

# AMITY GLOBAL INSTITUTE

## MODULE SYLLABUS

<b>Course</b>	<b>Master of Laws in International Commercial Law (University of Northampton)</b>
Module Title	Private International Law
Module Syllabus no. (if any)	LAWM005
Syllabus / Content / Learning Outcomes	<p>On successful completion of the module students will be able to:</p> <p><b>Knowledge and Understanding</b></p> <ul style="list-style-type: none"> <li>✓ Explain and evaluate the concepts and principles underpinning the process, practice and procedure of the 'conflict of laws'.</li> <li>✓ Evaluate the merits and demerits of the regulatory environment that has developed to deal with cases containing overseas elements.</li> <li>✓ Understand how considerations of policy (e.g. the universally perceived need to discourage 'forum shopping') impact upon the private international law landscape.</li> </ul> <p><b>Subject - specific Skills</b></p> <ul style="list-style-type: none"> <li>✓ Evaluate the function of particular aspects of Private International Law in their wider context.</li> <li>✓ Identify the legal issues arising from particular factual situations, and apply specific legal theories, rules and principles to reach an analytical solution to the legal problem.</li> </ul> <p><b>Key Skills</b></p> <ul style="list-style-type: none"> <li>✓ Manage, synthesize and critically evaluate complex material from a range of sources;</li> <li>✓ Apply academic principles and arguments to complex situations in order to evaluate them and suggest appropriate solutions to problems.</li> <li>✓ Recognize the principles strengths and weaknesses of comparative legal methodology.</li> <li>✓ Demonstrate a high degree of structure, clarity and fluency in written work.</li> </ul>
No. of teaching hours	<p>Tutorials, workshops and seminars: 28 hours</p> <p>Preparation for tutorials and seminars: 117 hours</p> <p>1,000 word practice essay (non-assessed): 10 hours</p> <p>5,000 word essay: 45 hours</p> <p>Total: 200 hours</p>
Teaching Methods	The module is introduced through a workshop and continues through the use of on line workbooks, tutorials, a whole day seminar and self-study. Overall it is the student who has responsibility to acquire new knowledge and to take responsibility for their learning. A 1,000 word non-assessed practice essay may be submitted to the module tutor during the module programme.
Assessment Methods and Weighting	ES1- Essay (5,000 word)/ 100%
Skills for Maximising Learning Outcomes	Reading and Research

Note: All Information provided to Amity will be kept strictly confidential except for those required under statutory requirements and by government authorities and relevant university partners and accreditation bodies as part of the regulatory or course requirements.

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Dates of examinations, major assessments and assignments	Please refer NILE at: <a href="https://nile.northampton.ac.uk">https://nile.northampton.ac.uk</a>
Recommended Text	The conflict of laws - C. M. V. Clarkson, Jonathan Hill, Oxford University Press, 9780199574711
Additional reference texts (if any)	European Private International Law - G Van Calster, Hart Publishing, 9781849462419

Lesson No.	Syllabus / Content
1	Introduction: general principles, scope and nature of the subject. An outline of choice of law rules and methodology. The technical meaning of 'country' and 'law system' in the Private International Law context.
2	Preliminary topics: Jurisdiction and the English court, the relevance of agreement and connection, 21st Century legislation and the EU, foreign courts, convenience and assumption, Brussels I Regulation, the basis of jurisdiction in personam. Practices and procedures for commencing and conducting Private International cases
3	Brussels I regulation, declining jurisdiction, parallel proceedings and related actions. Staying proceedings and choice of court. The doctrine of forum non conveniens. Provisional measures, foreign proceedings and extraterritorial orders.
4	Brussels I Regulation, anti-suit injunctions, unconscionable behaviour and rights infringements.
5	Brussels I Regulation, recognition and enforcement of foreign judgments. Judgments handed down in non-EU states. Judgments rendered in EU states. Defences, Administration of Justice Act 1920. Brussels I Recast, legislative revision.
6	Rome I Regulation, contractual obligations, applicable law and choice of law in contract, limits of applicable law. Public policy. Rome I Regulation, specific contracts and particular aspects of the contract.
7	Rome II Regulation, non-contractual obligations, tortious obligations. The rules in Phillips v Eyre and Boys v Chaplin. Alternatives to the established approaches. The elasticity of the boundary between contract and tort. Exemption clauses. The Private International Law (Miscellaneous Provisions) Act 1995. The proper law of the tort?
8	Rome II Regulation, general provisions and other non-contractual obligations. Limits of the Rome II Regulation and the interaction of non-contractual and contractual obligations.

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