Faculty of Law

Dean: Dr. Derrick McKoy LL.B. Hons. (UWI), LL.M (Lond), Ph.D. (Leic), MBA (Barry), DBA (NSU), Attorney-at-Law

GENERAL INFORMATION FOR GRADUATE STUDENTS

The official regulations handbook for all Graduate Degrees and Diplomas is found online at www.mona.uwi.edu.jm

Students should familiarize themselves with the regulations, a few of which are highlighted here, and also note the following administrative information:

Registration

Every student is required to register within the first 3 weeks of every semester until his/her degree has been awarded. Registration is a two-part process:

1. The selection of courses online, and
2. The payment to the Bursary of all fees generated.

Electives

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

Re-registration for Research Paper/Internship/Practicum

The requirement to register every semester continues while students are doing the Thesis/Research Paper Programme element. If a student registers for the Research Paper and does not complete this in the first semester of registration, regulations require him/her to re-register every subsequent semester until the Paper/Report has been submitted and graded. If a student experiences any difficulty registering or re-registering it is his/her responsibility to inform the School for Graduate Studies and Research within the first 3 weeks of the semester by email to gradstudies@uwimona.edu so that problems can be resolved.

Withdrawal

If at the end of the published registration period in Semester 2 our records show that a student has not completed a registration for the academic year, and that student is not on approved Leave of Absence, he/she will be Deemed to have Withdrawn from the programme and his/her name will be removed from the student register.
To be considered for re-entry to a programme after withdrawal requires re-application to the programme.

**Examination re-sits or re-submission of coursework**
If a student has been unsuccessful in one component of a course and has been given a failing grade of FE or FC, this indicates that permission has been granted to re-sit the examination/ re-submit coursework for that course the next time it is offered.
In such cases, an **Examinations Only** registration must be done administratively and students will need to contact the School for Graduate Studies and Research within the first 3 weeks of the relevant semester by email to gradstudies@uwimona.edu with details of the course for which they are to be registered.
This repeat registration attracts a per-credit fee.

**Re-taking a failed course**

Any student, who was unsuccessful in any **compulsory** course (Grade F), is required to re-take the entire course and must self-register online the next time the course is offered.
This repeat registration attracts the full per-credit cost of the course again.

**Requirement to withdraw**

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

**Examinations**

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

**Distinction**

Unless otherwise stated in the regulations of a specific programme the basis for the award of a degree with Distinction are:
If the Masters programme being followed requires completion of a Research Paper the candidate must pass all courses at the first sitting and the average mark of all courses (excluding the Research Paper) must be at least 70%. The candidate must also achieve a mark of 70% or over in the Research Paper.
If the Masters programme being followed does not require completion of a Research Paper, the candidate must pass all courses at the first sitting, gain an average of at least 70% overall and achieve Grade A in at least 70% of the courses.

**GENERAL FACULTY REGULATION**

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

**Graduate Programmes in Law**

**LL.M. and Graduate Diploma in Corporate and Commercial Law**

**Introduction**

This programme is designed particularly for lawyers and other qualified persons in the corporate and financial services sector working in such areas as Corporate Law, Competition Law, Offshore Financial Law, Corporate Finance and Insolvency Law, International Trade Law, Intellectual Property Law, and Transnational Commercial Transactions Law.

It is designed to better equip such persons to:

- Address issues and problems arising in these areas;
- Serve as policy advisors to corporate clients and governments;
- Undertake complex litigation on behalf of corporate clients and governments before international tribunals and regional courts, including the CCJ; and
- Contribute to the development of a Caribbean jurisprudence in this area.

**Entry Requirements**

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

- Graduates of the University of the West Indies holding the LL.B. degree;
- Graduates of the University of the West Indies or of an approved University holding a degree which includes such law subjects as shall satisfy the Board for Graduate Studies and Research;
- Graduates of the University of the West Indies or of an approved University, who have obtained a professional legal qualification and are admitted to practice in any part of the Commonwealth and in any CARICOM country;
- Persons who having obtained a professional legal qualification, are admitted to practice in any part of the Commonwealth, and who have also been certified as being in practice for a minimum of five years;
- Graduates of the University of the West Indies or of an approved University, who satisfy the Board for Graduate Studies and Research of their capability to undertake the course of study leading to the award of the LL.M. degree.

A person who applies for admittance to the LL.M. programme and who does not satisfy the criteria for the LL.M. but who has satisfied the Board for Graduate Studies and Research of his or her capability to undertake the course of study leading to the award of the Graduate Diploma in Corporate and Commercial Law may be admitted to read for the Graduate Diploma.

**Qualifying Examination**
Applicants may, at the discretion of the Board for Graduate Studies and Research, be required to take a qualifying examination. The language of instruction is English and applicants whose native language is not English may be required to take an English Proficiency Test set on behalf of the Board for Graduate Studies and Research.

Time of Entry

Candidates may enter these programmes either in Semester I or in Semester II.

Cost

The fee of US$10,000 is exclusive of the applicable University Registration Fees, i.e. Amenities, Guild and ID Card. Students are required to pay these fees to the respective campus.

Course of Study

These programmes will be delivered at the Cave Hill, Mona and St. Augustine Campuses, in Belize and The Bahamas, and in the Eastern Caribbean, by way of a combination of lectures, workshops, seminars and modern distant learning techniques. The coursework must be completed within six semesters of the commencement of the programme.

Method of Delivery

Courses are taught using at least one of the following methods: lectures, seminar type sessions and inductive learning. In some courses manuals with relevant material are prepared to assist students. However, these manuals are not exhaustive and students are required to be familiar with the readings cited on the worksheets. Leading Practitioners in the area of offshore financial law will serve as guest lecturers and will be an important aspect of course delivery. The use of the internet is actively encouraged.

Method of Assessment

The courses will be assessed by means of one or more of the following:
   a) Written final examination of three hours duration; and/or
   b) Coursework; and/or
   c) Take home examination; and/or
   d) Research Paper

Award of Degree

To be awarded the Degree in Corporate and Commercial Law candidates must complete a minimum of thirty-six (36) credit hours. Each course is worth six (6) credits. Candidates may substitute two six (6) credit courses for the Research Paper which shall be twelve (12) credits. Failure to complete the Research Paper within the time allotted will result in the award of a Graduate Diploma.
To be awarded the Graduate Diploma in Corporate and Commercial Law candidates must complete a minimum of twenty-four (24) credit hours of coursework.

**List of Courses**

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

**Electives – Student selects any six (6) courses**

- Law 6010 Banking Law
- Law 6020 E-Commerce Law
- Law 6130 Comparative Labour Law in a Corporate Environment
- Law 6310 Caribbean Business and Public International Law
- Law 6400 Company Law Theory in Modern Commerce
- Law 6402 Legal Aspects of Corporate Misconduct
- Law 6410 Advanced Insurance Law
- Law 6420 Law of Corporate Governance
- Law 6430 Advanced Corporate Finance
- Law 6450 Offshore Financial Law
- Law 6470 Advanced Intellectual Property Law
- Law 6490 Advanced Corporate Insolvency Law
- Law 6520 Advanced International Environmental Law
- Law 6900 Research Paper

**Programme Coordinator**

Dr. Shazeeda Ali

**LL.M. and Graduate Diploma in Legislative Drafting**

**Introduction**

The Legislative Drafting Programme is designed to train lawyers and other suitably qualified persons in the skill of drafting legislation to cover every conceivable area of human affairs subject to regulation. Thus, in addition to instruction in the technical skill of drafting “traditional” legislation, the Programme provides candidates with a basic understanding of Treaty Drafting, Constitution Writing, and the preparation of the Appellate Brief. The aim is to produce not only technically qualified draftspersons, but persons with the intellectual capacity to be effective policy advisors to their governments and other clients. To this end, candidates in the Masters programme are required to undertake, in addition to the core course in Legislative Drafting, courses in Public Law I (Advanced Constitutional Law) and Public Law II (Advanced Administrative Law) and to write a Research Paper.
Entry Requirements

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

- Graduates of the University of the West Indies holding the LL.B. degree;
- Graduates of the University of the West Indies or of an approved University holding a degree which includes such law subjects as shall satisfy the Board for Graduate Studies and Research;
- Graduates of the University of the West Indies or of an approved University, who have obtained a professional legal qualification and are admitted to practice in any part of the Commonwealth and in any CARICOM country;
- Persons who having obtained a professional legal qualification, are admitted to practice in any part of the Commonwealth, and who have also been certified as being in practice for a minimum of five years;
- Graduates of the University of the West Indies or of an approved University, who satisfy the Board for Graduate Studies and Research of their capability to undertake the course of study leading to the award of the LL.M. degree.

A person who applies for admittance to the LL.M. programme and who does not satisfy the criteria for the LL.M. but who has satisfied the Board for Graduate Studies and Research of his or her capability to undertake the course of study leading to the award of the Graduate Diploma in Legislative Drafting may be admitted to read for the Graduate Diploma.

Qualifying Examination

Applicants may, at the discretion of the Board for Graduate Studies and Research, be required to take a qualifying examination.

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

Time of Entry

The LLM Legislative Drafting begins in Semester 1.

Course of Study

The Legislative Drafting programme will be delivered primarily by modern distance learning techniques. However, students are also required to attend the Mona Campus for two or three intensive, residential sessions. Dates for these sessions, each of which may be one or two weeks in duration, will be announced at the beginning of the semester.

The Research Paper component of the LLM programme must be completed and submitted within 6 months of completion of the required courses, or the date of assignment of a supervisor, whichever is later.

Method of Assessment

The courses will be assessed by means of one or more of the following:
a) Written final examination of three hours duration; and/or
b) Coursework; and/or
c) Take home examination; and/or
d) Research Paper

Award of Degree

Candidates registered for these programmes must complete the following:
- Core course in Legislative Drafting (20 credit hours)
- Public Law I – Advanced Constitutional Law (6 credit hours)
- Public Law II – Advanced Administrative Law (6 credit hours)
Candidates must also complete a Research Paper on a topic in Legislative Drafting, or on a topic in either Public Law I or Public Law II or on such other topic as the Faculty may permit. The Research Paper carries a credit rating of 12 credit hours.
Candidates registered for the Graduate Diploma in Legislative Drafting will be awarded the Diploma on successful completion of all requirements of the core course in Legislative Drafting only.

Cost
BD $24,333- For Citizens of Anguilla, Antigua &Barbuda, Belize, Bermuda, British Virgin Islands, Dominica, Grenada, Montserrat, St. Kitts/Nevis, St. Lucia, St. Vincent & the Grenadines, The Bahamas and The Cayman Islands.
BD $53,693- For Citizens of Barbados, Trinidad & Tobago, Jamaica, Guyana, International students and citizens of Caribbean countries not listed above.

List of Courses

All courses required
Law 6720 Public Law I – Advanced Constitutional Law
Law 6730 Public Law II – Advanced Administrative Law
Law 6740 Legislative Drafting
Law 6900 Research Paper

Programme Coordinator

LL.M. and Graduate Diploma in Public Law

Introduction
The area of Public Law is central to the practice of good democratic governance and to the success of both the Single Market and Economy and the CCJ.
The Public Law programme therefore aims to provide legal practitioners, members of the Region’s Magistracies, Senior Public Servants and other qualified persons in the private sector with advanced training in the areas of Constitutional Law, Administrative Law, Public International Law, International Human Rights Law, International Trade Law, and Competition Law, to name a few.
The programme is designed to provide candidates with a deeper understanding of the issues in the core subjects of Constitutional and Administrative Law, in addition to others, to enable them to:

- Provide more effective representation before international tribunals, regional courts and the CCJ;
- Render more enlightened decisions in the discharge of their offices as Senior Managers of the Public Service;
- Give adequate and effective legal and policy advice to governments and their clients; and
- Contribute to the development of a regional jurisprudence in the area of Public Law.

**Entry Requirements**

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

- Graduates of the University of the West Indies holding the LL.B. degree;
- Graduates of the University of the West Indies or of an approved University holding a degree which includes such law subjects as shall satisfy the Board for Graduate Studies and Research;
- Graduates of the University of the West Indies or of an approved University, who have obtained a professional legal qualification and are admitted to practice in any part of the Commonwealth and in any CARICOM country;
- Persons who having obtained a professional legal qualification, are admitted to practice in any part of the Commonwealth, and who have also been certified as being in practice for a minimum of five years;
- Graduates of the University of the West Indies or of an approved University, who satisfy the Board for Graduate Studies and Research of their capability to undertake the course of study leading to the award of the LL.M. degree.

A person who applies for admittance to the LL.M. programme and who does not satisfy the criteria for the LL.M. but who has satisfied the Board for Graduate Studies and Research of his or her capability to undertake the course of study leading to the award of the Graduate Diploma in Public Law may be admitted to read for the Graduate Diploma.

**Qualifying Examination**

Applicants may, at the discretion of the Board for Graduate Studies and Research, be required to take a qualifying examination.

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

**Time of Entry**

Candidates may enter these programmes either in Semester I or Semester II.

**Cost**
The fee of US$10,000 is exclusive of the applicable University Registration Fees, i.e. Amenities, Guild and ID Card. Students are required to pay these fees to the respective campus.

Course of Study
These programmes will be delivered at the Cave Hill, Mona and St. Augustine Campuses, in Belize and The Bahamas, and in the Eastern Caribbean, by way of a combination of lectures, workshops, seminars and modern distant learning techniques.

Method of Delivery

Courses are taught using at least one of the following methods: lectures, seminar-type sessions and inductive learning. In some courses manuals with relevant material are prepared to assist students. However, these manuals are not exhaustive and students are required to be familiar with the reading cited on the worksheets. The use of the internet is actively encouraged.

Method of Assessment

The courses will be assessed by means of one or more of the following:
   a) Written final examination of three hours duration; and/or
   b) Coursework; and/or
   c) Take home examination; and/or
   d) Research Paper

Award of Degree

To be awarded the Degree in Public Law candidates must complete a minimum of thirty-six (36) credit hours. Each course is worth six (6) credits. Candidates may substitute two six (6) credit courses for the Research Paper which shall be twelve (12) credits. Failure to complete the Research Paper within the time allotted will result in the award of a Graduate Diploma.
To be awarded the Graduate Diploma in Public Law candidates must complete a minimum of twenty-four (24) credit hours of coursework.

List of Courses

Note that not all courses may be offered every year.

Electives – Student selects any six (6) courses
Law 6300    Advanced Public International Law
Law 6330    Advanced Public International Trade Law
Law 6460    Competition Law in a Global Economy
Law 6520    Advanced International Environmental Law
Law 6600    Advanced Caribbean Integration Law
Law 6720    Public Law I- Advanced Constitutional Law
Law 6730    Public Law II- Advanced Administrative Law
Law 6750    Advanced International Human Rights Law
Programme Coordinator

Ms. Tracy Robinson

MPhil/PhD LAW

Entry Requirements

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

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

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

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

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

Availability of Expertise and Resources

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

Programme Structure/Course of Study

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

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

Courses
Students in the MPhil and PhD degree programme should determine with their supervisor which courses would satisfy the credit requirements. Courses should be completed in the first year.

**Compulsory Seminar Presentations**

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

**Thesis**

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

**Conferral of the Degree**

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

**LIST OF COURSES**

- GSRM 7001  MPhil Research Seminar 1
- GSRM 7002  MPhil Research Seminar 2
- LAW 7000   MPhil Law Thesis
- GRSM 8001  PhD Research Seminar 1
- GRSM 8002  PhD Research Seminar 2
- GRSM 8003  PhD Research Seminar 3
- LAW 8000   PhD Law Thesis

**COURSE DESCRIPTIONS**

**COURSES LISTED IN ALPHANUMERIC ORDER BY COURSE CODE**

**Course Code: GRSM 7001 (common to all MPhil students)**
**Title: MPhil Research Seminar 1**
**Type: COMPULSORY for MPhil students**
**Credits: 0**

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

**Assessment:**
Pass/fail

**Course Code: GRSM 7002 (common to all MPhil students)**
**Title: MPhil Research Seminar 2**
**Type: Compulsory for MPhil students**
Credits: 0

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

Assessment:
Pass/fail

Course Code: GRSM 8001 (common to all PhD students)
Title: PhD Research Seminar 1
Type: COMPULSORY for PhD students
Credits: 0

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

Assessment:
Pass/fail

Course Code: GRSM 8002 (common to all PhD students)
Title: PhD Research Seminar 2
Type: COMPULSORY for PhD students
Credits: 0

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

Assessment:
Pass/fail

Course Code: GRSM 8003 (common to all PhD students)
Title: PhD Research Seminar 3
Type: COMPULSORY for PhD students
Credits: 0

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

Assessment:
Pass/fail

COURSE CODE: LAW 6010
TITLE: Banking Law
CREDITS: 6

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

The course will enable students to:

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

The following topics will be discussed in this course:

a) Introduction to banks, bank organization and banking activities;
b) Banking regulation;
c) The banker-customer relationship, deposit-taking;
d) Financing; and
e) Payment, payment instruments, payments and payment systems.

Assessment
40% Coursework, 60% Final Examination

COURSE CODE: LAW 6020
TITLE: E-Commerce Law
CREDITS: 6

Description

This module aims to provide students with an in-depth look at the legal issues surrounding electronic commerce. The course starts looking at the intellectual property issues that arise in the context of e-commerce transactions. It then examines the more traditional legal issues surrounding business in an electronic format, particularly the formal validity of electronic transactions, security and authentication, contract formation and electronic payment systems. The course then covers consumer issues, such as data protection and privacy. The course also explores various content issues that have arisen in e-commerce including defamation and liability of internet service providers. The course proceeds to analyze in-depth litigation strategies in the shape of online dispute resolution and jurisdiction, and will finish with new legal topics in electronic commerce, including commerce in so-called virtual worlds and open licensing.

The course will focus on aspects of the following:

1. Intellectual property:
   (i) Copyright;
   (ii) Patents;
   (iii) Trademarks/Passing Off; and
   (iv) Breach of confidence.
2. Business and Commerce:
   (i) Contractual Formation;
   (ii) Digital Signatures;
(iii) Electronic Payments and Consumer Protection;
(iv) Data Privacy/Protection; and
(v) Conflict of Laws/Jurisdiction.

3. Content Issues:
   (i) Computer/Cyber Crime;
   (ii) Defamation;
   (iii) Pornography;
   (iv) Liability of Internet Service Providers;
   (v) Regulating Telecommunications.

Assessment
40% Coursework, 60% Final Examination

COURSE CODE: LAW 6130
TITLE: Comparative Labour Law in a Corporate Environment
CREDITS: 6

Description
The globalization process, greatly assisted by technological advances, presents many challenges for labour law. As competition increases, companies will strive to reduce as much as possible the cost of doing business. The likely consequences of this are an increase in lay-offs and redundancies, the flexibilization of labour and wages, the marginalization of trade unions and increased pressure on the authorities to roll back the rights won by the workers over the years. In such a context, a clear understanding of the principles governing employment law is critical. Beyond this, however, the philosophies and policies which underlie these principles must be thoroughly analyzed if they are to be accorded their true status in the new globalized economy.

The course is taught from a Commonwealth Caribbean perspective but draws on comparative sources and international labour standards.

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

Assessment
100% Final Examination

COURSE CODE: LAW 6300
TITLE: Advanced Public International Law
CREDITS: 6
Description
This course examines three discrete aspects of Public International Law, namely, the law concerning the use of force in international relations, the law of the sea and the law of state responsibility, including the treatment of foreign direct investment. The main concerns will be:

1. To consider the ways in which legal principles and rules influence the decision-making process in international relations; and
2. To examine the extent to which different groups of states, and in particular, developing States, have sought to shape Public International Law to suit their national and group interests.

Special emphasis will be placed on the manner in which states have used the United Nations and other multilateral agencies as important arenas for the formulation of treaty rules and for the elaboration of norms of customary international law. Particular attention will also be placed on issues relating to the use of law as an instrument of international development.

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

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

COURSE CODE: LAW 6310
TITLE: Caribbean Business and Public International Law
CREDITS: 6

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

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

Topics include:
1. Movement of persons across borders;
2. International Telecommunications law;
3. Law of the air;
4. Law of the sea;
5. Human Rights Law; and

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

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

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

Assessment
100% Final Examination

COURSE CODE: LAW 6330
TITLE: Advanced Public International Trade Law
CREDITS: 6

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

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

In Part II, the traditional international law of investor protection, including its modern development through networks of bilateral agreements and the International Centre for Settlement of Investment Disputes (ICSID) system, is discussed in outline. This is an important complementary topic to WTO law, since WTO law has only limited application to investment.

The investment regime aspect of the projected Free Trade areas of the Americas (FTAA) and of CARICOM Single Market and Economy (CSME) are addressed in Part IV, after the study of the WTO system.

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

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

Specific areas of inquiry under each part include:
Part I: Background issues of international law
   1. The distinction between public and private international law
   2. The relationship between international law and national law
Part II: International law and investor protection
1. State responsibility and diplomatic protection
2. National treatment as the lowest standard
3. Investor protection agreements (bilaterals, ICSID Convention)

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

Part IV: Regional trade agreements
1. GATT Article XXIV and GATS Articles V and V bis (FTAA, CSME, the “WTO-plus” dimension, conflicts of dispute settlement jurisdiction)

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

**Assessment**
100% Final Examination

**COURSE CODE: LAW 6400**
**TITLE: Company Law Theory in Modern Commerce**
**CREDITS: 6**

**Description**
This course is an examination of the corporate form of business associations - the company and the legal, economic and regulatory framework within which the company operates. It builds upon the fundamental principles of company law by a contextualized and critical examination of the principal problems which confront a company within the world of commerce. The key issues examined are:
1. The Jurisprudential foundation of company law – Theory of separate legal personality;
2. The pre-incorporation contract challenge to separate legal personality;
3. Challenges to defining the legitimate use of the corporate form – criminal liability challenge and tortious liability challenge;
4. The problem of corporate ownership and control problems posed by multi-national and transnational companies;
5. The problem of the smaller incorporated firm vs. corporate groups;
6. Reconciling shareholder remedies with separate legal personality; and
7. Reconciling creditors on insolvency with separate legal personality.
Assessment
100% Final Examination

COURSE CODE: LAW 6402
TITLE: Legal Aspects of Corporate Misconduct
CREDITS: 6

Description
This course is intended to provide an examination of those aspects of corporate misconduct that are rapidly developing and assuming increasing importance globally. The course places a special emphasis on the role of the financial services industry in maintaining stability and integrity in the financial markets.
Topics to be covered will include:
1. The concept of corporate misconduct within the context of the financial services industry;
2. The need to regulate financial intermediaries- i.e. banks, insurance companies, investment advisors etc.;
3. The issues relating to underground and parallel financial systems;
4. Money laundering – civil and criminal liability for “those who handle other people’s money”;
5. Insider Dealing- civil and criminal liability; and
6. Liability under the specific regulations governing the financial services industry, including market manipulation.

Assessment
100% Final Examination

COURSE CODE: LAW 6410
TITLE: Advanced Insurance Law
CREDITS: 6

Description
Insurance is an increasingly important tool for the management of risk by both private and public enterprises. This course, at an advanced level, is intended to provide students with theoretical and practical challenges that face Insurance companies or the business of insurance in the Commonwealth Caribbean.
The course traces the historical development of Insurance Law to current trends and challenges facing the Insurance Industry in general and in particular the Commonwealth Caribbean. The course also examines the practical difficulties of companies which engage in “insurance business” as a part of the enterprise but without registering under the relevant Insurance Act thereby escaping the rigours of Insurance legislations and presenting obvious problems for regulators.
The course also examines such theoretically problems encountered by insurance law as:
1. The application of the basic principles of contract formation to Insurance Contracts; and
2. The issue of misrepresentation and non-disclosure.

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

Assessment
33% Research paper, 67% Final Examination

COURSE CODE: LAW 6420
TITLE: Corporate Governance
CREDITS: 6

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

Corporate governance focuses at an advanced level, on the principal legal and economic questions facing corporations in light of the recent scandals involving high profile corporations. Among the topics considered are:

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

Assessment
100% Research Paper

COURSE CODE: LAW 6430
TITLE: Advanced Corporate Finance
CREDITS: 6

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

The course will examine corporate financing mechanisms with specific attention to problem-based strategies and related legal and regulatory frameworks.

Course materials represent in general terms the core elements of two of the three major components of the course: Debt Finance and Equity Finance. The third major component of the course relates to company financing from the public. The focus of the course will be primarily on
the core concepts of contemporary financing techniques. The selections made for the individual seminar topics will reflect this focus.
These include:
1. The concept of capital and financing of Companies;
2. Raising share capital and the capital maintenance doctrine;
3. Corporate self-dealings;
4. Corporate distribution,
5. Concept of equity financing;
6. Loan capital (in particular Debt Financing); and
7. The taxation of companies.

Assessment
100% Research paper

COURSE CODE: LAW 6450
TITLE: Offshore Financial Law
CREDITS: 6

Description
The offshore financial centre has become a significant revenue earner in the Commonwealth Caribbean and being inherently transnational, engages routinely the attention of capital producing nations outside of the region as well as leading international institutions. A unique and dynamic jurisprudence has developed alongside the offshore financial centre. It involves the straddling of several legal disciplines such as the law on trusts, banking, insurance, company law, revenue law, mutual legal assistance and law enforcement. This course addresses several of the complex issues raised in offshore financial law.
Specific areas of inquiry include:
1. An understanding and rationalization of fundamental legal precepts and characteristics of offshore financial centres;
2. An analysis of the international business company (IBC) and its comparability with traditional company structures;
3. Issues of privacy, particularly in relation to regulating offshore financial centres.
4. Vehicles for mutual legal assistance;
5. An examination of the offshore trust as a hybrid legal concept and the legal challenges facing the offshore trust;
6. Selected conflict of laws issues in offshore financial law;
7. Issues relating to law enforcement and disclosure efforts; and
8. Challenges to the tax function of offshore financial centres.

Assessment
100% Final Examination

COURSE CODE: LAW 6460
TITLE: Competition Law in the Global Economy
CREDITS: 6

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

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

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

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

Assessment
This course will be assessed by means of one or more of the following:
   a) A written final examination of three hours duration;
   b) Coursework;
   c) A take home examination.

COURSE CODE: LAW 6470
TITLE: Advanced Intellectual Property Law
CREDITS: 6

Description
This course aims to challenge students to apply the basic principles and understanding of intellectual property to issues and challenges in this globalized world. This multifaceted and dynamic concept, intellectual property covers areas such as:
   1. Copyright;
   2. Trademarks;
   3. Patents;
   4. Industrial designs; and
   5. Geographical indications.

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

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

Copyright: The fundamentals of copyright in music, literature and the arts. Among the areas covered are the manner and scope of protection of dramatic, musical, artistic and literary works, the concepts of authorship and ownership, originality, the idea/ expression dichotomy and the fair dealing defence and thorough analysis of copyright acts, international conventions and case law. The course attempts to assess the copyright regimes in terms of its justification and its public policy objectives, exposing students to the theoretical discussions surrounding copyright protection in the information and Internet era.

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

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

Building on the introductory part on the Intellectual Property, Part II of the course goes on to examine:
   a) Some of the issues and problems that the law must confront in the age of information and technological innovation.
b) The Digital Age and the question of the Internet as a tool in modern commerce, domain names and non-original databases.

c) How these well-established principles interface with business development and developing countries concerns.

d) The challenges faced by Commonwealth Caribbean countries which operate within the strictures of WTO and the Free Trade Areas of the Americas (FTAA).

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

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

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

COURSE CODE: LAW 6490
TITLE: Advanced Corporate Insolvency
CREDITS: 6

Description
Insolvency law has become part of the mainstream commercial law and plays a significant economic and social role in contemporary credit economies, the Commonwealth Caribbean being no exception. The insolvent company raises the complex issues of law and policy that impact on rights and obligations. This has fuelled a greater focus on the existing legal regulatory framework and its ability to cope with the consequences of business failure.

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

It is therefore important that lawyers and insolvency practitioners in general understand recent developments in insolvency law and increase their awareness of developments internationally, with a view to improving procedures and practices to deal with both existing and new problems. In this context the course will consider the fundamentals of business insolvency from a Commonwealth Caribbean perspective while examining the comparative bankruptcy and insolvency regimes.

This course combines an analysis of relevant statutory material, concepts and procedures with an understanding of the policy choices in Corporate Insolvency and the different rules which an insolvency regime may play in the contemporary Commonwealth Caribbean society.

Assessment
100% Research Paper
COURSE CODE: LAW 6520  
TITLE: Advanced International Environmental Law  
CREDITS: 6

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

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

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

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

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

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

COURSE CODE: LAW 6600  
TITLE: Advanced Caribbean Integration Law  
CREDITS: 6

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

Topics to be covered are:

1. The International Law Context of Caribbean Integration: The Law of International Organizations
   a. The state in international law,
   b. The international organization in international law,
   c. Supra-state entities in international law: the case of the European Union,
   d. Supra-state entities in international law: the case of the Commonwealth; and
   e. Regional customary international law.
2. Caribbean Integration: Nesting and Intersection
a. Legal issues of the nesting or intersecting relationship of CARICOM and OECS with (in particular) OAS and the Inter-American System, ACS, SICA, ACP Group, AOSIS, CBI, CARIBCAN, CARIFORUM;

3. Caribbean Integration: CARICOM and OECS as political institutions
   a. Decision-making in CARICOM and OECS, CARICOM institutional reform, the OECS Economic Union, supranationality;

4. Caribbean Economic Integration, CSME and OECS Economic Union
   a. The most favoured nation treatment principle,
   b. The national treatment principle,
   c. Right of establishment,
   d. Movement of natural persons,
   e. LDCs,
   f. Safeguards,
   g. The competition regime, and
   h. Subsidies

5. Dispute settlement in Caribbean Regional Integration
   a. The original jurisdiction of the Caribbean Court of Justice;
   b. Other dispute settlement mechanisms; and
   c. Conflicts between dispute settlement mechanisms

   a. CDB, ECCB, the Appellate Jurisdiction of the Caribbean Court of Justice, the Eastern Caribbean Supreme Court, UWI and other instruments of West Indian functional regional cooperation

Candidates who undertake this course successfully should be capable of:

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

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

This course will be delivered by a combination of distant learning and periodic residential workshops and seminars on all three campuses.
### Assessment
This course will be assessed by means of one or more of the following:

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

### COURSE CODE: LAW 6720
### TITLE: Public Law I (Advanced Constitutional Law)
### CREDITS: 6

### Description
This course in Advanced Constitutional Law takes a distinctly comparative and philosophical approach to the study of constitutional law. The idea is to give students a better appreciation of the theoretical issues embedded in the whole area of constitutional law. The comparative perspective helps students to appreciate similarities and differences between Commonwealth Caribbean Constitutional Law and the constitutional law of other countries, in particular, the United States, the United Kingdom, Canada and South Africa.

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

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

In order to address some of these philosophical questions, we begin with the question of constitutional founding, using the U.S Founding as representing the closest approximation in modern history of the ideal of constitutional founding. Much time is spent discussing Richard Kay’s elegant essay: “Comparative Constitutional Fundamentals”, 6 Connecticut Journal of International Law 445 (1991), and the classic cases of Marbury v. Madison (1803) and McCullouch v. Maryland (1819).

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

### Part II
The second part of the course focuses in more detail on the Constitutional Structure of the State. It explores the question of the centrality of the principle of Separation of Powers, as a structural and normative principle, in the design of the just State and to the practice of judicial review. The course therefore revisits Marbury v. Madison to explore the Chief Justice Marshall’s argument for judicial review.

### Part III
The third part of the course focuses on Fundamental Rights. This is the most intensely philosophical aspect of the course and begins by considering the central question of the nature of fundamental rights: What makes a right fundamental? Answers to this question may be gleaned from reading Alan Gewirth’s essay, ‘The Epistemology of Human Rights;’ John Finnis’s major work: *Natural Law and Natural Rights* (1981); and John Rawls’s *A Theory of Justice* (1970), *Political Liberalism* (1993).

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

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

But property is a special kind of social institution, or ‘defining who, in a society, may control various classes of valuable objects for a variety of present and future purposes and the conditions under which this power may be exercised’. On this view, property rights are understood to be an integral part of the economic organization of any society. It also means there are limitations on the exercise and enjoyment of the ‘right’. For example, the State, through its police, tax and eminent domain powers, may impose limitations on property for the purpose of the economic and social development of the country and to achieve a more equitable distribution of wealth in the society. This affords us a splendid opportunity to explore the theories of justice put forth by Rawls and Nozick in *A Theory of Justice* and *Anarchy, State and Utopia*, respectively, in the context of an island society where land is arguably the most valuable natural resource. The “Chattle House Case” and the Barbados *Tenancies Freehold Purchase Act* make for very interesting discussion.

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

**Assessment**

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

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

**COURSE CODE: LAW 6730**

**TITLE: Public Law II (Advanced Administrative Law)**

**CREDITS: 6**

**Description**

This course in Advance Administrative Law is designed principally to satisfy the continuing need for legislative draftspersons to remain topical and appreciative of the radical changes taking place in a dynamic discipline.
The philosophy behind the syllabus is to provide students with a firm theoretical grasp of Administrative Law principle as well as appreciation of the directions in which Administrative Law is moving. While focus is on the Commonwealth Caribbean, we shall inexorably be adopting a comparative approach to our seminars, drawing on precedents from the wider Commonwealth as well as the respective jurisdictions from which our students are drawn. The course proceeds on the central premise that we live in regulated societies, those regulations being measured against the constitutional backdrop. Furthermore, it is a tenet of modern-day reality that increasingly litigation as between citizens has given place to litigation between citizens and the state.

Accordingly, the course focuses on those areas of the law that draftspersons ought to be constantly aware of, as they draft laws and offer policy advice to governments. The course begins by addressing the questions of Administrative Law fundamentals. Through an examination of select case law, trends and movements are identified with respect to new directions in Judicial Review.

Has Judicial Review run amok? Is Judicial Review simply an excuse by the judiciary to interfere with policy? Is it realistic to attempt a separation between politics and law? What do these cases tell us about the status of Administrative Law in the legal firmament? Is the movement in this direction good for the legal system? How do we achieve administrative justice?

These and more, are the issues addressed in the course.

- **Ouster Clauses**
  Students will be called upon to reflect on the conflict between two fundamental principles. The right of access to the courts by citizens who have a genuine grievance versus the right of Parliament to decide on what legislation is appropriate for the good governance of the polity. A critical examination of the role of the courts will be undertaken. The fundamental question to debate is whether, having regard to the overwhelming attitude of the courts toward ouster clauses, the valiant attempts of legal draftspersons to exclude judicial review are exercises in futility.

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

- **Natural Justice**
  For the Caribbean region, natural justice is not simply a common law doctrine designed to offer procedural protections to citizens across the board. Natural Justice is firmly embedded in the bowels of Caribbean constitutions. Seminal cases on the subject will be critically examined and analyzed. Has Natural Justice now been subsumed by the doctrine of “fairness”? Is Natural Justice now past the age of child-bearing? How have the courts handled the principles of bias in the face of small island communities? Is Judicial Activism preferable to judicial conservatism in the situation of small island states?

- **Doctrine of Legitimate Expectation**
  A new and evolving doctrine, there is legitimate scope for argument and discussion as to how far its boundaries should extend. An opportunity will be provided, once again, to pit the Caribbean case law against those of other jurisdictions, notably the UK, Australia, Canada and South Africa.
- **Remedies**
From the prerogative writs, to orders and now to the inclusion of some important Private law remedies, the field is now chocked. By what principles can we rationalize these remedies? Should there be a single set of remedies or not? Should the courts be permitted to offer advisory opinions by way of aiding good administration? Should the courts play a part in developing a code of good administration?
This course will be delivered by a combination of distance learning and periodic residential workshops and seminars on all three campuses.

**Assessment**
This course will be assessed by means of one or more of the following:
- A written final examination of three hours duration;
- Coursework;
- A take home examination.

**COURSE CODE: LAW 6740**
**TITLE: Legislative Drafting**
**CREDITS: 20**

**Description**
The objective of this course is to instruct in the techniques of writing legislation. Instruction is given by exercises devised to stimulate on-the-job training in a government drafting service through the assignment and revision of drafting projects. Emphasis will be on the composition of legislation. Other topics are complementary and are devised to give the student a greater awareness of the place and role of legislative drafting in the legislative process, and to enable the student to make comparisons with and understand the legislation of drafting services elsewhere.

The course will be delivered under the following headings:

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

B. **Composition of Legislation**
   1. The Legislative Sentence

*Generally:*
- English Tradition
Colonial Tradition
- American Tradition

Particularly:
- Coode’s legislative sentence
- “Modern” legislative sentence

2. The Grammatical Sentence in Legislation
- Achieving a simpler form
- “Plain English” Functional Clarity
- New and Old Styles
- Communication difficulties

3. Elements of the Legislative Provision
- Coode’s Legislative sentence examined
- Grammatical Sentence examined

4. Exercises in Writing Legislative Provisions

5. Preparing the Draft Legislation
- Legislative Policy and Role of Drafters
- Analyses; research, syntheses
- Legislative Plan
- Revision and Editing and Checking
- Environment

6. Standing Orders; and Constitution Interpretation Acts, etc.

7. Relations of the Drafter to Ancillary Processes
- House Committees- Second Reading
- Responsibility to sponsoring Minister
- Chief Law Officer
- Clerks of Parliament
- Cabinet
- Printing Office

C. Statutes
1. Public Bills
- Government Bills
- Private Members Bills
- Private Bills
- Hybrid Bills

2. Acts
- Public Acts
- Local and Personal Acts
- Private Acts
- Omnibus Acts
- Amending Acts
- Consolidating Acts
- Codifying Acts
- Repealing Acts

3. Statutes
- Accessibility of Legislation
- Tables and Indices
- Text Processing, Storage and Retrieval
- Responsibility of Drafting Services

4. Revision of Statutes
- Consolidation and Revision
- Classes of Revision
- Types of Revisors
- Publication Methods
- Recording of Sources
- Text Processing Methods

D. Management and Operation of the Drafting Office

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

2. Relationship to Parliamentary Process
   - United kingdom
   - Barbados
   - United States- Federal and State
   - Canada- Federal and Province
   - Comparison of Advantages and Disadvantages

3. Ancillary or Related Services
   - Construing Statutes

4. The Drafter’s Perspective

Assessment
This course will be assessed by means of one or more of the following:
   a) A written final examination of three hours duration;
   b) Coursework;
   c) A take home examination

COURSE CODE: LAW 6750
TITLE: Advanced International Human Rights Law
CREDITS: 6

Description
This course considers international human rights laws as this field has developed since the end of the Second World War. Emphasis will be placed on the so-called “three generations of human rights”, namely:

(a) Civil and political rights,
(b) Economic, social and cultural rights, and
(c) Group rights, such as the right to development.

The nature and content of various rights will be examined, and although these rights will be considered mainly from a legal standpoint, reference will be made to the political and economic considerations that help to explain modern conceptions of human rights. The course will also consider developments with respect to the International Criminal Court and the law pertaining to the status of refugees. Considerable attention will be paid to the application of international
human rights norms to Caribbean circumstances, as well as to the relevance of human rights norms in the context of modern terrorism.

**Assessment**

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

a) A written final examination of three hours duration;

b) Coursework;

c) A take home examination.

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**COURSE CODE: LAW 6900**

**TITLE: Research Paper**

**PREREQUISITES: Completion of four (4) courses**

**CREDITS: 12**

**Description:**

A candidate who intends to submit a Research Paper in lieu of two six (6) credit courses, shall submit a research proposal for his or her research paper within one (1) month of successfully completing four six (6) credit courses. The Research Paper should be a maximum of 15,000 words exclusive of the bibliography, footnotes and appendices. The Research Paper requires wide reading. It is an exercise in thinking and reflection. The Research Paper should indicate a fair degree of originality in argument, conclusion and source material. Where appropriate, evidence of extensive reading, clear comprehension of secondary materials and well-planned presentation may compensate for lack of originality.

**Form of Research Paper**

The Research Paper should:

a) Have a title page which contains the title of the Research Paper, the name of the student, the Faculty degree sought and the academic year of presentation;

b) Be organised into chapters with headings and sub-headings where appropriate;

c) Be free of typographical, grammatical or other errors;

d) Be typed on 8.5 x 11 sized paper, double spacing; and

e) Should have well organized appendices where applicable, name of supervisor, a table of contents, footnotes, and a well-arranged bibliography with the author, title, date and place of publication clearly stated.

**Choice of Topics**

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

**Submission of Proposals**

The Proposal should be submitted for approval to the Chairperson, Subcommittee for Graduate Studies, Faculty of Law, and copied to the Deputy Dean, Graduate Studies and Research, Faculty of Law, Mona Campus, University of the West Indies no later than one (1) month of successfully completing his or her fourth six (6) credit course.
The Proposal should include a synopsis of the topic of the Research Paper and should give detailed information on:
   a) The need for the study;
   b) The scope of the study;
   c) Methodology;
   d) Research materials;
   e) The format, inclusive of the headings and sub-headings; and
   f) The potential use of the study.

The candidate may consult the Deputy Dean, Graduate Studies and Research, or a member of the academic staff in preparing the Proposal. This will enable the candidate to determine the appropriate scope or the precise scope of the Research Paper to be undertaken.

A candidate may request a particular member of staff to supervise the Research Paper and consult that staff member on his or her availability and for preliminary assistance. However, there is no guarantee that a staff member consulted will automatically be assigned to supervise the writing of the Research Paper of the candidate.

Where the candidate has not requested a particular staff member to be his or her Supervisor, the Chairperson of the Sub-Committee, Graduate Studies will appoint a Supervisor for that candidate. The candidate shall consult regularly with the Supervisor, and adhere to the supervisory directions and arrangements between the Supervisor and the candidate.

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

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

Presentation and Style of the Research Paper

1. The candidate should seek to submit to the Supervisor the draft of the Research Paper within a reasonable time so as to enable final comments of the Supervisor to be made and to allow for alterations in time for the final Research Paper to be submitted by the required date which would normally be 6 months after the appointment of the Supervisor.

2. The style of citation should follow the style of the Oxford Standard for Citation of Legal Authorities or OSCOLA.

3. The candidates are encouraged to utilize primary sources where appropriate. In particular, unreported West Indian cases in the Law Library, UWU (accessed online on CARILAW and in hard copy); and, where possible, newspaper reports, reports from regulatory and quasi-judicial bodies.


5. Candidates are encouraged to use the Turnitin software to evaluate their Research papers prior to submission.

Assessment

100% Research Paper
COURSE CODE: LAW 7000
TITLE: MPhil Law Thesis
CREDITS: 0

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

Assessment
Pass/Fail

COURSE CODE: LAW 8000
TITLE: PhD Law Thesis
CREDITS: 0

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

Assessment
Pass/Fail