human rights and civil liberties instruments to the employment relationship

### **Topic 2: Privacy and Security of the Person**

- Monitoring of communications
- Drug-testing
- Searches
- Data protection
- Breach of confidence
- Harassment

### **Topic 3: Freedom of Conscience, Expression and Association**

- Freedom of conscience
- Freedom to practice religious belief
- Compulsory dress codes
- Protection for whistleblowers
- The "right" to union membership

A variety of self-assessment questions are built into the module. On successful completion



**Title of Module: LLMP5065 ASPECTS OF DISCRIMINATION IN BUSINESS**

**Learning Outcomes:**

On successful completion of the module, a student should:

1. Have an ability to work and research independently and seek advice as required;
2. Have the ability to identify and prioritise source materials needed for a proper understanding of the subject;
3. Have a critical awareness of the factors which shape anti-discrimination law in the private sector;
4. Have an analytical and critical appreciation of practices within the anti-discrimination law field;
5. Have a wide awareness of anti-discrimination law, and the ability to apply it critically in a variety of contexts.

**Tutorial 1 – Anti-Discrimination Legislation in the UK**

The principle of equality

The concept of discrimination

The rationale for prohibiting discrimination

Outline of contexts in which discrimination is subject to legal prohibitions

**Tutorial 2 - European Union Intervention**

An overview of EU Anti-discrimination law

Identify Non-discrimination as a general principle of EU law

EU equality legislation and ECJ case law

Article 13 EC Directives (now Articles 10 TFEU and 19 TFEU)

The role of European Instruments in the protection of equality rights (for example, the EU Charter of Fundamental Rights and Freedoms)

**Tutorial 3/4/5 – Topical Discrimination  
For example Religion, Sexual Orientation and Age**

Domestic and EU provisions dealing with such discrimination

Direct discrimination

Indirect discrimination

The contexts in which discrimination is prohibited

Justifications

Exceptions

Remedies and enforcement

Positive Action

A variety of self-assessment questions are built into the module.

**Title of Module: LLMP5066 SALE AND SUPPLY OF GOODS**

**Learning Outcomes:**

On successful completion of the module, a student should

1. have an ability to work and research independently and seek advice as required
2. have the ability to identify and prioritise source materials needed for a proper understanding of the subject
3. have a critical awareness of the factors which shape the sale of goods
4. have an analytic and critical appreciation of practices within the field of the sale of goods
5. have a wide awareness of the sale of goods law, and the ability to apply it critically in a variety of contexts

**Topic 1. The Passing of Property and Risk; Title disputes**

Subject introduction and background.

ss 16-19 Sale of Goods Act and the rules governing the passage of property.

Section 20A - the new rule relating to the passage of property in unascertained goods.

Ascertainment and unconditional appropriation.

The passing of risk.

Perishing of goods.

Title disputes between buyer and seller.

Title disputes involving third parties.

**Topic 2. Obligations of the Seller**

Delivery.

Implied terms as to the right to sell, description, quality and fitness (ss 12-15 Sale of Goods Act).

**Topic 3. Remedies for Breach of Contract**

The seller's remedies in rem - lien, stoppage in transit, resale, and reservation of title clauses.

The buyer's remedies in rem - rejection.

The seller's personal remedies - action for the price and damages for non-acceptance.

The buyer's personal remedies - damages for non-delivery and damages for breach of condition/warranty.

A variety of self-assessment questions are built into the module.

**Title of Module: LLMP5075 CORPORATE INSOLVENCY**

**Learning Outcomes:**

On successful completion of the module, a student should

1. have an ability to work and research independently and seek advice as required
2. have the ability to identify and prioritise source materials needed for a proper understanding of the subject
3. have a critical awareness of the factors which shape insolvency
4. have an analytic and critical appreciation of practices within the insolvency field
5. have a wide awareness of insolvency law, and the ability to apply it critically in a variety of contexts

**Topics:**

Insolvency practitioners and the Official Receiver  
Voluntary arrangements  
Liquidation  
Administration  
Administrative receivership  
Distribution of Assets  
Malpractice of Company Directors  
Property of an Insolvent Company  
Set-Off and Distribution of Assets

A variety of self-assessment questions are built into the module.

**Title of Module: LLMP5077 PERSONAL INSOLVENCY**

**Learning Outcomes:**

On successful completion of the module, a student should

1. have an ability to work and research independently and seek advice as required
2. have the ability to identify and prioritise source materials needed for a proper understanding of the subject
3. have a critical awareness of the factors which shape insolvency
4. have an analytic and critical appreciation of practices within the insolvency field
5. have a wide awareness of insolvency law, and the ability to apply it critically in a variety of contexts

**Topics:**

Bankruptcy procedures  
Alternatives to Bankruptcy  
Voluntary arrangements  
Property of a bankrupt  
Family homes  
Distribution of assets  
Debt Relief Orders  
Misconduct

A variety of self-assessment questions are built into the module.

**Title of Module: LLMP5079 EUROPEAN E-COMMERCE LAW**

**Learning Outcomes:**

On successful completion of the module, a student should:

1. have the ability to work and research independently and seek advice as required;
2. have the ability to identify and prioritise source materials needed for a clear and proper understanding of this subject;
3. have a critical awareness of the factors that currently shape the law relating to e-commerce;
4. have a sound analytical and critical appreciation of practices within this field of law;
5. have an awareness of issues at the forefront of e-commerce law and the ability to apply it critically and in a variety of contexts.

**Introduction:**

This module will look at e-commerce law from a European perspective. This is because the EU has been active in harmonising the laws of the Member States in order to encourage cross border trade within the Community

**Topics:**

- How the Internet works and the legal problems that arise
- How contracts are formed electronically
- The Brussels Regulations on Jurisdiction
- The Rome Convention on choice of law
- The EU's e-commerce Regulations & Directives
- E-signatures
- Payment for goods and services over the internet
- The Distance Selling directive
- Sale and supply of goods to consumers
- Spam
- Data protection
- On-line market places
- What to do if the transaction goes wrong

A variety of self-assessment questions are built into the module.

**Module Title: LLMP5095 SPORTS GOVERNANCE**

**Learning Outcomes:**

On successful completion of the module, a student should:

1. have a significant ability to work and research independently and seek advice as required;
2. have a significant ability to identify and prioritise source materials needed for a clear and proper understanding of the subject;
3. have a critical awareness of the factors which currently shape sports governance;
4. have a sound analytic and critical appreciation of practices within the sports governance field;
5. have a wide awareness of issues at the forefront of sports governance, and the ability to apply it critically in a variety of contexts.

**Syllabus**

1. Historical Framework for the Evolution of the National Governing Body of Sport
2. UK Government Sports Policy
3. Football Industry Experiences
  - Dual ownership of football club registration;
  - Third party player ownership;
  - Cost control mechanisms;
  - UEFA Club licensing Scheme; and
  - Football League's "fit and proper" test.
4. The European Dimension
  - Evolving role of the EU; and
  - Council of Europe

A variety of self assessment questions will be found in the module documentation.

**Title of Module: LLMP5097 EVENT MANAGEMENT**

**Learning Outcomes:**

On successful completion of the module, a student should:

1. have a significant ability to work and research independently and seek advice as required;
2. have a significant ability to identify and prioritise source materials needed for a clear and proper understanding of the subject;
3. have a critical awareness of the factors which currently shape the law relating to event management;
4. have a sound analytic and critical appreciation of practices within the law relating to event management;
5. have a wide awareness of issues at the forefront of the law relating to event management, and the ability to apply it critically in a variety of contexts.

**Syllabus**

1. Establishing a Commercial Programme for a Sports Event: Legal and Practical Considerations
2. Contract drafting
3. Topical Issues
  - Ticket management;
  - Risk management (crowd management)
  - Ambush marketing