

UK, FRENCH AND EU LAW

Module Number:	LF2044
Number of Aston Credits:	10 (5ECTS)
Module Convenor:	Mr G W Jones
Other Staff Contributing to the Module:	Ms N Mrgudovic
Target students:	IBML French Second Year (Single Language)
Pre-Requisite(s) for the Module:	None

1. Module Learning Outcomes:

After successfully completing this module students will be able to:

- Know the importance of the legal dimension in business decision-making
- Understand the operation of two significant national legal systems, the differences between them, and the reasons for those differences
- Understand the making of contracts
- Know legal forms of business organisation, and the powers which they give to shareholders and managers
- Understand the importance of the EU as a source of business law
- Understand the competitive process and the importance of law in regulating it
- Demonstrate the language of the law, in French and English

2. Module Content:

UK and EU

- Legal systems of the UK and of certain other countries, in comparative perspective. Meaning of terms such as 'common law', 'statute'. Origins of certain legal systems, in particular those deriving from (i) the common law of England and (ii) Roman law.
- What is 'jurisdiction'? 'a jurisdiction'? 'sovereignty'? 'legal personality'? An indication of the importance of these for international business practice, in particular for tax.
- English law of contract.
- English law of contract (continued).
- English law of contract (continued).
- Company law: forms of business organisation in the UK (in outline only).
- EU law: its sources in the Treaties and in 'legal principles'. Its objective. Role of the Council, Commission, Parliament and Court of Justice in the creation and interpretation of the law.
- Directives, regulations and their enforcement. Principle of supremacy. Illustration in the UK by the Factortame cases.
- Competition law. The background of the English 'restraint of trade' doctrine and, above all, US 'anti-trust'.
- Competition law: operation of Art 81 & 82 of EC Treaty.
- Competition law: operation of Art 81 & 82 of EC Treaty (continued).
- Competition law: operation of Art 81 & 82 of EC Treaty (continued).

French Law (concurrently with the above)

Weeks 1-3: Introduction to the sources of the law and to the French legal system

Weeks 4-8: Commercial law

Weeks 9-12: Company law

International Dimensions:

By its nature, this module is an international subject. The perspective is comparative throughout.

3. Method of Learning and Teaching:

a) Method of Teaching - There will be a weekly lecture, in English, on UK and EU law.

On French law, there will be

(i) a weekly lecture, in French, and

(ii) a weekly tutorial, in French, for which you will be asked to prepare short exercises and case studies set the previous week by the lecturer, who will choose, in the tutorial, one or two students to present their answers.

The lectures introduce the main lines of the subject.

The tutorials are all linked to the subject of the lectures. They check comprehension and sort out misunderstandings, and add further examples. They aim to sharpen and stimulate thinking, and give confidence in discussing new subjects.

Neither the lectures nor the tutorials purport to give all the facts which might be required to write a convincing answer in the assessment. They are an aid to private study, making the material more accessible, and pointing you to sources from which you can draw your own examples.

b) Duration

Lectures and tutorials 36 hours

Private Study 61 hours

Assessment 03 hours

Total 100 hours

4. Method of Assessment:

By a three-hour written examination after the end of Teaching Period 2 (ie. in the May/June examination period): (100% of the marks for this module)

The examination paper will be divided into two sections, both of which must be answered.

The first section will be in English, is to be answered in English, and deals with the law of the United Kingdom and of the European Union. This will represent 1/3 of the marks for the examination.

The second section is in French, is to be answered in French, and deals with French law. This will represent

2/3 of the marks for the examination.

5. Essential Reading:

Documents distributed by the lecturer in class or displayed on the internet.

Albors-Llorens, A. EC Competition Law and Policy, Willan Publishing, 2002

Elliott, C. and Quinn, F., Contract Law, 3rd Edition, Pearson, 2001

Indicative Bibliography:

Didier P, Droit commercial, 1993,

Guidicelli-Delage, Institutions judiciaires et juridiques, 1987

Guillien R, Lexique des termes juridiques, 1988,

Guyon Ph, Droit des affaires, 1992,

Legeais D, Droit commercial, 1997,

Malaurie P, Droit civil : théorie des obligations, 1984,

Merle Ph, Droit commercial, sociétés commerciales, 1990,

Pedamont M, Droit commercial, 1994,

Reinhard Y, Droit commercial, actes de commerce,

Vincent J, La Justice et ses institutions, 1985

Wells, W. Antitrust and the Formation of the Postwar World, Columbia University Press, New York & Chichester, 2002 (Especially Chs. 1, 2, & 5)