

# **Bar Professional Training Course**

## **Programme Handbook**

**2017-2018**



**Welcome by Joint Directors of BPTC Programmes**

We are delighted to welcome you to BPP.

The BPTC is an essential component of the process of qualifying as a member of the Bar of England and Wales whether you intend to practise within or outside the jurisdiction or intend to enter employed practice.

Our intention is that you should see this programme as the beginning of your time in practice rather than the end of your academic career. We hope that is demonstrated in the standard of the facilities, the content of the programme and the professionalism of everybody involved. We hope that the training you receive here will prepare you well for the future.

We wish you luck on the BPTC and hope that you enjoy your time with us.

With Best Wishes

**Anna Banfield & James Welsh**  
**(Joint) Directors of BPTC Programmes**

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## INTRODUCTION TO THE PROGRAMME

### Details

Programme Title	Bar Professional Training Course
Qualification	Diploma
Awarding Body	BPP University
Programme Accreditation	Bar Standards Board

### Overview of Programme

The BPTC is an essential component of the process of qualifying as a member of the Bar of England and Wales whether you intend to practise within or outside the jurisdiction or intend to enter employed practice. It also gives you exceptional oral and written skills which are valued by employers in other fields. The course builds upon your academic study of law and skills already acquired. It is important to appreciate that the course is not designed to 'convert' you into a Barrister, but is merely a stage in the process. While you can be called to the Bar upon successful completion of the course and the Inns' qualifying sessions, your training will not be complete until you have undertaken the practical training involved in pupillage or such other training as may be required by the particular career path you choose.

It is also essential to appreciate the difference in approach and emphasis on the BPTC as compared with your law degree or other undergraduate and conversion course studies. The emphasis on the BPTC is upon the development of relevant skills to enable you to deal with legal problems in a practical context (i.e. as a practising lawyer) rather than simply being able to identify legal problems and describe and/or criticise the relevant law. You must remember that in real life you need to deal with the client and not merely satisfy your law tutor. Consequently it is not enough to merely tell the client what the law is. Instead, you need to be able to explain the effects and implications of the law and any particular courses of action open to the client and to do so in the context of the client's particular circumstances and in a way that the client can understand and appreciate so that he can make the necessary decisions to the case. In addition you need to develop the necessary skills to deal with the client's case in negotiation with your opponent, to be able to draft the necessary documents to pursue the clients' case, or, of course to be able to deal with the hearing of the case in court.

The difference in the approach on this course is reinforced by the teaching methods and types of assessments which you will encounter on the BPTC.

As far as teaching methods are concerned, you will find a heavy emphasis upon preparation for classes and an expectation of your full participation in the various forms of classroom activity, which will include working as part of a team, role play and the giving of feedback. A student who is not willing or able to undertake the necessary preparatory work for classes and/or who is unwilling to accept a considerable measure of responsibility for his own learning will struggle on the BPTC. Of course, as a barrister, you will be a self-employed practitioner and will be responsible for your own work and the conduct of your practice. The importance of full time attendance on the course cannot be over-emphasised.

**Outline Programme Structure (Full Time)**

<b>Induction</b> w/c 11 Sept 2017
<b><u>Term 1</u></b> 18 Sept to 15 Dec 2017  BPTC Compulsory Modules: Advocacy 1, Civil, Criminal, Opinion Writing & Drafting, Professional Ethics and Resolution of Disputes Out of Court
<b><u>Term 2</u></b> 2 Jan to 30 March 2018  BPTC Compulsory Modules: Advocacy 2, Civil, Criminal, Opinion Writing & Drafting, Professional Ethics and Conference
<b><u>Term 3</u></b> 23 April to 15 June 2018  BPTC Options & Advocacy 3
<b><u>Summer</u></b>  Resit assessments August & September

**Part Time**

The part time programme is taught one weekend per month over 2 years.

## **AIMS AND LEARNING OUTCOMES**

### **Programme Aims**

This programme equips its graduates to:

- be able to be a fluent and articulate advocate, whether orally or in writing, and adapt their submissions or questioning as may be required by circumstances
- be able to critically evaluate arguments, assumptions, abstract concepts and data in order to deal with complex issues systematically, make sound judgments and demonstrate skill in identifying solutions and tackling and solving problems, clearly communicating their conclusions
- demonstrate the qualities and skills necessary for future employment at the Bar, with the ability to act autonomously in planning and implementing tasks at a professional level
- demonstrate self-direction, initiative, personal responsibility and decision making in complex situations, and the necessary independent learning abilities required to undertake appropriate further professional training and development, and continue to advance their knowledge and develop new skills to a high level.
- Be able to move between purely practical legal considerations and the principle underlying those considerations.

**Bar Standards Board Competencies**

The Bar Standards Board (2017) defines the core competencies required of those successfully completing the BPTC as:

<p><b>Students who successfully complete the BPTC will be able to demonstrate the following Competences:</b></p>
<p><b>Barristers’ distinctive characteristics</b></p>
<p><b>Legal knowledge, skills and attributes</b></p>
<p><b><i>Barristers will:</i></b></p>
<p><b>1.9 Exercise good communication skills, through any appropriate medium and with any audience as required in their work.</b>            They will be able to choose the appropriate medium of communication, taking into account the message and the audience. They will be aware of and responsive to what others are communicating to them, whether in writing, verbally or non-verbally. They will be able to write with clarity and precision. They will be articulate and able to speak with fluency. They will be able to adapt their language and communication to suit their audience, which may be clients, colleagues and others, from any background.            Barristers should:            a) Identify the audience and respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances [3.3].            b) Select the appropriate medium of communication taking into account the message and the audience.            c) Adapt language and non-verbal communication taking into account the message and the audience.            d) Use appropriate listening and questioning techniques when obtaining information.            e) Analyse written information.            f) Request and provide clarification of meaning when appropriate.            g) Recognise and respond appropriately to communications from others (whether in writing, verbal or non-verbal).            h) Exercise good English language skills [1.8].            i) Write with clarity, accuracy and precision.            j) Speak articulately and fluently.            k) Present arguments cogently and succinctly.            l) Exercise these skills appropriately in all engagements with others, including meetings, conferences and in court (whether conducted face-to-face or remotely).</p>
<p><b>1.11 Ensure they are fully prepared.</b>            They will be familiar with the facts and law applicable to any matter on which they are working, as well as their client’s circumstances and goals, so as to be able to supply their client with a good standard of work.            Barristers should:            a) Ensure that they are fully prepared in order to act in the best interests of the client [3.1] and provide a competent standard of work and service to the client [CD7].</p>
<p><b>1.12 Employ effective research skills.</b>            Using either paper or electronic media, they will be able to recognise and identify relevant legal issues as well as recognise the need to research areas beyond the law that are relevant to their work. They will undertake any research accurately and efficiently. This will involve assessing the quality and</p>

relevance of sources, interpreting and evaluating the results of the research and presenting those results clearly and accurately.

Barristers should:

- a) Accurately identify the legal and non-legal issues.
- b) Recognise when legal and non-legal research is required.
- c) Use appropriate methods and resources (paper, electronic or other media and/or relevant experts) and ensure that legal sources are up-to-date.
- d) Assess the quality and relevance of all sources.
- e) Interpret and evaluate the results of all research.
- f) Apply effective analytical and evaluative skills to their work [1.5].
- g) Apply the research to the issues identified in order to draw conclusions.
- h) Evaluate and present the results clearly and accurately.

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**Professional Standards**

**1.16 Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct.**

They will clearly understand a barrister’s Core Duties and apply them in all aspects of their work.

Barristers should:

- a) Identify the most recent Code of Conduct and other applicable rules and regulations relevant to their practice and the conduct of any matters they are dealing with.
- b) Recognise potential ethical situations and identify ethical issues.
- c) Be aware of and make effective use of relevant guidance, advice and support regarding ethical issues.
- d) Behave ethically and consistently act in accordance with the Code of Conduct and other applicable rules and regulations.

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**2 Personal Values and Standards**

**Values, characteristics and behaviours**

***Barristers will:***

**2.2 Be honest in their dealings with others.**

They will ensure that they do not communicate in any way anything that they know or ought to know is untrue, incomplete, inaccurate, or likely to be misleading.

Barristers should:

- a) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].
- b) Ensure that they are honest about the limits of their knowledge, their experience, qualifications and professional status.
- c) Ensure that to the best of their knowledge and belief any information they give is accurate, true and not likely to mislead.

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**The BPTC will lay the foundation for students to be able to demonstrate the following Competences:**

**1 Barrister’s Distinctive Characteristics**

**Legal knowledge, skills and attributes**

***Barristers will:***

**1.1 Uphold the reputation of the Bar and observe their duty to the court in the administration of justice.**

They will recognise and abide by their paramount duty in this regard including where this may require them to act against their own or their client's best interests.

Barristers should:

- a) Thoroughly recall and comprehend the Core Duties and their interrelationship.
- b) Ensure that their conduct consistently justifies their clients' and colleagues' trust in them and the public's trust in the profession by:
  - i) applying the Core Duties and in particular the paramount duty to the court in the administration of justice;
  - ii) complying with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16]; and
  - iii) demonstrating a thorough comprehension of the Professional Statement for Barristers

**1.3 Have knowledge and understanding of the law and procedure relevant to their area(s) of practice.**

They will have a good understanding of, and be up-to-date with recent cases and developments in, the area(s) of law in which they practise. They will have a good understanding of the rules of practice and procedure operating in courts relevant to their area(s) of practice. For example, the rules relating to jurisdiction, evidence, disposals, financial orders and costs. They will understand the processes by which disputes can be resolved outside court, such as arbitration and mediation.

Barristers should:

- a) Be able to recall and comprehend the core law and rules of procedure and practice relevant to their area of practice.
- b) Know the legal texts, journals, materials, documents and research tools relevant to their area of practice.
- c) Accurately apply to the matters they are dealing with the law and rules of procedure and practice relevant to their area of practice.
- d) Keep their knowledge and skills in their specific area of practice up-to-date.
- e) Comprehend and be able to identify and advise clients of situations where alternative forms of dispute resolution may be appropriate to their given circumstances.

**1.5 Apply effective analytical and evaluative skills to their work.**

They will identify the relevant facts of a matter and apply their legal and procedural knowledge to those facts to analyse the issues. They will acquire an understanding of their client's circumstances, needs, objectives, priorities and constraints. They will use that analysis and understanding to evaluate the available options and communicate them to their client.

Barristers should:

- a) Identify all necessary information and seek clarification of instructions using appropriate communication skills.
- b) Rigorously assess facts and evaluate key issues and risks.
- c) Exercise appropriate numeracy skills.
- d) Ensure that the analysis of financial and other statistical information has been competently carried out.
- e) Analyse other relevant information, including expert and medical reports.
- f) Identify inconsistencies and gaps in information.
- g) Methodically evaluate the quality and reliability of the information.
- h) Use reliable sources of information to make effective judgements.
- i) Employ effective research skills [1.12].
- j) Identify relevant legal principles.
- k) Accurately apply legal principles to factual issues to devise the most appropriate solution taking into account the client's circumstances, needs, objectives, priorities and any constraints.

- l) Reach reasoned decisions supported by relevant evidence.  
 m) Be able to explain and justify their analysis and evaluation.

**1.6 Provide clear, concise and accurate advice in writing and orally and take responsibility for it.**

Advice in writing will include written opinions and advising by email. Oral advice will include conducting conferences and advising by telephone. This will also include advising on the need and preparation for trial where an earlier disposal of the case does not occur, and the ability to convey unpalatable advice where necessary.

Barristers should:

- a) When giving advice take into account the client's circumstances and objectives.
- b) Ensure that advice is informed by appropriate analysis, synthesis and evaluation and where appropriate identifies and evaluates the consequences of different options.
- c) Address and present all relevant legal and factual issues in communicating their advice.
- d) Exercise good communication skills [1.9].

**1.7 Negotiate effectively.**

They will be able to recognise the strengths and weaknesses of the client's case and that of all other parties and to seek an outcome by negotiation which is in the best interests of the client.

Barristers should:

- a) Identify in so far as possible all parties' interests, objectives and limits.
- b) Develop and formulate best options for meeting the client's objectives.
- c) Present options for resolution cogently.
- d) Recognise, evaluate and respond to options presented by the other side.
- e) Develop appropriate compromises consistent with the client's instructions.
- f) Bring the negotiation to an appropriate conclusion.

**Practical knowledge, skills and attributes**

**1.10 Make sound judgements in their work.**

They will ensure their judgements are independent, based on a good understanding of the relevant law and evaluation of relevant facts and information, and that any advice they give or decisions they make are reasoned and supported by evidence.

Barristers should:

- a) Apply effective analytical and evaluative skills to their work [1.5].
- b) Ensure that they act independently so that their judgements are not influenced by external pressures.
- c) Take responsibility for their decisions.

**Advocacy**

**1.13 Draft court and other legal documents which are clear, concise, accurate and written so as to reflect fairly the arguments advanced by both sides.**

They will be able to draft standard court documents. For example, claim forms, statements of case, witness statements, applications, indictments, orders and appeal documents. They will be able to draft these documents in clear language which focuses on the issues relevant to the case.

Barristers should:

- a) Draft accurate and legally effective documents (whether contentious or non-contentious).
- b) Utilise precedents where appropriate and also be able to draft without them.
- c) Address all relevant legal and factual issues.
- d) Comply with appropriate formalities.
- e) Exercise good English language skills [1.8].
- f) Exercise good communication skills [1.9].

**1.14 Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner.**

They will be able to draft skeleton arguments that have clarity of purpose, are of an appropriate length and which comply with any applicable rules. Their arguments will identify the issues and will cite authorities and external materials in an appropriate manner.

Barristers should:

- a) Have a thorough knowledge of the Rules and Practice Directions and other protocols relevant to their area of practice which relate to the drafting of skeleton arguments.
- b) Draft skeleton arguments which comply with those Rules and Practice Directions and protocols.

**1.15 Have persuasive oral advocacy skills.**

They will be able to communicate their client’s case effectively. They will be able to deliver coherent, well-structured and concise submissions and cite legal authorities and materials appropriately. They will be able to engage appropriately with and maintain an awareness of others in any forum where they represent clients.

When delivering submissions and questioning witnesses, they will be able to communicate audibly, using both pace and language that are appropriate to the tribunal. They will be able to handle witnesses in accordance with the rules of the court. They will ask questions which assist the court, focus on the real issues in the case and avoid the irrelevant. They will listen to the answers and demonstrate appropriate conduct towards the witness.

Barristers should:

- a) Thoroughly recall and comprehend and accurately apply to the matters they are dealing with the law and procedure relevant to advocacy.
- b) Apply effective analytical and evaluative skills to their work [1.5].
- c) Identify strengths and weaknesses from different parties’ perspectives.
- d) Prepare how they will effectively communicate the argument.
- e) Manage facts to support the argument or position.
- f) Present orally a reasoned argument in a clear, logical, succinct and persuasive way.
- g) Use and cite legal authority appropriately.
- h) Comply with all relevant formalities.
- i) Recognise the role of different types of witness and use appropriate techniques for witness handling having particular regard to vulnerable witnesses.
- j) Listen and respond effectively to questions and opposing arguments.
- k) Deploy advocacy skills efficiently and effectively, in compliance with the Core Duties, so far as possible, notwithstanding that they may be required to act at short notice or under other legitimate pressure.

**Professional standards**

**1.17 Know how to conduct themselves appropriately in court.**

They will know and use the required dress, accepted forms of address, formalities of proceedings and established conventions and customs in each forum where they represent clients.

Barristers should:

- a) Use the required dress, accepted forms of address, observe formalities of proceedings and follow established conventions and customs in each forum where they represent clients

**1.18 Only accept work which they believe they are competent to undertake.**

They will be able to assess the level of their own knowledge, skills and attributes, to enable them to make an informed judgement on the acceptance of work and have the resilience to decline to act where necessary.

Barristers should:

- a) Recognise and operate within the limits of their competence.

- b) Explain clearly the limits of their competence and knowledge to relevant others.
- c) Consult relevant others, where appropriate.
- d) Make an informed judgement on the level of knowledge, skills and attributes required in a particular case.
- e) Decline to act where the Code of Conduct requires them to do so.

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**2 Personal Values and Standards**

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**Values, characteristics and behaviours**

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***Barristers will:***

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**2.1 Act with the utmost integrity and independence at all times, in the interests of justice, representing clients with courage, perseverance and fearlessness.**

They will be aware of and recognise the explicit and implicit pressures to behave in any other way and resist those pressures even where to do so may be against their personal interests.

Barristers should:

- a) Identify situations where their integrity and/or independence may be put at risk.
- b) Act with integrity including: i Identifying and avoiding personal bias; ii Maintaining their independence from external pressures; and iii Identifying potential conflicts of interest, being open about conflicts of interest, declaring conflicts of interest formally and being prepared to exclude themselves from acting.
- c) Uphold the reputation of the Bar and observe their duty to the court in the administration of justice [1.1].
- d) Comply with regulatory requirements set down by the Bar Standards Board, including the Code of Conduct [1.16].
- e) Take responsibility for their actions and decisions.

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**2.3 Be aware and active in the pursuit of equality and respect for diversity, not tolerating unlawful discrimination, in themselves or others.**

They will understand the law on equality and the need to value differences between members of society and apply that understanding in the workplace through taking positive steps to confront and tackle discrimination, whether in themselves, in others or in the structures of that workplace.

Barristers should:

- a) Actively observe and uphold the law on equality, diversity and discrimination.
- b) Be alert to the potential for unconscious bias.
- c) Take active steps to act fairly and inclusively and show respect to others.
- d) Identify situations where there is a risk of breach of the law on equality and diversity.
- e) Promote diversity in the workplace and where appropriate challenge others if their behaviour does not comply with the spirit of the law relating to equality, diversity and discrimination

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**2.5 Adopt a reflective approach to their work, enabling them to correct errors and admit if they have made mistakes.**

They will continually assess their weaknesses, limitations or knowledge gaps, analysing them accurately and honestly. They will acknowledge these to others if appropriate, and learn from the reflective process.

Barristers should:

- a) Recognise limitations of personal knowledge and skills and act to resolve the situation.
- b) Take appropriate action when experiencing difficulties with work that is beyond their professional competence and disclose as appropriate.
- c) Identify their errors of judgement, omissions and mistakes and take appropriate action.

- d) Ask for and make effective use of feedback, guidance, advice and support.
- e) Take appropriate action to manage personal difficulties that might otherwise affect their work.

**2.6 Ensure they practise with adaptability and flexibility, by being self-aware and self-directed, recognising and acting upon the continual need to maintain and develop their knowledge and skills.**

They will be able to plan and develop their career by identifying their strengths and preferences and the risks and opportunities of the environment in which they work. They will be able to assess their legal knowledge and skills and their working environment regularly, then eliminate any perceived knowledge or skills shortfall, ensuring their abilities remain relevant for the work they wish to undertake.

Barristers should: a) Take responsibility for planning and undertaking personal development and learning.

- b) Identify strengths and areas for development and take positive steps to address them.
- c) Reflect on and learn from their own and others performance and achievements.
- d) Maintain and develop relevant knowledge and skills.
- e) Regularly take part in activities that maintain and develop their competence and performance.

**3 Working with others**

**At work**

***Barristers will:***

**3.1 Understand and exercise their duty to act in the best interests of their client.**

They will apply this core barrister’s duty in every case except where it conflicts with their duty to the court in the administration of justice.

Barristers should:

- a) Provide a competent standard of work and service to each client [CD7].
- b) Identify the client’s best interests in accordance with the client’s lawful instructions.
- c) Recognise and evaluate any conflict between the client’s best interests and their duty to the court, their obligation to act with honesty and integrity and to maintain their independence.
- d) Ensure that subject to c) above they do not act contrary to the client’s lawful instructions.
- e) Act in accordance with the Code of Conduct and other applicable rules and regulations.

**3.2 Understand and apply principles of team working where appropriate.**

They will have an understanding of how teams work and the benefits of team working and be able to use their individual knowledge and skills to work collaboratively with others towards a common goal. They will be able to play an active role in supporting a team-working ethos, work cooperatively with others and willingly give help and support to colleagues, know when to offer assistance and advice and do so when required.

Barristers should:

- a) Work collaboratively with others, respecting their skills and contributions.
- b) Comprehend how their behaviour may affect others within and outside teams.
- c) Reflect on own strengths and weaknesses as a team member.
- d) Understand the division of responsibilities within the team.
- e) Understand the relationships between counsel, pupil, clerk and solicitor.
- f) Delegate to and supervise others effectively.
- g) Establish and maintain effective professional relations with others.

**3.3 Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances.**

They will be aware of the potentially differing needs of people from a range of backgrounds, life experiences, or those who have characteristics which are protected under the Equality Act 2010. They will be receptive and responsive to how those needs might be met through making adjustments to their own practices.

Barristers should:

- a) Be aware and active in the pursuit of equality and respect for diversity [2.3].
- b) Provide information in a way that others can understand taking into account their personal circumstances and any particular vulnerability.
- c) Recognise and respond effectively to others' particular needs, objectives, priorities and constraints.
- d) Recognise and take reasonable steps to meet the particular needs of clients including those who are disabled or vulnerable.

**3.4 Treat all people with respect and courtesy, regardless of their background or circumstances.**

They will be aware of the diversity of people they may encounter and use that awareness to modify their behaviour where necessary so as to demonstrate respect and convey courtesy to all. They will know how and where to demonstrate empathy, and act accordingly. In their own workplace, they will treat senior, junior and support colleagues with respect and courtesy, recognising where an adversarial approach is not suitable.

Barristers should:

- a) Demonstrate suitable professional practice, politeness and respect in communications and personal interactions with others.
- b) Recognise people's differences and modify their behaviour where appropriate to take account of those differences.

**3.5 Where appropriate, keep clients, whether lay or professional, informed of case progress in a clear and timely manner and manage their expectations.**

They will be able to identify situations where keeping the client informed is their responsibility and in those circumstances they will be able to establish with their clients a suitable structure, including timescales, for communicating significant developments in their case and communicate those effectively. This will include telling the client about options as their case develops, possible outcomes and associated risks.

Barristers should:

- a) Identify the level of their responsibility to consult with and to communicate case progress to a particular client.
- b) Inform clients in a timely manner of key facts and issues including key dates, risks, progress towards objectives and costs.
- c) Identify and evaluate possible courses of action and their consequences and assist clients in reaching a decision.
- d) Manage clients' expectations including in relation to options, the range of possible outcomes, risks and timescales.
- e) Respond appropriately to clients' concerns and complaints.

**Lay individuals**

**3.6 Demonstrate a good awareness of their additional responsibilities in cases involving direct access and litigants in person.**

They will understand and apply the relevant elements of the Code of Conduct for barristers in this regard and the need to maintain a balance between their duty not to take unfair advantage and their duty to the court. They will recognise and appreciate the potential lack of understanding where clients or opponents have an inadequate knowledge of the law and procedure compared with those whose cases are conducted through qualified legal advisors and the effect this may have on the handling of a matter.

Barristers should:

- a) Adapt their communication and handling of the matter to ensure that public access clients are fully informed of the actions which are being taken on their behalf and the purpose and possible consequences of those actions.
- b) Recognise and appreciate the position of opponents not represented by qualified legal advisors (litigants in person).
- c) Understand the professional duties to the litigant in person, the court and their own client, which arise when appearing against the litigant in person, and the potential effect on the handling of the matter.
- d) Act in accordance with the Code of Conduct and other rules and regulations applicable to public access clients or litigants in person.

**Programme Intended Learning Outcomes**

The BPTC Core Competencies are articulated as Intended Learning Outcomes suitable for a postgraduate University study. These describe what you should know, and be able to do, if you make full use of the opportunities for learning that the Programme provides and are successful. Reference to the BSB is to the core competencies (C) and foundation competencies (F) described above. If you successfully complete the Programme:

Knowledge and Understanding

Ref	A. Students should be able to demonstrate:	BSB
1	a systematic understanding of relevant knowledge and ethical principles in law and practice; together with a comprehensive understanding of techniques applicable to practice at the Bar.	F1.3 C1.16 F3.6
2	an expertise in the application of legal knowledge in the interests of the client, together with a practical understanding of how established technical skills are used in relation to the interpretation of knowledge in the discipline	F1.3
3	knowledge and understanding of the ethical values (including equality and diversity issues, and duty to the client and to the court), and the skills and underpinning knowledge necessary to assess and manage cases without supervision	F1.17 F1.18 F2.1 F2.3 F3.3 F3.4 F3.5
4	Implement an understanding of the values and techniques of advanced professional legal analysis and argument in the preparation of an output relevant to professional legal practice.	F1.3

Intellectual Skills (Cognitive)

Ref	B. Students should be able to:	BSB
5	<b>digest</b> complex legal and legally related material accurately and apply with precision to the planning and implementation of professional tasks; evaluate current developments and advanced theory in law and practice, and acquire in-depth	F1.5

	knowledge of written material, law reports, journals and articles in applicable areas of study	
6	develop <b>criticality</b> in building a complete convincing argument and critique.	F1.5 F2.5
7	<b>adapt</b> their submissions or questioning appropriately to circumstances.	F1.15
8	<b>forensically evaluate</b> arguments, assumptions, abstract concepts and data in order to deal with complex issues systematically and make sound judgments.	F1.5 F1.10
9	apply legal knowledge in the interests of the client, together with a practical understanding of how established technical skills are used in relation to the interpretation of knowledge in the discipline.	F1.5 F1.10
10	competently undertake case <b>analysis</b> , research, conferences, opinion writing, drafting without supervision.	F1.6 F1.13 F1.14

Professional Skills and Attitudes (Affective)

Ref	C. Students should be able to:	BSB
11	<b>exercise</b> necessary independent learning skills required to undertake appropriate further professional training and development to continue to advance their knowledge and develop new skills to a high level.	C1.11 C1.12
12	<b>act autonomously</b> in planning and implementing tasks at a professional level.	C1.11 C1.12
13	<b>evidence</b> self-direction, initiative, personal responsibility and decision-making in complex situations.	F2.6
14	<b>reconcile</b> ethical values including equality and diversity obligations to clients, colleagues, and members of the public	C1.16 C2.2 F1.1 F3.1

General Transferable Skills (interpersonal)

Ref	D. Students should be able to:	BSB
15	<b>undertake</b> negotiation and advocacy with/without supervision	F1.6 F1.7 F1.15
15	<b>persuade</b> orally and in written argument using reasoned argument and cogent legal, and factual, analysis	C1.9
17	<b>identify</b> solutions, tackle and solve problems, and communicate their conclusions clearly.	C1.11 F1.12 F3.2
18	<b>be</b> a fluent and articulate advocate, both orally and in writing, using cogent legal and factual analysis	C1.9

The student must meet the relevant minimum proficiency standards for Level 1 Advocates under the Quality Assurance Scheme for Advocates (QASA)

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**DIAGRAM OF OUTCOMES LEADING TO AWARD**

<b>Diploma</b> 150 Credits at Level 7		<b>Assessment</b>		
<b>Module</b>	<b>Credit Rating (All FHEQ Level 7)</b>	<b>Work for Assessment</b>	<b>Requirement for Award</b>	<b>Weighting for Classification</b>
Advocacy	32	One assessment with oral plus written components Two further oral assessments (examination-in-chief; cross examination).	Compulsory	25%
Civil Litigation & Evidence	20	One closed book examination of 3 hours, comprising 75 multiple choice questions, set centrally, marked centrally and electronically	Compulsory	10%
Criminal Litigation, Evidence & Sentencing	20	One closed book examination of 3 hours, comprising 75 multiple choice questions, set centrally, marked centrally and electronically	Compulsory	10%
Professional Ethics	10	One closed book examination of 2 hours comprising 6 short answer questions, set centrally and marked centrally	Compulsory	5%
Opinion Writing	12	One formal time-constrained examination (materials may be used)	Compulsory	10%
Drafting	18	One formal time-constrained examination (materials may be used)	Compulsory	10%
Conference	8	One oral assessment	Compulsory	5%
Resolution of Disputes Out of Court ('REDOC')	6	One formal assessment comprising short answer questions and multiple choice questions	Compulsory	5%
Option 1	12	One skills assessment (may be written or oral)	Compulsory	10%
Option 2	12	One skills assessment (may be written or oral)	Compulsory	10%
<b>TOTAL</b>	<b>150 Credits</b>			<b>100%</b>
<b>Please Note: Students must be awarded a pass in all modules to be awarded a pass in the programme. The pass mark is 60%.</b>				

### **BPTC Law in Practice Requirement**

All students are required to undertake 5 hours of Law in Practice and provide a report on their experience as a compulsory element of the Professional Ethics part of the Course.

The Law in Practice requirement enables your legal skills and knowledge skills into practice and also to assist others, who may not otherwise have access to such services, with the skills you have obtained.

The 5 hours requirement is a minimum and you may find that you become much more involved than this. The 5 hours can be undertaken at one time or over a number of weeks.

The assistance you provide must be unpaid, carried out during the duration of the course and must be approved, **before** being undertaken, by your Programme Leader as constituting "Law in Practice". Any assistance carried out before approval will not count towards "Law in Practice". Any disputes as to whether the work does constitute "Law in Practice" will be decided by the Director of BPTC Programmes.

You bear the primary responsibility for finding a project that suits your availability and interests and that, ideally, helps you develop your skills, knowledge and career. Your tutors and the Law School Pro Bono Centre staff may be of assistance in helping you shape your project.

You are required to prepare a report on your Law in Practice. Your report should be written in clear grammatical English. Your report will require the following information:

1. a description of what you have done;
2. the dates and times of what you have done – showing you have carried out a minimum of 5 hours;
3. details of any interesting legal / evidential / procedural issues raised; and
4. what you have learnt from the experience about yourself and how this experience has informed your perception of the role of law in society.

The Law in Practice reports are marked on a pass/fail basis. The pass mark is 60%. Students must demonstrate that they have considered all the matters set out in 1-4 above and that they have reflected upon and analysed what they have participated in.

A candidate cannot pass this requirement if they have not completed at least 5 hours of assistance which has been approved, before being undertaken, by the BPTC Programme Leader, as "Law in Practice".

Please note that any student who does not pass will fail Professional Ethics and will, therefore, be graded Not Competent overall on the BPTC.

Please also note that fabrication of a report will be regarded as a disciplinary offence that will be subject to sanctions including the students being reported to his/her Inn.

### **Learning Outcomes**

This requirement was established to meet specific pedagogical goals for students:

- To gain experience of practical legal work, putting into practice what students are learning in the classroom

- To understand the role of law in individuals' lives and/or the role of law and the legal profession in society
- To help all students to explore the nexus between their interests and the law
- To engage in reflective learning, in which a student self-analyses a piece of his/her own work

## **LEARNING AND TEACHING ON THE PROGRAMME**

This section provides you with a short description of how you will be taught and assessed on the Programme. It is not a substitute for the more detailed module outlines which are also contained in this handbook and which you should read.

### **Philosophy**

Our teaching philosophy is one of student-centred learning. Although there will be tutor-led online lectures and tutors will facilitate classroom activities, overall you will find that you are encouraged to develop the relevant skills and culture of independent learning. This will help you develop the necessary professional skills and attitudes needed in the work place and to meet the programme outcomes.

The programme is a legal practice focussed diploma and we will take a problem based client-centric approach. You will be carrying out realistic exercises which replicate the kind of tasks that a pupil or junior tenant would be likely to carry out in practice. By the end of the programme you will be applying the law to a particular set of circumstances and advising on a specific course of action or range of options, to achieve your client's objectives taking into account their personal and commercial goals.

You will be expected to carry out a significant level of preparation in advance of all classroom sessions and participate fully, working with your peers. As such you will be expected to develop professional attitudes including organisation, maturity, awareness of the demands of practice and professional ethics. Your preparation will require you to read, digest and apply primary sources and practitioner texts as you would in the workplace. You will draw upon your preparation in class but will tackle new unseen client problems rather than go through your preparation line by line. In this way the programme design is intellectually demanding and rigorous and designed to ensure that candidates successfully complete the designed course within each module and thereby acquire and can demonstrate knowledge and application at a level to be expected of a competent legal professional.

### **Induction**

All full time students will have a two day induction (one day for part time students) where you will meet your personal tutor and the programme leader and will be provided with a number of supporting materials including VLE access to enable you to make the best start on the programme.

### **Asynchronous Online Lectures**

Each module will use recorded online lectures and podcasts, for the delivery of core material. The primary purpose of a lecture is to provide you with an introduction or overview of a module topic and an outline of the key points and principles of the relevant law or area of legal practice area or skill. The lectures will vary in approach depending on the module but should assist you to prioritise your learning within a topic area and provide a useful resource to help explain and demonstrate key points with appropriate examples.

All lectures are on the VLE to watch and/or listen to as many times as you wish. This allows you the opportunity to pause and reflect on the information being delivered and provides a useful source of revision for assessment purposes.

### **Small Group Sessions ('SGS's)**

For the majority of your modules you will be in the classroom in groups of 16 in small group sessions ('SGS'). These numbers will be reduced for the teaching of oral skills which are taught in groups of 4. Students will be encouraged to work collaboratively in small groups or in pairs. We consider peer to peer learning to be a powerful tool to aid learning and, in addition, is a necessary part of developing some of the programme outcomes relating to professional and general transferable skills.

Each SGS is based on a handout (**'SGS Instructions'**) that is given to students in advance of the SGS outlining the:

1. intended learning outcomes;
2. required preparatory work; and
3. preparatory tasks including use of IT resources.

SGSs are intellectually demanding and require students to demonstrate a clear understanding and application of substantive law and procedures. They also incorporate relevant course skills depending on the module.

Realistic exercises are used to replicate the kind of task that a practitioner may be required to carry out in practice. From the outset of the programme the students act for principal clients. Students are expected to have completed tasks individually in preparation for the class.

Students work in small groups when appropriate, reporting back on part of the task, sometimes using the whiteboard or the SmartBoard to aid their presentation. Group work focuses on fresh problems, fact patterns and tasks that build on preparatory work, so are of a more advanced nature. Supplementary self-assessment questions may be used.

The emphasis of SGS and the design philosophy is based around student centred learning. Tutors take an active part in the SGS in order to challenge and test student understanding. Tutors also open and close the session with appropriate introduction/guidance/conclusion as well as directing questions at students during an SGS. Tutors engage all students and seek further explanation for answers offered.

### **Synchronous Online 'live' tutorials**

Sometimes we will ask you to attend small group sessions in an online classroom rather than a traditional classroom. This will be used mainly for revision purposes.

These sessions will be held online in a virtual classroom. Just like a face-to-face classroom the virtual tutorial takes place at set times and dates.

Tutors will take an active part in the sessions in order to challenge and test your understanding and they will open and close each session to ensure the learning outcomes are understood and met.

### **Workbooks**

The Drafting Module has an accompanying workbook enabling students to self-pace their learning. Use of the workbooks will allow you the flexibility that you need to cover the module materials at you

own pace, whilst at the same time receiving the support of your tutors. This allows you to practice, particularly your written skills, and reflect upon your progress.

## **ASSESSMENT ON THE PROGRAMME**

### **Key information**

The pass mark for all Modules is 60%. You will have a maximum of three attempts at each assessment.

The Board of Examiners has no discretion to compensate for failure of any modules. Please refer to the Diagram of Outcomes Leading to Award above to see how each individual module is assessed.

For detailed regulations affecting BPP's assessments you should read the Programme Regulations below.

Please refer to the separate University Handbook for further information about assessment procedures such as the granting of extensions or applying for mitigating circumstances.

### **The Purpose of Assessment**

Assessment is partly for your benefit: to help you learn by giving you accurate information on your progress and performance in order to help you reflect on your progress and plan activities to improve your knowledge, understanding, or skills. Assessment tasks and processes are themselves designed to provide you with additional learning opportunities.

Assessment also gives you the opportunity to demonstrate what you have learned. It is the means by which your achievement is measured, in relation to the aims of your Programme and national statements about standards.

All assessment is normally conducted by the Programme tutors and a designated second marker. Marks are internally monitored and moderated at the conclusion of each round of assessment.

Following internal marking, examination scripts are sent to the External Examiner. Their role is to scrutinise the academic standards of each award and the standards of student performance, the measurement of student achievement and the rigour and fairness of the assessment process. In addition, they approve all summative assessments, review all fails and grade boundaries and participate actively in relevant Board(s) of Examiners.

Student results are then considered at the Board of Examiners, the decisions of which are ultimately ratified by the Academic Council.

Three modules are centrally set and marked by the Bar Standards Board rather than by BPP. These are Criminal Litigation & Evidence, Civil Litigation & Evidence and Professional Ethics.

### **Learning Outcomes and Assessment Criteria**

Each module carries credit and has defined learning outcomes. These detail what you are expected to achieve and demonstrate in that module. Your assessment is linked to the learning outcomes – to pass the module you are expected to have met the learning outcomes. This is a vocational programme and for the skills modules, you will also be provided with detailed criteria that will be used to mark your work. You should use all of this information to help you plan your work.

You must pass ALL modules in the programme to get your award. If, after reading this handbook and you module materials, you are unsure what is required to pass a module, you should ask your module tutor.

### **Assessment Strategy**

Assessment throughout the programme will be both formative (non-assessed and developmental) and summative (contributing to the module grade but also developmental).

The range of summative and formative assessments have been designed to provide you with a wide range of challenges appropriate to students on a vocational postgraduate programme.

Your assessments will be relevant to the real world of legal employment in terms of the nature and context of the task set. In your legal practice knowledge and skills modules you will be given source documentation and data reflective of current practice from which you will need to demonstrate your ability to craft and deliver advice or progress transactions.

A wide range of assessment methodologies will be used during the programme:

- Unseen written timed assessment comprising either short form problem based questions ('SAQs'), scenario-based multiple choice questions requiring analysis and practical application ('MCQs') or a combination of SAQs and MCQs.
- Unseen timed written tasks of a practical and professional nature such as opinion writing or drafting a statement of case
- Oral Advocacy including submissions, examination-in-chief and cross-examination
- Oral conference with a client based on a pre-prepared plan

### **Feedback**

Students will be given a range of written and/or verbal feedback during the programme and in particular on formative and summative assessments.

Ongoing formative assessment opportunities will be embedded into all modules at appropriate points. In some cases these will take the form of pre and post tutorial questions to ensure students are keeping up with the workload and understand the curriculum. There will also be coursework activities for submission that do not form part of formative assessment.

If you have been graded Not Yet Competent in a Summative assessment you will automatically be provided with feedback on your assessment. If you have passed the assessment you may request feedback on your performance but appreciate that you will not be undertaking that assessment again and that there is no appeal on academic judgment. You should make a request for feedback within 10 working days of the date the assessment results are released. Your request should be by email to the Programme Leader. Priority, in the provision of feedback, will always be provided to those students who have been graded Not Yet Competent and have to retake/resit the assessment.

Please note that the purpose of feedback is to assist you with further sittings and not to justify the mark given. If you are Not Competent overall and have no further sittings then you are not entitled to fail feedback.

## **OTHER PRACTICAL INFORMATION**

### **Support on the Programme**

Each student will be allocated a personal tutor who will act as an academic mentor. They will be a qualified solicitor or barrister as well as being an academic professional so you will be guided throughout by someone who has very relevant experience of your professional needs and goals. As well as face to face meetings with your personal tutor, they will also be available to support and guide you by email, telephone or Skype.

### **Employability and University Career-Ready Strategy**

You are on a vocational programme and we know your goal is to qualify as a barrister. This will require you to secure an offer of pupillage. You may be lucky and already have this in place. If so, our aim is to ensure that your performance in pupillage is notably impressive from day one. If you do not have pupillage, our aim is to help you acquire and demonstrate the necessary skills and experience to secure an offer that matches your career ambitions.

In addition to what we do in the classroom we provide a wide range of extra-curricular support and opportunities. Our expert careers team will review your CV, work with you on a personal development plan and offer mock interview practice. We provide networking opportunities through informal and formal schemes and the chance to enhance your skill set through a huge variety of pro bono work.

BPP University has made its reputation on the basis of its professionally-focused, practice-facing programmes. Being career-ready is at the heart of our approach to education. Our Career-Ready Strategy is embedded into all programmes and curriculum.

The aims of the Career-Ready Strategy are to:

- Enhance the development of 'career-ready' skills, attributes and behaviours that will be of value to students throughout their careers.
- Give students a 'leading edge' with employers to achieve their career goals.
- Create an integrated University-wide approach to enabling students to become 'career-ready'.

### **The 10 'Career-Ready' Skills**

The University has formulated 10 career-ready skills identified by employers as critical to the success of their organisations and to the economy as a whole. Students need to be able to articulate and demonstrate these skills, attributes and behaviours and as an organisation BPP is committed to building opportunities to develop or enhance these skills throughout their student experience.

The 10 Career-Ready Skills are:



The programme and our range of extra-curricular opportunities will enable you to develop and apply one or more of these skills.

**STAFF CONTACTS**

You may contact staff through the University email system. In addition, your Module Leaders, Subject Tutors and Personal Tutors can be contacted by telephone. Their additional contact details are published and maintained on the VLE.

**The Management Team**

Role	Name	E-mail address
(Joint) Directors of BPTC Programmes	Anna Banfield and James Welsh	<a href="mailto:annabanfield@bpp.com">annabanfield@bpp.com</a> <a href="mailto:jameswelsh@bpp.com">jameswelsh@bpp.com</a>
BPTC Programme Leader Full-time London	Charlotte Wanendeya	<a href="mailto:charlottewanendeya@bpp.com">charlottewanendeya@bpp.com</a>
BPTC Assistant Programme Leader Full-time London	Andrew Perkins	<a href="mailto:andrewperkins@bpp.com">andrewperkins@bpp.com</a>
BPTC Programme Leader Part-time London	Christopher Kessling	<a href="mailto:christopherkessling@bpp.com">christopherkessling@bpp.com</a>
BPTC Programme Leader Leeds	Helen Slater	<a href="mailto:helenslater@bpp.com">helenslater@bpp.com</a>
BPTC Deputy Programme Leader Leeds	Julia Harrow	<a href="mailto:juliaharrow@bpp.com">juliaharrow@bpp.com</a>
BPTC Programme Leader Manchester	Mark Keith	<a href="mailto:markkeith@bpp.com">markkeith@bpp.com</a>
BPTC Programme Leader Birmingham	tbc	
BPTC Programme Leader Bristol	Vincenzo Esposito	<a href="mailto:vincenzoesposito@bpp.com">vincenzoesposito@bpp.com</a>

**Compulsory Module Leaders**

Module	Module Leader	Email address
Civil Litigation	Nathan Hawley & Julia Harrow	<a href="mailto:nathanhawley@bpp.com">nathanhawley@bpp.com</a> <a href="mailto:juliaharrow@bpp.com">juliaharrow@bpp.com</a>
Criminal Litigation	Abi Welsh	<a href="mailto:abiwelsh@bpp.com">abiwelsh@bpp.com</a>
Professional Ethics	James Juggapah	<a href="mailto:jamesjuggapah@bpp.com">jamesjuggapah@bpp.com</a>
Advocacy	tbc	
Opinion Writing	Isabel Dakyns	<a href="mailto:isabeldakyns@bpp.com">isabeldakyns@bpp.com</a>

Drafting	Rebecca Bensted	<a href="mailto:Rebeccabensted@bpp.com">Rebeccabensted@bpp.com</a>
REDOC	Tbc	
Conference	Ben Smith	<a href="mailto:bensmith@bpp.com">bensmith@bpp.com</a>

### Options Module Leaders

Module	Module Leader	Email address
Employment	Anna Banfield	<a href="mailto:annabanfield@bpp.com">annabanfield@bpp.com</a>
Professional Discipline	Julia Harrow	<a href="mailto:juliaharrow@bpp.com">juliaharrow@bpp.com</a>
Commercial Dispute Resolution	Anthony Kennedy	<a href="mailto:anthonykennedy@bpp.com">anthonykennedy@bpp.com</a>
Asylum, Detention, Deportation & Extradition	Rebecca Pickering	<a href="mailto:rebeccapickering@bpp.com">rebeccapickering@bpp.com</a>
Family	Maggie Putland	<a href="mailto:maggiemputland@bpp.com">maggiemputland@bpp.com</a>
Personal Injury & Clinical Negligence	Amanda Moylan-Jones	<a href="mailto:amandamoylanjones@bpp.com">amandamoylanjones@bpp.com</a>
Company	Tbc	
Intellectual Property	Dr Anton Van Dellen	<a href="mailto:A.vanDellen@goldsmithchambers.com">A.vanDellen@goldsmithchambers.com</a>
Property & Chancery	Jonathan Clore	<a href="mailto:jonathanclore@bpp.com">jonathanclore@bpp.com</a>
Advanced Criminal Litigation	Ben Smith	<a href="mailto:bensmith@bpp.com">bensmith@bpp.com</a>
Judicial Review	Noemi Byrd	<a href="mailto:noemibyrd@bpp.com">noemibyrd@bpp.com</a>
International Trade	Sabeen Obaidullah	<a href="mailto:sabeenobaidullah@bpp.com">sabeenobaidullah@bpp.com</a>
International Criminal Practice	Helen Tasic	

## **PROGRAMME REGULATIONS FOR THE BAR PROFESSIONAL TRAINING COURSE**

Programme Regulations for the BPTC as validated by the BSB are contained in the University's General Academic Regulations ('GARs'). These apply to all Postgraduate programmes.

### **1. Authority**

These regulations are made under the University's GARs and are validated with the programme leading to the Postgraduate Diploma in Vocational Training for the Bar.

### **2. Conflict with the General Academic Regulations**

- a) In the event of a conflict between these regulations or the GARs and the regulations issued from time to time by the BSB regarding the BPTC, the latter shall prevail.
- b) Subject to the preceding paragraph and except to the extent that the Academic Council has specifically approved derogation, in the event of a conflict between these regulations and the University's GARs the latter shall prevail.

### **3. Derogations**

The BPTC has the following derogations from the GARs:

- a) Part C Programmes of Study BVC/BPTC: Derogation from paragraph 9 / Table 1 which requires a minimum completion time of 2 terms and maximum 4 years. Rationale - The BSB requires a minimum study period of 1 academic year and a maximum of 3 years for full time students and 4 years for part time students.
- b) Part H Examination and Assessment BVC/BPTC (derogation from the entire section): The BVC/BPTC assessment regulations are drafted according to BSB requirements are very specific on assessment matters.
- c) Part J External Examiners BVC/BPTC (derogation from the entire section): BPTC external examiners are appointed by the BSB.

### **4. Conditions for Admission**

Candidates must satisfy qualifying criteria set by the Bar Standards Board from time to time. Once a student has been offered a place they must meet the minimum entry requirements before they can commence the programme:

- Completion of the Academic Stage (Qualifying Law Degree (QLD) or non Law Degree plus Common Professional Examination (CPE)/Graduate Diploma in Law (GDL));
- Membership of an Inn of Court;
- Proficiency in the English Language; and
- A Pass in the Bar Course Aptitude Test (BCAT)

Students are required to provide satisfactory proof of these requirements upon registration on the programme.

One of the entry requirements is that students are fluent in English. Students must be able to demonstrate that their English language ability is at least equivalent to:

- a minimum score of 7.5 in each section of the IELTS academic test, *or*
- a minimum score of 73 in each part of the Pearson Test of English (academic).

Applicants with any doubt about their English skills are strongly advised to undertake one of the above tests before enrolling on the course. On entry to the course students will be required to sign a statement that they are aware of the standard of English Language required, and that they consider that they have met it. If we consider that any aspect of a student's language ability is not at the required level after they have commenced the course, we will, as soon as the issue is identified, require the student to:

- take one of the language tests above, *and*
- provide a test certificate certifying that they have achieved the required scores within 28 days.

This right is unrestricted regardless of the students' first language. Certificates issued by an English language test provider verifying the score achieved by a candidate in one of the above tests must be current and valid by reference to the rules of that English language test provider. In all cases the student is wholly liable for any costs incurred.

If a student fails to provide evidence that they have achieved the required scores within 28 days of being asked to do so, we will require the student to:

- withdraw from the course, *or*
- intermit and improve their score prior to being re-admitted to the course in a subsequent year.

## **6. Conditions of Acceptance**

An offer of a place on the BPTC is subject to the terms and conditions stated in the documentation accompanying the offer, these regulations and the GARs as in force at the time of interpretation. The acceptance of the offer is taken as agreement to these regulations.

## **7. Attendance**

Attendance is compulsory. Every student is expected to attend 100% of their timetabled classes. This is for the following reasons:

- (1) the attendance requirement reflects the behaviours that will be required in practice, namely professionalism, self-discipline, reliability and conscientiousness;
- (2) that sufficient attendance is necessary to ensure that skills appropriate to practice and the protection of the public interest are developed, and
- (3) to ensure effective classes where, in small groups, participation by individuals is crucial to the learning environment of others.

It is understood that a student may occasionally have to miss a class for reasons beyond their control. Students are therefore permitted to miss a maximum of 20% of their timetabled classes for "good reasons".

The definition of “good reason” is very broad and can include anything from illness to a mini pupillage. A reason is likely to be “good” if it would prevent a student from attending court should it have arisen whilst in practice.

In addition to missing a class for a good reason, a student will be marked absent for any of the following:

- (i) Not being prepared for the class;
- (ii) Arriving more than 10 minutes late to the session (the student will be refused entry); and
- (iii) Attending a class other than the one they are a scheduled to attend.

If a student misses a teaching session for any reason or they are deemed absent for one of the reasons listed above, they must send an absence certificate to the appropriate mailbox within 7 days of the absence.

The certificate should state:

- (i) Why the student was absent;
- (ii) How they intend to make up the missed work; and
- (iii) Whether they have attached any evidence in support of the reason for the absence.

At the end of the year, the student’s Personal Tutor will review their absence certificates. As long as it is deemed that each absence was for a “good reason”, the student will be permitted to graduate.

If a student’s attendance falls below 80%, they are not permitted to graduate. If a student feels that there is a risk their attendance will fall below 80%, they should consider interrupting their studies. Any student in this position should contact their Programme Leader.

<b>Attendance Level</b>	<b>Outcome</b>
100%	Expected level of attendance
80% - 100%	The student’s absence certificates will be reviewed. If all absences are deemed to be for a good reason and there is evidence that the student has made up the work, the student will be permitted to graduate.
Under 80%	The student cannot graduate from the BPTC and will be deemed Not Competent.

## 8. Changing Modules or Specialisations

This is not available for this programme.

## 9. Reassessment of Failed Assessments

- a) A student who fails an assessment should resit that assessment at the next assessment opportunity.
- b) Any assessment taken by a student will be based on the law in force at the time of the assessment regardless of the law taught to the student during the Programme.

- c) A student shall be permitted three attempts at each assessment component; one first sit and two resits.
- d) Where a student resits and passes an assessment component the component mark shall be capped at the pass mark of 60%. The capped mark shall be aggregated with the original mark(s) of the other component(s) and the aggregated mark shall appear on the transcript.
- e) A student who fails a third attempt of any module fails the Programme overall. Further attempts may only be permitted in accordance with the regulations on appeals and the rules on concessions.

#### **10. Mitigating Circumstances and Concessions**

- a) Condonation (that is departing from these Regulations and passing an assessment when it has not, on its merits, achieved the required pass standard) is never permitted, either in response to mitigating circumstances or otherwise.
- b) Compensation (that is making good marks below 60% with marks from another assessment) is never permitted either in response to mitigating circumstances or otherwise.
- c) Students may not retake assessments for the sole purpose of improving a mark which is already at or above the pass level, unless there is a substantiated case of mitigating circumstances which relates to a protected characteristic per the Equality Act 2010 (or any replacement of that Act).

#### **11. Conditions for the granting of award**

- a) No students shall be entitled to enrol for an award other than the Postgraduate Diploma in Vocational Training for the Bar.
- b) A student, who completes an approved programme of study, as described in the Diagram of Outcomes Leading to Award and Programme Learning Outcomes, shall be awarded a Postgraduate Diploma in Vocational Training for the Bar.

#### **12. Classification of Award**

Each assessment unit shall be graded as 'Outstanding', 'Very Competent', 'Competent' or 'Not Competent'. In order to pass an assessment unit, a student must achieve a grade of 'Competent'.

The pass mark, which signifies competence, is 60%, save for the Knowledge subjects (Civil and Criminal Litigation) and Professional Ethics for which the Bar Standards Board may vary the pass mark for each sitting of the assessment.

The REDOC assessment has two components, 20 MCQs and three SAQs worth 10 marks each. Both components are equally weighted at 50%. In order to create the aggregate score, each component is multiplied by a different factor to achieve equal weighting. The MCQ score is multiplied by 2.5 and the SAQ score is multiplied by 1.66. For each component that produces a score out of 50. The two

component scores are added together to produce the final mark and given that the mark is out of 100, the corresponding percentage.

In each assessment unit, the following grading boundaries shall apply:

- Outstanding - 85%-100%
- Very Competent - 70%-84%
- Competent - 60%-69%
- Not Competent - below 60%

The “Red Light Rule” may be applied in BPTC skills assessments. Even if a student gains an average overall pass, they may fail an assessment if their legal or case analysis is so clearly incorrect that it would:

- (a) put the client(s) interests at risk, and/or
- (b) put the barrister at risk of liability for negligence or a disciplinary finding.

A “fatal flaw” is normally defined, for these purposes, as a significant and grave error of law or procedure. However, an Ethics issue in a skills assessment may also be regarded for consideration as a “fatal flaw”. Examples of where the Red Light Rule should be applied are as follows:

- a) A personal injury claim where counsel advises that the claim is statute barred because the three years since the date of the accident have expired (has failed to consider the date of knowledge and or an application under section 33).
- b) A contract claim where counsel fails to advise that the claim cannot be brought because the breach of contract was over six years from the date of the advice.
- c) Giving inaccurate advice in conference, for example advising a client to settle a civil claim where they have a perfectly good defence, e.g. on limitation.

The Assessment Board shall award an overall final course grade of ‘Outstanding’ to a student who achieves:

1. a pass at the first attempt in all assessment units **and**
2. **either** 85% or more when the marks for all the assessment units are aggregated together according to their weighting to achieve a final percentage mark,  
**or** the ‘Outstanding’ standard in six or more of the assessment units.

The Assessment Board shall award an overall final course grade of ‘Very Competent’ to a student who:

1. has not failed in more than one assessment unit at the first attempt **and**
2. **either** achieves 70% or more when the marks for all the assessment units are aggregated together according to their weighting to achieve a final percentage mark,  
**or** the ‘Very Competent’ standard or ‘Outstanding’ standard in eight or more of the assessment units.

### Exit Awards

This programme has no exit awards.

### **Confidentiality**

A student's assessment results shall be confidential to the student, however the terms and conditions of the programme will allow results to be shared with the UKVI for the purpose of monitoring student progress for visa compliance purposes.

### **Time limits for completing the programme**

When a full-time candidate commences the BPTC in September of a specific academic year their anticipated completion date is within that academic year. For a part-time candidate, their anticipated completion date is the following academic year. For these purposes an academic year comprises the cycle of first sit assessments and referred or deferred assessments immediately following the first sit assessments. For both full and part-time students, the course must normally be completed within a maximum of three years of the expected completion date. The maximum time limit exists to avoid graduates proceeding to pupillage with "stale" knowledge.

For either full-time or part-time students who have documented mitigating circumstances that have been accepted through University mitigating circumstances procedures, and who are still within the maximum number of sits permitted by the BSB, the maximum time limit may be exceeded at the discretion of the BSB to the next available sit only.

## CURRICULUM MAP BPTC COMPULSAORY MODULES

{the purpose of this is to demonstrate which modules fulfil the Programme Outcomes}

	Outcome	Civil	Criminal	Ethics	Advocacy	Opinion Writing	Drafting	REDOC	Conference	Options x2
1	a systematic understanding of relevant knowledge and ethical principles in law and practice; together with a comprehensive understanding of techniques applicable to practice at the Bar	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	an expertise in the application of legal knowledge in the interests of the client, together with a practical understanding of how established technical skills are used in relation to the interpretation of knowledge in the discipline	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	knowledge and understanding of the ethical values (including equality and diversity issues, and duty to the client and to the court), and the skills and underpinning knowledge necessary to assess and manage cases without supervision			✓	✓	✓	✓	✓	✓	✓
4	Implement an understanding of the values and techniques of advanced professional legal analysis and argument in the preparation of an output relevant to professional legal practice.	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	<b>digest</b> complex legal and legally related material accurately and apply with precision to the planning and implementation of professional tasks; evaluate current developments and advanced theory in law and practice, and acquire in-depth knowledge of written material, law reports, journals and articles in applicable areas of study	✓	✓	✓	✓	✓	✓	✓	✓	✓
6	adapt their submissions or questioning appropriately to circumstances.				✓				✓	✓
7	forensically evaluate arguments, assumptions, abstract concepts and data in order to deal with complex issues systematically and make sound judgments.			✓	✓	✓	✓		✓	✓
8	apply legal knowledge in the interests of the client, together with a practical understanding of how established technical skills are used in relation to the interpretation of knowledge in the discipline.			✓	✓	✓	✓	✓	✓	✓

		Civil	Criminal	Ethics	Advocacy	Opinion Writing	Drafting	REDOC	Conference	Options x2
9	competently undertake case <b>analysis</b> , research, conferences, opinion writing, drafting without supervision.				✓	✓	✓		✓	
10	<b>propose</b> solutions to challenges in practice based on personal scholarship and research	✓	✓	✓	✓	✓	✓	✓	✓	✓
11	exercise necessary independent learning skills required to undertake appropriate further professional training and development to continue to advance their knowledge and develop new skills to a high level.	✓	✓	✓	✓	✓	✓	✓	✓	✓
12	act autonomously in planning and implementing tasks at a professional level.	✓	✓	✓	✓	✓	✓	✓	✓	✓
13	evidence self-direction, initiative, personal responsibility and decision-making in complex situations.	✓	✓	✓	✓	✓	✓	✓	✓	✓
14	reconcile ethical values including equality and diversity obligations to clients, colleagues, and members of the public	✓	✓	✓	✓	✓	✓	✓	✓	✓
15	<b>undertake</b> negotiation and advocacy with/without supervision				✓					
16	<b>persuade</b> orally and in written argument using reasoned argument and cogent legal, and factual, analysis				✓	✓	✓			
17	<b>identify</b> solutions, tackle and solve problems, and communicate their conclusions clearly.	✓	✓	✓	✓	✓	✓	✓	✓	✓
18	<b>be</b> a fluent and articulate advocate, both orally and in writing, using cogent legal and factual analysis				✓	✓	✓		✓	✓

**ASSESSMENT MAP BPTC COMPULSORY MODULES**

			Civil	Criminal	Professional Ethics	Advocacy x3	Opinion Writing	Drafting	REDOC	Conference	Options x2
Programme Learning Outcomes (amend numbers as necessary to meet the number of Programme learning outcomes)	Knowledge and Understanding	1	Written Exam (WE)	Written Exam (WE)	Written Exam (WE)	Oral Exam (OE)	Written Exam (WE)	Written Exam (WE)	Written Exam (WE)	Oral Exam (OE)	Oral Exam OR Take Home Assessment (OE/TH)
		2	WE	WE	WE	OE	WE	WE	WE	OE	OE/TH
		3	WE	WE		OE	WE	WE	WE		OE/TH
		4	WE	WE					WE		OE/TH
	Cognitive Skills	1	WE	WE	WE	OE	WE	WE	WE	OE	OE/TH
		2				OE	WE	WE	WE		OE/TH
		3				OE					OE/TH
		4									OE/TH
	Professional Skills	1	WE	WE	WE	OE	WE	WE	WE	OE	OE/TH
		2				OE	WE	WE	WE	OE	OE/TH
		3								OE	
		4								OE	
	General Transferable Skills	1	WE	WE	WE	OE	WE	WE	WE	OE	OE/TH
		2				OE	WE	WE			OE/TH
		3									
		4									

**Advocacy  
General Information**

School		Law School
Level		7
Credit Value		32 Credits
Contact Hours and Teaching Methods		<p>320 notional learning hours, broken down approximately as follows:</p> <p>Part 1 (120 hours)</p> <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (69.5 hours)</li> <li>• Self-Study Workbook (14 hours)</li> <li>• Asynchronous online LGS (4 hours)</li> <li>• 7x face to face SGS (10.5 hours)</li> <li>• Assessment and preparation for assessment (22 hours)</li> </ul> <p>Part 2 (100 hours)</p> <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (58 hours)</li> <li>• Self-Study Workbook (14 hours)</li> <li>• Asynchronous online LGS (5 hours)</li> <li>• 6x face to face SGS (9 hours)</li> <li>• Assessment and preparation for assessment (14 hours)</li> </ul> <p>Part 3 (100 hours)</p> <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (57 hours)</li> <li>• Self-Study Workbook (14 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6x face to face SGS (9 hours)</li> <li>• Assessment and preparation for assessment (14 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		tbc
Related Modules	Pre-requisites	N/A
	Co-requisites	BPTC core modules
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

## Introduction

This module is divided into two primary sections, the first is 'applications and submission' which involves making applications directly to a judge, and the second is 'witness handling' which involves examination-in-chief and cross examination. The content of the two parts are described as follows:

### Part 1. Submission Advocacy

The submission advocacy part of the module is broken down into three distinct phases.

- a) *The psychology of the decision making process and how to effectively influence it.*  
In this preliminary section, we look at some of the underpinning psychology that will affect the process of decision making, and the ability to engage with someone's cognitive process in an effective way.
- b) *The construction of logical argument for courtroom advocacy.*  
We will look in detail at how to structure argument, which will cover how to start by conceptualizing the correct judgment being sought, and engineer an application for that judgment which is most easily translated from application into judgment. We move students away from academic essay writing into legally practical forms of structured argument and logic. We will include in this section the proper use of legal authority, to ensure that students cite case authority with precision and clarity and use authority as economically as possible (as the Practice Directions require). Students will be challenged with points of law that have both legal complexity and in emerging areas of law.
- c) *Practical submission advocacy*  
In this phase, students perform in the classroom and receive feedback on their communication skills, their research and analysis, and their practical deployment of the two sections above.

### Part 2: Witness handling

The witness handling element of the module is divided into (2) Examination-in-Chief, and (3) Cross examination. These are independently assessed. The outcome is for the student to be able to handle the witness effectively in court. That is reached by 1) looking at some of the cognitive issues involved in memory and other processes by which we construct and describe a recollection. This allows advocates to understand where flaws and errors can occur, so that they can review the witness's evidence from a sound psychological perspective. 2) We look at questioning techniques, ethics, structure and other important ideas in terms of courtroom strategies. 3) We have live exercises with witnesses, at which students are given feedback on all of the above.

## Educational Aims

The principal educational aims of this module are:

### *Part 1 a)*

- Understanding how we make decisions, especially where the cognitive processes are vulnerable to irrationality or where the psychological process of the decision maker might be unexpected in the eyes of the advocate. Students will become familiar with principles of decision making, analyse where such processes might operate in a legal setting, and evaluate methods of persuasion to be used to meet these situations.
- Understanding the characteristics of deductive and inductive reasoning, and seeing where and how logically invalid inferences can arise, so that advocates can prevent departures from sound logical analysis.
- Recognising the potential for cognitive dissonance for the judge/decision maker and thinking of strategies to ameliorate the dissonance and to understand how psychologically a judge might resist attitudinal change (and therefore how best to attempt to overcome such resistance).
- Understanding the 'Yale model for persuasive communication' and develop persuasive skills following these principles.

### *Part 1 b)*

- Students will develop a clear ability to distinguish the 'ingredients' of an application, namely, 'issues', 'test', 'argument' and support for an argument be it by way of factual evidence, legal precedent, public policy, intention of parliament, or common sense;
- To develop understanding of the relationships between submission and support for a submission;
- To develop understanding of how legal tests for the exercise of discretion in any interlocutory application work in conjunction with the analysis of the issues in the case and the merits of the case as a whole;
- To develop the ability to deal with complex issues of law, and make sound judgments on the application of the law to the facts of a case;
- To practice independent critical thinking in terms of the assessing the relevance of large amounts of information and selecting data which best suits the application; and
- Develop awareness of the tension between making full arguments and exceeding an appropriate allocation of the court's time – i.e. to make critical decisions about where to 'cut off' arguments which do not sufficiently advance a case.

### *Part 1 c)*

- To enhance practical persuasive oral skills;
- To ensure that students can orally deliver the techniques described above;
- Vocally 'pitch' arguments at the corresponding worth of the proposition;
- Guide the decision maker through the structure of the application;
- Show flexibility of thought in response to interventions from the judge, and do to so quickly and with confidence;
- Show imagination and creativity when relevant when challenged by the judge, or otherwise in the application more generally;
- Make submissions with clarity and commitment; and
- Observe the rules of ethics.

*Part 2*

- To understand some of the cognitive processes behind memory and recall, in particular, for example, with identification evidence;
- To apply some of the sessions in part 1a) and to compare and contrast issues with individual's decision making processes with that of a group (i.e. a jury or bench of 3 magistrates);
- Understanding communicative habits such as 'mirroring' and the disposition towards convention and automation within communication;
- To review our perceptions and the influence of factors such as clothing, height etc assist advocates in presenting evidence
- Analysing the characteristics of certain questioning technique so that the right techniques are deployed for each witness in EIC
- Developing good Case theory and consequently courtroom strategy for the EIC
- Knowing how to deploy certain 'Formal procedures' such as exhibiting items

*Part 3*

- Understanding your duty to 'put your case' – the origins of the rule and case law about when one can dis-apply the rule
- Understanding the ethical consideration when handling a witness
- detection of lying
- Analysing the characteristics of certain questioning technique so that the right techniques are deployed for each witness in cross-examination
- Developing good Case theory and consequently courtroom strategy for the XX
- Structural analysis – i.e. how to build logical progression within the questions to make ultimate conclusions feel right and inevitable
- Character analysis of a witness and courtroom strategy for XX
- Vulnerable witnesses and cross-examination – the special rules

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate systematic understanding of core psychological concepts that relate to the cognitive processes involved in decision making
2. Prepare to deliver submissions effectively by identifying and mastering relevant facts and legal principles.
3. Organise facts to support the argument or position.
4. Present a reasoned argument.
5. Make appropriate references to legal authority.
6. Comply with all formalities.
7. Respond effectively to questions or opposing arguments.
8. Identify strengths and weaknesses from differing parties' perspectives.
9. Comply with all relevant ethical and professional codes.
10. Conduct examination in chief and cross examination of witnesses.
11. Evaluate a range of techniques for engaging with a witness.
12. Understand the rules relating to vulnerable witnesses.
13. Critically analyse and reflect on their own (and others') methods of presenting and communicating so as to improve their skills in practice.
14. Effectively synthesize complex information and communicate this both orally and in writing appropriate for a variety of audiences.

The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

### Mode of Assessment

#### Formative Element

##### *Part 1*

One online MCQ assessment (pass/fail) on the issues of cognitive and social psychology thrown up by the assessment, marked by the student in accordance with a guide; and

One supervised oral assessment observed by a tutor in which students perform 12 minutes of an interlocutory application, supported by a skeleton argument. Oral and written feedback is provided. Students also have the opportunity to practice making an application in SGSs.

##### *Part 2*

One supervised oral assessment observed by a tutor in which students examine their own witness (examination-in-chief) for 12 minutes supported by a written submission covering case theory, trial strategy and character assessment. Oral and written feedback is provided.

Students also have the opportunity to practice examination in chief SGSs.

##### *Part 3*

One supervised oral assessment observed by a tutor in which students cross examine a witness for 12 minutes, supported by a written submission covering case theory, trial strategy and character assessment. Oral and written feedback is provided.

Students also have the opportunity to practice cross examination in SGSs.

#### Summative Element

##### *Part 1*

One online MCQ assessment (pass/fail) on the issues of cognitive and social psychology thrown up by the assessment; and

One supervised oral assessment observed by a tutor in which students perform 12 minutes of an interlocutory application, supported by a skeleton argument.

*Part 2*

One supervised oral assessment observed by a tutor in which students examine their own witness (examination-in-chief) for 12 minutes supported by a written submission covering case theory, trial strategy and character assessment.

*Part 3*

One supervised oral assessment observed by a tutor in which students cross examine a witness for 12 minutes, supported by a written submission covering case theory, trial strategy and character assessment.

**Key Reading**

Students will be provided with their own copy of:  
The BPP Advocacy Manual

**Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- Baron, R.A., & Branscombe, N.R. (2014). *Social Psychology*, 13th ed., Harlow: Pearson Education Limited
- Baumeister, R.F., & Bushman, B.J (2009). *Social Psychology and Human Nature*, 2nd ed. Wadsworth: Cengage Learning
- Hogg, M.A., & Vaughan, G.M. (2014). *Social Psychology*, 7th ed., Harlow: Pearson Education Limited
- Markman, A. and Gentner, D. (2001). *Thinking*. *Annual Review of Psychology*, volume 52
- Baddeley, A., Eysenck, M., and Anderson, M. (2009). *Memory*. Hove: Psychology Press.
- Quinlan, P. & Dyson, B. (2008). *Cognitive Psychology*. Harlow: Pearson Education.
- *Advocacy and Public Speaking*, Derek Halbert & Hayley Whitaker
- *The Devil's Advocate*, Ian Morley QC
- *The Art of the Advocate*, Richard Du Cann
- *The Art of Cross Examination*, Francis L Wellman

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Advocacy**  
**Part 1**

LGS/Online Presentations	SGS
<p><b>The cognitive and social psychology of decision making (1)</b>                      Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
<p><b>The cognitive and social psychology of decision making (2)</b>                      Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
<p><b>Building logical argument (1)</b>                      Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
<p><b>Building logical argument (2)</b>                      Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
	<p><b>1. Plea in mitigation</b>                      Students perform a plea in mitigation and receive oral and written feedback.</p>
	<p><b>2. Bail application</b>                      Students perform a bail application and receive oral and written feedback.</p>
	<p><b>3. Review</b>                      Students perform again one of the first 2 sessions having conducted a self-reflective critique of their delivery.</p>

	<p><b>4. Application to set aside judgement in default</b> Students perform an application to set aside judgment in default supported by a skeleton argument. Oral and written feedback is provided.</p>
	<p><b>5. Summary Judgement Application</b> Students perform an application for summary judgment supported by a skeleton argument. Oral and written feedback is provided.</p>
	<p><b>6. Interim Payment Application</b> Students perform an application for Interim Payment supported by a skeleton argument. Oral and written feedback is provided.</p>
	<p><b>7. Interim Injunction Application</b> Students perform an application for an interim injunction supported by a skeleton argument. Oral and written feedback is provided.</p>

## Part 2

LGS/Online Presentations	SGS
<p><b>How witnesses observe the world &amp; group decision making</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
<p><b>Mirroring, automation and convention</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
<p><b>Analysis of structure in EIC</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
<p><b>Formal Procedures</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	

<p><b>Case theory &amp; Strategy</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
	<p><b>1. Case Theory</b> Analysis of the issues in a case.</p>
	<p><b>2. Examination in Chief</b> Students examine their own witness for 12 minutes and receive oral and written feedback.</p>
	<p><b>3. Examination in Chief</b> Students examine their own witness for 12 minutes and receive oral and written feedback.</p>
	<p><b>4. Examination in Chief</b> Students examine their own witness for 12 minutes and receive oral and written feedback.</p>
	<p><b>5. Examination in Chief</b> Students examine their own witness for 12 minutes and receive oral and written feedback.</p>
	<p><b>6. Review</b> Critical evaluation of performance and feedback in relation to the formative exercise in the previous SGS.</p>

### Part 3

LGS/Online Presentations	SGS
<p><b>Memory &amp; cognitive vulnerability (identification evidence)</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
<p><b>Ethics and putting your case</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
<p><b>Questioning technique, inconsistencies</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	

<p><b>Detecting lies</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
<p><b>Vulnerable witnesses</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
<p><b>Structure &amp; strategy</b> Online presentation followed by workbook exercises to confirm understanding and an opportunity to apply learning.</p>	
	<p><b>1. Examination in Chief</b> Students cross examine a witness for 12 minutes and receive oral and written feedback.</p>
	<p><b>2. Examination in Chief</b> Students cross examine a witness for 12 minutes and receive oral and written feedback.</p>
	<p><b>3. Examination in Chief</b> Students cross examine a witness for 12 minutes and receive oral and written feedback.</p>
	<p><b>4. Examination in Chief</b> Students cross examine a witness for 12 minutes and receive oral and written feedback.</p>
	<p><b>5. Examination in Chief</b> Students cross examine a witness for 12 minutes and receive oral and written feedback.</p>
	<p><b>6. Review</b> Critical evaluation of performance and feedback in relation to the formative exercise in the previous SGS.</p>

## Conference General Information

School	Law School	
Level	7	
Credit Value	8 Credits	
Contact Hours and Teaching Methods	80 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (46.5 hours)</li> <li>• Asynchronous online LGS (2 hours)</li> <li>• Asynchronous online demonstrations (1 hour)</li> <li>• 7x face to face SGS (10.5 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>	
Programme	Bar Professional Training Course	
Module Leader	Ben Smith	
Related Modules	Pre-requisites	N/A
	Co-requisites	BPTC core modules
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body	BPP University	

## Introduction

Upon successful completion of this module, students will be able to prepare for and carry out a client conference and advise a client as to the merits of the case against them, the merits of any defence, the appropriate plea, the likely sentence and venue.

Students will practice this skill using realistic case studies using predominantly criminal scenarios and one civil road traffic accident. Students will apply their interviewing and advising skill selecting techniques appropriate to their client's instructions and taking into account the legal and evidential circumstances.

## Educational Aims

The principal educational aims of this module are:

- To prepare students to enter pupillage and be able to carry out a client interview and give advice based on the client's instructions with appropriate supervision.

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Prepare effectively for a conference with a client.
2. Elicit relevant facts, analyses and synthesise information from the client and distinguish between relevant and irrelevant information.
3. Use appropriate listening and questioning techniques.
4. Determine what further information is required.
5. Advise as to the merits of the prosecution and defence evidence, the appropriate plea, sentencing implications and venue.
6. Assist the client to make a decision as to plea and venue.
7. Comply with all relevant ethical and professional codes.
8. Establish a professional relationship with the client and deal with any client care of professional conduct issues that may arise when advising the client.

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**

Formative Element

A 15 minute oral conference with a client played by an actor. The conference is recorded for further personal reflection and review. Oral and written feedback is given by an observing tutor. Students also perform conferences and receive feedback in x4 other SGSs when the role play client for each other.

Summative Element

A 15 minute oral conference with a client played by an actor. The brief is released a week before (1 month for part time students) and students prepare a plan. On the day of the assessment they have 1 hour with some last minute instructions under invigilated conditions and must amend their plan before conducting the conference.

### **Key Reading**

Students will provided with their own copy of:

The BPP Conference Handbook

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- Sherr,A, Client Care for lawyers: an analysis and guide (Sweet & Maxwell)
- Webb,J [et al] Lawyers' Skills (Oxford University Press)
- Soanes, M, Conference Skills (Oxford University Press)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Conference**

<b>LGS/Online Presentations</b>	<b>SGS</b>
Introduction to Conferencing Interaction Questioning and Advice	<b><u>Preparation and Planning</u></b> Students consider how to prepare and structure a conference plan in a case with x2 offences.
Conference Demonstration 1	<b><u>Conference 1</u></b> Students role play for each other and conduct conferences in two criminal scenarios. The tutor provides written and oral feedback and the performances are recorded.
	<b><u>Conference 2</u></b> Students role play for each other and conduct conferences in two civil scenarios (road traffic accident). The tutor provides written and oral feedback and the performances are recorded.
	<b><u>Conference 3</u></b> Students role play for each other and conduct conferences in two criminal scenarios. The tutor provides written and oral feedback and the performances are recorded.
	<b><u>Conference 4 (formative)</u></b> Students conduct a 15 minute conference with the client played by an actor. The tutor provides written and oral feedback and the performances are recorded.
Conference Demonstration 2	<b><u>Formative Review</u></b> Students review the recorded performance of another student and give peer feedback. The formative sample plan is reviewed.
	<b><u>Conference 5</u></b> Students role play for each other and conduct conferences in two criminal scenarios. The tutor provides written and oral feedback and the performances are recorded.

## Civil Litigation & Evidence

### General Information

School	Law School	
Level	7	
Credit Value	20 Credits	
Contact Hours and Teaching Methods	200 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (135 hours)</li> <li>• Asynchronous online LGS (10 hours)</li> <li>• 18 x face to face SGS (27 hours)</li> <li>• Assessment and preparation for assessment (28 hours)</li> </ul>	
Programme	Bar Professional Training Course	
Module Leader	Nathan Hawley & Julia Harrow	
Related Modules	Pre-requisites	N/A
	Co-requisites	BPTC core modules
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body	BPP University	

### Introduction

This module provides a comprehensive introduction to the knowledge required to conduct the practical aspects of civil litigation and procedure. This module also provides a basis to apply knowledge of civil procedure and evidence to the practical problems presented in the context of realistic scenarios, by reference to their client's instructions and their legal, personal and commercial goals. Upon completion of this module, students will have a detailed and practical knowledge of the law necessary to undertake the work of a pupil barrister in general civil practice.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of civil litigation and evidence.
- To provide further opportunities to practice professional skills appropriate to civil litigation and evidence.
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of civil litigation

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the principles of civil litigation procedure and evidence.
2. Apply critical thinking and analysis of areas of civil litigation practice and procedure including handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client’s needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of civil litigation practice and procedure.
4. Demonstrate professional skills appropriate to the area of civil litigation and procedure.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**

Formative Element

1x assessment set by the Bar Standards Board, being a written exam containing 75 MCQ and 'single best answer' questions to be self-marked. Students may choose to take away the paper to do in their own time or may sit under examination conditions in the law school at a scheduled time.

Summative Element

1x assessment set by the Bar Standards Board, comprising a 3 hour supervised written exam containing 75 MCQ and 'single best answer' questions.

### **Key Reading**

#### **Students will provided with their own copy of:**

1. Civil Procedure (Sweet & Maxwell) ('The White Book'); and
2. A Practical Approach to Civil Procedure by Stuart Sime.

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- Keane on Evidence
- Civil Procedure Rules (Stationary Office) Looseleaf Service
- Matthews & Malek, Disclosure (Sweet & Maxwell)
- Hollander, Documentary Evidence (Sweet & Maxwell)
- Bean, Injunctions (Sweet & Maxwell)

### **Useful websites**

[www.justice.gov.uk](http://www.justice.gov.uk)

[uk.practicallaw.com](http://uk.practicallaw.com)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Civil Litigation & Evidence**

LGS & Online Presentations	SGS
	<p><b>Note</b>                      For every SGS, students are provided with reading to undertake and questions to answer in advance. The questions are designed to test either knowledge of the law and/or the application of the law to the facts in the scenario detailed by the questions. The answers are then discussed by the students with their tutor in the SGS.                      10 Multiple Choice Questions are attempted either in the SGS itself, and/or after the SGS as a post SGS consolidation and revision exercise.</p>
<p>Overriding Objective and Pre action conduct</p>	<p><b>1. The overriding objective and the duty of the court to manage cases:</b> The overriding objective, application by the court of the overriding objective, the duty of the parties to help the court further the overriding objective and the court’s duty to manage cases.</p> <p><b>Pre Action Conduct: The Practice Direction (Pre-Action Conduct) and consequences of non compliance:</b> The approach of the courts, the principles governing conduct of parties in cases not subject to a pre-action protocol and guidance on pre-action procedure where no pre-action protocol applies.</p>
<p>Limitation</p> <p>Where to start proceedings including the allocation of business between the High Court and County Court</p>	<p><b>2. Limitation:</b> namely, accrual of causes of action, and limitation periods (*) for actions in tort, contract, contribution claims, personal injury cases, fatal accident cases, and latent damage cases; extensions of limitation period in case of disability; postponement of limitation periods in cases of fraud, concealment or mistake; and discretionary exclusion of time limits for actions in respect of personal injuries or death.</p>

	<p><b>The allocation of business between the High Court and the County Court:</b> namely, where to start proceedings.</p>
<p>Commencing proceedings (1)</p> <p>Statements of case</p> <p>Parties</p> <p>Conviction as Evidence</p>	<p><b>3. Commencing proceedings:</b> using both the Part 7 procedure and the Part 8 procedure including where to start proceedings; how to start proceedings; the claim form (and its contents including statements of value – see below); title of proceedings; start of proceedings; the right to use one claim form to start two or more claims; particulars of claim (and its contents including particulars of claim in personal injury claims, matters to be included in particulars of claim, and matters which must be specifically set out in particulars of claim – see below); statements of truth; and the alternative procedure for claims under CPR Part 8.</p> <p><b>Statements of Case:</b> contents of claim form, statements of value, contents of particulars of claim, court’s power to dispense with statements of case, particulars of claim in personal injury claims, matters to be included in particulars of claim, and matters which must be specifically set out in particulars of claim.</p> <p><b>Parties:</b> bringing claims against partnerships, sole traders, LLPs and companies, trusts and deceased persons; bringing and settling proceedings involving children and protected parties.</p> <p><b>Convictions as evidence in civil proceedings:</b> the use of convictions as evidence in civil proceedings (see section 11 Civil Evidence Act 1968).</p>
<p>Commencing proceedings (2)</p>	<p><b>4. Commencing proceedings</b></p> <p>Validity, extension and service of claim forms (*) and other court documents including extensions of time for service of a claim form, service of the claim form and other court documents within the jurisdiction. (*this applies to both Part 7 and Part 8 claims).</p>
<p>Options when responding to claim</p> <p>Default Judgement</p>	<p><b>5. Statements of case (acknowledgement of service, defences, replies, counterclaims *):</b></p>

	<p><b>Defence and reply to defence:</b> contents of defence, defence of set-off, reply to defence, court’s power to dispense with statements of case, matters which must be specifically set out in the defence; filing a defence, consequence of not filing a defence, period for filing defence, agreement extending of period for filing a defence, service of copy of defence, making a counterclaim, reply to defence, court permission for subsequent statements of case, claimant’s notice where defence is that money claimed has been paid and stay of claim if not defended or admitted; and</p> <p><b>Acknowledgement of service:</b> acknowledgement of service, consequence of not filing acknowledgement of service, and period for filing acknowledgement of service;</p> <p><b>Default judgments and applications to set aside:</b> claims in which default judgment may be obtained, conditions to be satisfied for default judgment, procedures for obtaining default judgment, nature of judgment obtained, default judgment in claims against more than one defendant, evidence on requests and applications for default judgment, setting aside or varying default judgment.</p>
<p>Multiple causes of action, Counterclaims and other Additional Claims</p> <p>Requests for further information</p> <p>Amendments</p>	<p><b>6. Further Information:</b> obtaining further information, requests for further information, responding to requests for further information and restriction on the use of further information.</p> <p><b>Amendment:</b> amendments to statements of case, permission or consent to amend, the power of the court to disallow amendments made without permission, amendments to statements of case with permission of the court, amendments to statements of case after the end of a relevant limitation period and the cost consequences of amendment.</p> <p><b>Multiple Causes of Action, Counterclaims and Other Additional Claims:</b> multiple causes of action and multiple parties, changes of parties, provisions where two or more persons are jointly entitled to a remedy, adding and substituting parties, adding or substituting parties after the end of a relevant limitation period, removal of parties, transfer of interest or</p>

	<p>liability, counterclaims against the claimant or an additional party, claims for contribution or indemnity from another party, contribution notices and claims against third parties and fourth parties.</p>
<p>Interim applications (1)</p> <p>Summary Judgement</p> <p>Strike Out</p> <p>Interim Applications (1)</p>	<p><b>7. Summary judgment:</b> namely the grounds for summary judgment, proceedings in which summary judgment is available, procedure for obtaining summary judgment, evidence at a summary judgment hearing, the court’s powers on a summary judgment application and setting aside orders for summary judgment.</p> <p><b>Striking out a claim (*):</b> the power to strike out statements of case.</p> <p>(* Striking out a claim is considered again in SGS 11, 12 and 13. Sanctions and relief from sanctions is considered in SGS 13).</p> <p><b>Interim applications:</b> how to apply for an interim remedy, where to make an application, the content of an application notice, filing and serving application notices, documentation required in interim applications, periods of notice in interim applications, applications made with and without notice, applications dealt with without a hearing, setting aside or varying orders made without notice, proceeding in the absence of a party, dismissal of applications totally without merit, pre-action applications, evidence in interim applications and supply by the applicant of a draft order.</p>
<p>Interim applications (2)</p> <p>Security for Costs</p> <p>Interim payments</p> <p>Interim Costs</p>	<p><b>8. Security for Costs:</b> namely, applying for security for cost and the conditions to be satisfied on an application for security for costs.</p> <p><b>Interim Payments:</b> namely, the procedure for applying for interim payments, conditions to be satisfied and matters to be taken into account, evidence on interim payment applications, powers of the court where it has made an order for interim payment, and restrictions on disclosure of interim payments.</p> <p><b>Interim costs orders:</b> interim costs orders</p>
<p>Interim applications (3)</p> <p>Interim injunctions</p>	<p><b>9. Interim Injunctions:</b> applying for interim injunctions; American Cyanamid (*) principles;</p>

	<p>exceptions and variations to American Cyanamid including mandatory interim injunctions, interim injunctions that finally dispose of the case and cases where there is no arguable defence; and usual undertakings and cross undertakings in interim injunction cases.</p> <p><b>Interim Applications:</b> how to apply for an interim remedy (for SGS 9 in the context of an interim injunctions) including the applicant’s disclosure duties in applications made without notice or on short notice and consequences of material non-disclosure.</p>
<p>Case and costs management</p>	<p><b>10. Case management:</b> The court’s case management powers, court’s power to make orders of its own initiative, power of court to rectify where there have been errors of procedure, costs management, case management, directions questionnaires, stays to allow for settlement, referrals to mediation, scope of the small claims track, fast track and multi-track, allocation, directions in fast track cases and case management in multi-track cases.</p> <p><b>Costs - costs managements:</b> costs budgets, costs management, filing and exchanging budgets, costs management orders, costs management conferences, court regard to budgets in making case management decisions.</p>
<p>Disclosure &amp; inspection of documents</p>	<p><b>11. Disclosure and Inspection of Documents</b>          Disclosure and inspection of documents; Right of inspection of disclosed documents; The meaning of document; Standard disclosure and procedure          Duty of search; Disclosure of documents in a party’s control; Disclosure of copies/ Inspection and copying of documents; Disclosure lists and disclosure statements; Withholding disclosure or inspection (including Legal Professional Privilege and Without Prejudice communications); Specific disclosure or inspection; Documents referred to in statements of case etc; Pre-action disclosure; Disclosure against non-parties; Powers of the court to order disclosure; Collateral use of disclosed documents; Disclosure against non-parties; Norwich Pharmacal orders</p>

<p>Evidence of fact Witness statements &amp; hearsay evidence</p>	<p><b>12. Evidence of fact in civil proceedings (1), witness statements and hearsay</b> The power of the court to control evidence; Evidence of witnesses; Service and use of witness statements at trial and other hearings; Witness summaries; Use of witness statements for other purposes; False statements in witness statements; Notices to admit facts; Notices to prove documents; Issuing and serving witness summonses; Evidence by disposition; Use of hearsay evidence at trial; Exclusionary rule in relation to opinion evidence; The main exceptions to the exclusionary rule on opinion evidence.</p>
<p>Expert evidence Sanctions</p>	<p><b>13. Expert Evidence, Sanctions and Relief from Sanctions</b> The general exclusionary rule in relation to evidence of opinion and main exceptions to the rule; The use of expert opinion evidence in civil proceedings; Expert evidence at trial; The court’s duty and power to restrict expert evidence; Duties and responsibilities of experts; Expert reports Written questions to experts; Single joint experts Discussions between experts; Consequences of failing to disclose an expert’s report; Obtaining further expert evidence; Power to strike out statements of case; Sanctions; Relief from sanctions including consideration of the leading cases Mitchell and Denton</p>
<p>Offers to settle Part 36</p>	<p><b>14. Offers to settle – Calderbank Offers and offers to settle under Part 36</b> Calderbank Offers; Offers to settle under Part 36 Form and content of Part 36 offers; Time when a Part 36 offer is made; Clarification of a Part 36 offer; Withdrawing or changing the terms of a Part 36 offer; Acceptance of a Part 36 offer; Costs consequences and effects of accepting a Part 36 offer; Restrictions on disclosure of a Part 36 offer Costs consequences following judgment.</p>
<p>Civil Trial Witness evidence Judgements &amp; Orders Tomlin Orders</p>	<p><b>15. Civil Trial and Evidence of Fact in Civil Proceedings (2) including witness summonses, depositions, discontinuance, judgments and orders</b> The power of the court to control evidence; Evidence of witnesses; Evidence by video link</p>

	<p>Use of witness statements at trial; The use of plans, models and photographs as evidence; The trial of civil cases including: trial timetables, order of speeches, calling and examining witnesses, judgment, submissions on orders for costs and permission to appeal; Issuing and serving witness summonses; Evidence by deposition; Drawing up and filing judgments and orders; Service of judgments and orders; When judgments and orders take effect; Consent judgments and orders</p> <p>Tomlin orders; Applying to set aside or vary judgments and orders; Time for complying with judgments and orders; Correction of errors in judgments and orders; Judgments on both claim and counterclaim</p>
<p>Costs</p>	<p><b>16. Costs and Costs Management</b></p> <p>Costs budgets; Costs management; Filing and exchanging budgets; Costs management orders; Costs management conferences; Court regard to budgets in making case management decisions; Court discretion as to costs; Interim costs orders; Standard or indemnity basis of assessment; Factors taken into account in deciding amount of costs; Procedure for assessing cost; Summary assessment of costs; Detailed assessment of costs; Time for complying with order for costs; Court powers in relation to misconduct; Costs management</p>
<p>Civil appeals Enforcement</p>	<p><b>17. Appeals and Enforcement</b></p> <p>Permission to appeal; Routes of appeal; Time for appealing; Appellant’s notice; Grounds on which appeals may succeed; Appeal court powers; Hearing of appeals; Fresh evidence in appeals; Respondent’s notice; Skeleton arguments; Methods of enforcing judgments and orders; Transfer of proceedings for enforcement</p>
	<p><b>18. Update, Consolidate, Revise</b></p> <p>An overview of various different topics already covered within this module.</p>

## Criminal Litigation, Evidence & Sentencing

### General Information

School	Law School	
Level	7	
Credit Value	20 Credits	
Contact Hours and Teaching Methods	200 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (135 hours)</li> <li>• Asynchronous online LGS (10 hours)</li> <li>• 18x face to face SGS (27 hours)</li> <li>• Assessment and preparation for assessment (28 hours)</li> </ul>	
Programme	Bar Professional Training Course	
Module Leader	Abigail Welsh	
Related Modules	Pre-requisites	N/A
	Co-requisites	BPTC core modules
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body	BPP University	

### Introduction

This module provides a comprehensive introduction to the knowledge required to conduct the practical aspects of criminal litigation and procedure. This module also provides a basis to apply knowledge of criminal procedure and evidence to the practical problems presented in the context of realistic scenarios, by reference to their client's instructions.

Upon completion of this module, students will have a detailed and practical knowledge of the law necessary to undertake the work of a pupil barrister in criminal practice.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of criminal litigation, evidence & sentencing.
- To provide further opportunities to practice professional skills appropriate to criminal litigation, evidence and sentencing.
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of criminal litigation

## Learning Outcomes

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the principles of criminal litigation, evidence and sentencing.
2. Apply critical thinking and analysis of areas of criminal litigation, evidence and sentencing including handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client's needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of criminal litigation, evidence and sentencing.
4. Demonstrate professional skills appropriate to the area of criminal litigation, evidence and sentencing.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

## Mode of Assessment

### Formative Element

1x assessment set by the Bar Standards Board, being a written exam containing 75 MCQ and 'single best answer' questions to be self-marked. Students may choose to take away the paper to do in their own time or may sit under examination conditions in the law school at a scheduled time.

### Summative Element

1x assessment set by the Bar Standards Board, comprising a 3 hour supervised written exam containing 75 MCQ and 'single best answer' questions.

### **Key Reading**

#### **Students are provided with their own copy of:**

- Blackstone's Criminal Practice; and
- BPP's Criminal Litigation Manual.

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- Keane on Evidence
- Phipps on Evidence
- Archbold
- Roberts, Padfield and Harris – Current Sentencing Practice (Sweet & Maxwell) loose-leaf service

### **Useful websites**

[www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)

[www.gov.uk/government/organisations/ministry-of-justice](http://www.gov.uk/government/organisations/ministry-of-justice)

[www.cps.gov.uk](http://www.cps.gov.uk)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Civil Litigation & Evidence**

LGS & Online Presentations	SGS
	<p><b>Note</b> For every SGS (other than the consolidation/revision classes), students are provided with reading to undertake and questions to answer in advance. The questions are designed to test either knowledge of the law and/or the application of the law to the facts in the scenario detailed by the questions. The answers are then discussed by the students with their tutor in the SGS. 10 Multiple Choice Questions are attempted after the SGS as a post SGS consolidation and revision exercise.</p>
Police Powers and Preliminaries to Prosecution: relevant law & explanation	<p><b>1. Police Powers and Preliminaries to Prosecution: relevant law &amp; explanation</b> Understanding the definitions of summary only, either way and indictable only offences, and how to determine classification of offences; learning the classifications of the main offences; understanding what makes an arrest lawful, and legitimate grounds and reasons for arrest in order to assess whether an arrest is lawful; understanding the main rights of a suspect in detention before charge, the process by which charging decisions are made, and the different methods of bringing a prosecution.</p>
First Appearances: relevant law & explanation	<p><b>2. First Appearances: relevant law &amp; explanation</b> Advising on the court in which adult offenders appear after charge, the contents of initial details of the prosecution case, use of live links, making and effect of pre-trial rulings, procedure where a plea is equivocal, plea before venue and mode of trial hearings for either-way offences, advantages and disadvantages of summary trial and trial by jury, indications of sentence, and powers to commit to the crown court for sentence.</p>

<p>Bail: Law and procedure; Bail: Making a bail application.</p>	<p><b>3. Bail</b> Demonstrate knowledge of magistrates' court powers to adjourn and remand, adjournments, the presumption of bail, grounds for withholding bail, factors relevant to the court's decision on bail including conditions of bail, appealing a refusal to grant bail, custody time limits, and the court's powers where bail is breached or a defendant fails to surrender to custody.</p>
<p>Evidential Concepts; Introduction to admissibility; Judge and jury; Types of evidence; Competence and compellability.</p>	<p><b>4. Evidential Concepts</b> Understanding the basic concepts of the law of evidence including the burden and standard of proof, the rules relating to questioning witnesses in a criminal trial, the rules relating to competence, compellability, distinguishing evidence of fact and opinion including the circumstances in which the latter is admissible at trial, and the rules relating to different types of privilege.</p>
<p>Disclosure; Considering evidence.</p>	<p><b>5. Disclosure</b> Consideration of the disclosure obligations of both parties at the start of proceedings and throughout trial, methods for challenging prosecution evidence including applications to dismiss, abuse of process applications, submissions of no case to answer, applications to exclude evidence under s.78 PACE 1984 and applications to exclude evidence using the common law.</p>
<p>Pre-trial matters: relevant law &amp; explanation</p>	<p><b>6. Pre-Trial Matters</b> Understanding and applying the rules regarding indictments including content, joinder of counts and defendants, amendments, duplicity, severance, charging continuous offences and making use of specimen counts; understanding and advising on the arraignment process, including pleas to lesser alternative offences, changing pleas, special measures, the measures for compelling the attendance of witnesses, and knowing when it is appropriate to offer no evidence as opposed to asking for a count to lie on file (and vice versa).</p>
<p>Trial: relevant law &amp; explanation</p>	<p><b>7. Summary trial</b> Assessing when the court will proceed in the absence of the defendant, determining when legal issues are addressed, advising on the order</p>

	<p>of events and demonstrating understanding of verdicts.                  Re. trial on indictment:                  Discussing how legal issues are addressed, assessing when the court will proceed in the absence of the defendant, identifying contents of summing up, majority directions (including permissible numbers) and explaining what the court might do where a jury cannot agree on a verdict.</p>
<p>Sentencing Principles;                  Obtaining an indication of sentence;                  When and where D is sentenced;                  Bases of sentence;                  Stages of the sentencing process.</p>	<p><b>8. Sentencing Principles</b>                  Consideration of the purposes of sentencing, the sentencing powers of the magistrates' court (and procedure, including committal for sentence), the sentencing powers of the crown court (and procedure), understanding use of pre-sentence reports, determination of disputes of fact during sentencing including use of Newton hearings and bases of plea, the role of the prosecutor, assessing seriousness, identifying common aggravating and mitigating features, understanding the custody and community sentence thresholds, and know the purpose and use of the Sentencing Guidelines.</p>
<p>Sentencing: relevant law &amp; explanation</p>	<p><b>9. Sentencing 2</b>                  Applying the sentencing principles to a set of facts in order to prosecute or defend a case listed for sentence in the magistrates' and the crown court.</p>
<p>Appeals: relevant law &amp; explanation</p>	<p><b>10. Appeals</b>                  Understanding the court's power to rectify mistakes, the general right of appeal from the magistrates' to the crown court, including the procedure and the powers of the crown court acting in an appellate capacity. Understanding and advising on the grounds and procedure for appealing conviction or sentence in the crown court to the Court of Appeal, and its powers. Also, understanding the process for stating a case to the High Court. Advising on advantages/disadvantages, time limits and appropriate route of appeal on a set of facts.</p>
	<p><b>11. Consolidation/revision</b>                  A closed-book, timed revision quiz, comprising 36 questions, covering areas from SGSs 1-10</p>

The youth court: relevant law & explanation	<p><b>12. The Youth Court</b></p> <p>Demonstrating an ability to advise on the terminology used to categorise youths according to age, the differences in procedure in adult and youth courts, the procedure in and powers of the youth court, how to determine mode of trial for youths (and the procedure), how the dangerous offenders provisions operate for youths (and the procedure), when a youth will appear in the adult magistrates' court and crown court (and the procedure), assessing whether an offence is a 'grave crime'</p>
Identification Evidence: relevant law & explanation	<p><b>13. Identification Evidence</b></p> <p>Advising on different types of identification evidence and evidence capable of supporting a disputed identification, and application of the principles arising from the case of R v. Turnbull [1977].</p>
Confessions: relevant law & explanation	<p><b>14. Confessions</b></p> <p>Identifying breaches of the PACE 1984 Codes of Conduct, and the effect of the breach in order to argue for exclusion of prosecution evidence; Advising on the circumstances in which a judge might exclude evidence, particularly confessions (demonstrating a sound understanding of the relevant principles), and the relevant procedure to be followed.</p>
Silence: relevant law & explanation	<p><b>15. Silence</b></p> <p>Identifying the circumstances in which an adverse inference (what the inference(s) is/are, and the limits of it) may be drawn from a set of facts, including failure to mention facts when questioned under caution, failure to testify at trial, failure to account for objects substances or marks when arrested, failure to account for presence when arrested, and the requirements of a special warning.</p>
Good character; Bad character.	<p><b>16. Character</b></p> <p>Understanding and advising on the difference between actual and effective good character and the appropriate direction given to the jury, understanding and advising on the definition, admissibility and arguments to exclude evidence of bad character (of defendants and non-defendants)</p>

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<p>Hearsay 1- The Rule Against Hearsay: relevant law &amp; explanation</p>	<p><b>17. Hearsay 1</b> Understanding the definition of hearsay in order to identify evidence as hearsay within a set of papers, and the rationale for the restriction on its use in criminal proceedings; distinguishing hearsay from original evidence, and consider the use of memory refreshing documents and previous consistent and inconsistent statements.</p>
	<p><b>18. Hearsay 2</b> Demonstrating an understanding of the gateways to admissibility under CJA 2003, and the safeguards relevant to its use; Demonstrating an ability to apply to adduce or exclude hearsay evidence pursuant to the Act, and the CPRs.</p>
	<p><b>19. Consolidation/revision</b> A closed-book, timed revision SGS, based on a case study which gives rise to 26 questions, covering all previous SGSs.</p>

## Professional Ethics General Information

School	Law School	
Level	7	
Credit Value	10 Credits	
Contact Hours and Teaching Methods	100 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (59 hours)</li> <li>• Asynchronous online LGS/podcasts (7 hours)</li> <li>• x6 face to face SGS (9 hours)</li> <li>• Assessment and preparation for assessment (25 hours)</li> </ul>	
Programme	Bar Professional Training Course	
Module Leader	James Juggapah	
Related Modules	Pre-requisites	N/A
	Co-requisites	BPTC core modules
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body	BPP University	

### Introduction

This module provides a comprehensive introduction to the BSB Handbook and related Guidance (which includes the Code of Conduct), and to apply it correctly to situations so that the code is not offended. Upon completion of this module, students will have a detailed and practical knowledge of Code of Conduct and will understand how to act ethically in practical situations.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of the Code of Conduct.

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the principles of the BSB Handbook and related Guidance including the Code of Conduct.
2. Recognise and act appropriately when faced with ethical and professional conduct issues.
3. Demonstrate professional skills appropriate to ethical practice.
4. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**Formative Element

1x assessment set by the Bar Standards Board, being a written exam containing 6 short answer questions ('SAQs'). Students may choose to take away the paper to do in their own time or may sit under examination conditions in the law school at a scheduled time.

Summative Element

1x closed book assessment set by the Bar Standards Board, comprising a 2 hour supervised written exam containing 6 SAQs.

**Key Reading**

**Students will provided with their own copy of:**

The BSB Handbook and Guidance

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Professional Ethics**

LGS & Online Presentations	SGS
Course overview and introduction to Ethics	<p><b><u>Understanding the Handbook 1</u></b>                      Overview of the BSB Handbook C1 (You and the Court) and C2 (behaving ethically). Students are asked to prepare questions in advance which are discussed in class.</p>
	<p><b><u>Understanding the Handbook 2</u></b>                      Overview of the BSB Handbook C3 (You and your client). Students are asked to prepare questions in advance which are discussed in class.</p>
	<p><b><u>Understanding the Handbook 3</u></b>                      Overview of the BSB Handbook C4 (You and Your Regulator) and C5 (You and your Practice). Students are asked to prepare questions in advance which are discussed in class.</p>
<p>There are x15 self-study presentations/podcasts as follows:</p> <ul style="list-style-type: none"> <li>• Introduction to the Handbook</li> <li>• A matter of Judgement: Your duty to your client v your duty to the Court</li> <li>• Acting in the best interests of each client</li> <li>• Getting to know the cab-rank rule</li> <li>• When a defendant tells you he is guilty but still wants a trial (x2)</li> <li>• Client Confidentiality and keeping information secure</li> <li>• Conducting a plea in mitigation when the defendant has an undisclosed previous conviction</li> <li>• Contact with a witness who is giving evidence</li> <li>• When you must not accept instructions</li> <li>• Dealing with the Press</li> <li>• Authorisation to Practice</li> <li>• The Lying Client</li> <li>• Not abusing your role as an advocate</li> </ul>	

<ul style="list-style-type: none"><li>• Practical Matters – taking a sensible approach</li></ul>	
	<b><u>Practical Application – You and the Court</u></b> Answering short answer questions. Spotting issues and applying the code correctly to sample questions.
	<b><u>Practical Application – You and your Client</u></b> Answering short answer questions. Spotting issues and applying the code correctly to sample questions.
	<b><u>Practical Application – You and your Regulator</u></b> Answering short answer questions. Spotting issues and applying the code correctly to sample questions.

## Drafting General Information

School		Law School
Level		7
Credit Value		18 Credits
Contact Hours and Teaching Methods		180 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (98.5 hours)</li> <li>• Self-Study Workbook (35 hours)</li> <li>• Asynchronous Online LGS (3 hours)</li> <li>• 9x face to face SGS (13.5 hours)</li> <li>• Assessment and preparation for assessment (30 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		Rebecca Bensted
Related Modules	Pre-requisites	N/A
	Co-requisites	BPTC core modules
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

## Introduction

This module provides a comprehensive introduction to the written skills required for practice at the Bar. Students will learn how to approach legal research, how to apply the law to a set of facts in a methodical fashion and how to draft statements of case, orders and witness statements.

Upon completion of this module, students will have a detailed and practical knowledge of the law and the skills necessary to undertake the contentious drafting work of a pupil barrister in civil practice.

## Educational Aims

The principal educational aims of this module are:

- To develop legal research skills, to analyse a set of facts and apply the law accurately
- To develop the skill of drafting clear, comprehensive statements of case which comply with the requirements of the Civil Procedure Rules.

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge of the context, content and process of drafting a variety of legal documents including statements of case, orders and witness statements.
2. Apply critical thinking and analysis to a set of facts in order to identify the most appropriate cause of action or defence for a client.
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising when drafting statements of case.
4. Demonstrate professional skills appropriate to drafting statements of case, including complying with formalities.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**

Formative Element

2x statements of case (a particulars of claim and a defence & counterclaim) will receive written feedback. In addition, students will have the opportunity to receive oral feedback in SGSs on at least x5 occasions.

Summative Element

1x assessment comprising a 3 hour 15 minute supervised written exam. A briefing sheet is released in advance to identify the areas of law. The assessments is open book with permitted materials.

### Key Reading

#### Students will provided with their own copy of:

- The Drafting Manual published by Oxford University Press; and
- The Remedies Manual published by Oxford University Press.

### Background reading

Listed below are texts which provide background to the concepts and content of the module.

- Pleading Without Tears, William Rose
- General law: *Halsbury's Laws of England*
- Statutes: *Halsbury's Statutes*
- Statutory instruments: *Halsbury's Statutory Instruments*
- Procedure: *Civil Procedure Rules (The White Book)*
- Contract: *Chitty on Contracts*
- Tort: *Clerk & Lindsell on Torts*
- Personal injury: *Kemp & Kemp*
- Health & safety at work: *Redgrave's Health and Safety*

### Useful websites

[https://www.sweetandmaxwell.co.uk/downloads/House\\_Style\\_Guide\\_2011.pdf](https://www.sweetandmaxwell.co.uk/downloads/House_Style_Guide_2011.pdf)

[https://www.sweetandmaxwell.co.uk/customer-support/House\\_Style\\_Guide\\_for\\_Authors\\_v2.pdf](https://www.sweetandmaxwell.co.uk/customer-support/House_Style_Guide_for_Authors_v2.pdf)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Drafting**

LGS/Online Presentations	SGS
Introduction to Drafting	<b>1. Particulars of Claim 1</b> Introduction to Drafting a Particulars of Claim in straight forward cases of negligence and of breach of contract.
	<b>2. Particulars of Claim 2</b> Drafting a Particulars of Claim in a more complex case involving breach of statutory duty.
Introduction to Defence & Counterclaim	<b>3. Defences 1</b> Introduction to drafting defences in a case involving misrepresentation.
	<b>4. Defences 2</b> Drafting a defence in a more complex case involving a third party
	<b>5. Injunction Orders &amp; Witness statements</b> Drafting an injunction orders and witness statement in a private nuisance case.
	<b>6. Particulars of Claim 3</b> Drafting a more complex particulars of claim involving x2 defendants.
	<b>7. Defence &amp; Counterclaim 1</b> Drafting a defence and counterclaim in a case involving breach of statutory duty and breach of contract.
	<b>8. Particulars of Claim 4</b> Drafting particulars of claim in a case involving occupier's liability with a claimant who is a minor.
	<b>9. Defence &amp; Counterclaim 2</b> Drafting a defence and counterclaim in a complex commercial dispute.

<p>Introduction and overview of self – study workbook to be followed by reading, legal research and preparation of amended statement of case, request for further information and Reply to Defence. Consolidation and critique of own work following release of Suggested Answers.</p>	
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## Opinion Writing General Information

School		Law School
Level		7
Credit Value		12 Credits
Contact Hours and Teaching Methods		120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (77 hours)</li> <li>• Asynchronous online LGS (1 hour)</li> <li>• 8x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (30 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		Isabel Dakyns
Related Modules	Pre-requisites	N/A
	Co-requisites	BPTC core modules
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

### Introduction

This module provides a comprehensive introduction to the written skills required for practice at the Bar. Students will learn how to approach legal research, how to apply the law to a set of facts in a methodical fashion and how to write a clear and well-structured opinion.

Upon completion of this module, students will have a detailed and practical knowledge of the law and the skills necessary to undertake opinion writing as required of a pupil barrister in civil practice.

### Educational Aims

The principal educational aims of this module are:

- To develop legal research skills, to analyse a set of facts and apply the law accurately
- To develop the skill of writing clear, comprehensive opinions.

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge of the context, content and process of writing an opinion in the area of contract or tort.
2. Apply critical thinking and analysis to a set of facts in order to identify the options available to a client.
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising.
4. Demonstrate professional skills appropriate to drafting opinions.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**Formative Element

2x opinions will receive written feedback. In addition, students will have the opportunity to receive oral feedback in SGSs on at least x4 occasions.

Summative Element

1x assessment comprising a 4 hour 15 minute supervised written exam. A briefing sheet is released in advance to identify the areas of law. The assessments is open book with permitted materials.

### **Key Reading**

#### **Students will provided with their own copy of:**

- The Opinion Writing Manual published by Oxford University Press; and
- The Remedies Manual published by Oxford University Press.

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- General law: *Halsbury's Laws of England*
- Statutes: *Halsbury's Statutes*
- Statutory instruments: *Halsbury's Statutory Instruments*
- Procedure: *Civil Procedure Rules (The White Book)*
- Contract: *Chitty on Contracts*
- Tort: *Clerk & Lindsell on Torts*
- Personal injury: *Kemp & Kemp*
- Health & safety at work: *Redgrave's Health and Safety*

### **Useful websites**

[https://www.sweetandmaxwell.co.uk/downloads/House\\_Style\\_Guide\\_2011.pdf](https://www.sweetandmaxwell.co.uk/downloads/House_Style_Guide_2011.pdf)

[https://www.sweetandmaxwell.co.uk/customer-support/House\\_Style\\_Guide\\_for\\_Authors\\_v2.pdf](https://www.sweetandmaxwell.co.uk/customer-support/House_Style_Guide_for_Authors_v2.pdf)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Opinion Writing**

LGS/Online Presentations	SGS
Introduction to Opinion Writing	<p><b>1. Breach of Contract &amp; Negligence</b> Introduction to Opinion Writing in a straight forward case of negligence and of breach of contract. Evaluate the merits of the case and provide advice on relevant causes of action, any defences, remedies, evidence and next steps.</p>
	<p><b>2. The Consumer Protection Act &amp; Negligence</b> Structuring a complex opinion involving more than one defendant and multiple causes of action.</p>
	<p><b>3. The Highways Act and Quantum for PI</b> Advising on a personal injury matter and involving the Highways Act 1980. Evaluate the merits of the case and provide advice on relevant causes of action, any defences, remedies, evidence and next steps.</p>
	<p><b>4. Occupier's Liability</b> Advising on the Occupier's Liability Act 1957. Evaluate the merits of the case and provide advice on relevant causes of action, any defences, remedies, evidence and next steps.</p>
	<p><b>5. Breach of Contract</b> Advising on Breach of Contract in a more complex case. Evaluate the merits of the case and provide advice on relevant causes of action, any defences, remedies, evidence and next steps.</p>
	<p><b>6. Misrepresentation and Breach of Contract</b> Advising on Misrepresentation and Breach of Contract. Evaluate the merits of the case and provide advice on relevant causes of action, any defences, remedies, evidence and next steps.</p>

	<p><b>7. Advising on Private Nuisance.</b> Evaluate the merits of the case and provide advice on relevant causes of action, any defences, remedies, evidence and next steps.</p>
	<p><b>8. Breach of Contract and Contributory Negligence</b> Advising on Breach of Contract and contributory negligence. Evaluate the merits of the case and provide advice on relevant causes of action, any defences, remedies, evidence and next steps.</p>

**Resolution of Disputes Out of Court ('REDOC')****General Information**

School		Law School
Level		7
Credit Value		6 Credits
Contact Hours and Teaching Methods		60 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (28 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• Asynchronous online demonstrations (2 hours)</li> <li>• 6x face to face SGS (9 hours)</li> <li>• Assessment and preparation for assessment (25 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		Ryan McAllister
Related Modules	Pre-requisites	N/A
	Co-requisites	BPTC core modules
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

**Introduction**

This module provides a comprehensive introduction to the spectrum of alternative dispute resolution processes. This module also provides a basis to apply knowledge of alternative dispute resolution processes to practical problems presented in the context of realistic scenarios, by reference to their client's instructions.

Upon completion of this module, students will have a detailed and practical knowledge of the law and practice in relation to alternative dispute resolution processes necessary to undertake the work of a pupil barrister in civil practice.

**Educational Aims**

The principal educational aims of this module are:

- To practically apply the knowledge and principles of alternative dispute resolution processes.
- To provide further opportunities to practice professional skills appropriate to alternative dispute resolution processes.
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of civil litigation

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the principles of alternative dispute resolution processes.
2. Apply critical thinking and analysis of areas of alternative dispute resolution processes including handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client's needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of alternative dispute resolution processes.
4. Demonstrate professional skills appropriate to the area of alternative dispute resolution processes.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**Formative Element

One take home mock paper comprising 3 SAQs and 20 MCQs which students mark themselves following an online presentation.

Summative Element

1x assessment comprising a 2 hour supervised written exam of 3 SAQs and 20 MCQs. The assessment is closed book save that students are provided with a copy of the Arbitration Act 1996.

### **Key Reading**

#### **Students will provided with their own copy of:**

- A Practical Approach to Alternative Dispute Resolution, Blake Browne & Sime (Oxford university Press)

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- Foskett, Law and Practice of Compromise (Sweet & Maxwell)
- Marriott, ADR Principles and Practice (Sweet & Maxwell)
- Russell on Arbitration
- Tweedale & Tweedale, A Practical Approach to Arbitration Law
- Gill: The Law of Arbitration

### **Useful websites**

[www.cedr.co.uk](http://www.cedr.co.uk)

[www.lcia.org/dispute\\_resolution\\_services/lcia\\_arbitration.aspx](http://www.lcia.org/dispute_resolution_services/lcia_arbitration.aspx)

[www.iccwbo.org/index\\_court.asp](http://www.iccwbo.org/index_court.asp)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: REDOC**

LGS/Online Presentations	SGS
<ul style="list-style-type: none"> <li>• Introduction to REDOC</li> <li>• Introduction to Negotiation</li> <li>• The Future of Mediation</li> </ul>	<p><b><u>Negotiation 1</u></b></p> <p>Students work in groups to answer scenario based questions covering the range of REDOC processes and the court's attitude to them. Discussion of how to prep for a negotiation.</p>
Recording Negotiated Settlements	<p><b><u>Negotiation 2</u></b></p> <p>Students conduct a negotiation followed by class discussion and feedback. Working in groups students complete a scenario based exercise on how to record settlement.</p>
Mediation Demonstration x2	<p><b><u>Mediation 1</u></b></p> <p>Students conduct a mediation and then reflect on what they have learnt.</p>
	<p><b><u>Mediation 2</u></b></p> <p>Students work in groups to consider the advantages and disadvantages of mediation as a dispute resolution process. Students work through a series of scenario based questions which require the application of the without prejudice rule and confidentiality to mediation agreements and mediation. The liability of mediators is considered.</p>
Introduction to Arbitration	<p><b><u>Arbitration 1</u></b></p> <p>Class discussion on 'What is arbitration?'. Students work in groups to compare arbitration and litigation. Students complete an exercise to consider what should be included in an arbitration clause in various different practical scenarios.</p>
<ul style="list-style-type: none"> <li>• Institutional Arbitration</li> <li>• A Comparison of Ad Hoc and Institutional Arbitration</li> </ul>	<p><b><u>Arbitration 2</u></b></p> <p>Class discussion regarding mandatory and non-mandatory provisions of the Arbitration Act 1996. Working in groups students compare</p>

<ul style="list-style-type: none"><li>• Fountain Court Debate on Conflict of Interest</li></ul>	Arbitration institutions with ad hoc arbitrations. Students complete a scenario based exercise regarding Court supervision and support of arbitrations.
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### **Vocational Options**

In addition to the BPTC compulsory modules, students must choose two additional optional modules. As with the remainder of the course the emphasis is on a practical skills-based approach and the options are used as an opportunity to enable students to refine the skills they acquire in the main part of the course rather than merely a means of acquiring further legal knowledge.

The list below sets out the options we will offer on the BPTC year. It should be noted that options modules will only run subject to demand (i.e. if there are sufficient students). Moreover, the number of spaces on each option in some locations may be capped.

- Company Law
- Employment Law
- Property and Chancery
- Intellectual Property
- Family Law
- Advanced Criminal Litigation
- Personal Injury & Clinical Negligence
- Judicial Review
- Commercial Dispute Resolution
- Asylum, Detention, Deportation & Extradition
- Professional Discipline
- International Criminal Practice (London FT only)
- International Trade (London FT only)

## Company General Information

School	Law School	
Level	7	
Credit Value	12 Credits	
Contact Hours and Teaching Methods	120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>	
Programme	Bar Professional Training Course	
Module Leader	tbc	
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body	BPP University	

## Introduction

The aim of the module is to give students a detailed and practical knowledge of the law necessary to undertake the work of a pupil undertaking work in a company commercial context. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require them to put this into practice by advising clients in writing. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice.

## Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of company law
- To provide further opportunities to practice professional skills appropriate to business law and practice
- To equip students to understand the principal legal, procedural and commercial issues that may arise when undertaking the work of a pupil barrister in company commercial work

## Learning Outcomes

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the practice area of company law.
2. Apply critical thinking and analysis of areas of company law handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client's needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of company law.
4. Demonstrate professional skills appropriate to the area of company law.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

## Mode of Assessment

### Formative Element

Students will have the opportunity to practice the skills which are the subject of the formative assessment in each SGS. Feedback will be given by the SGS tutor.

### Summative Element

The assessment will take the form of a seen take away paper in the form of an opinion on any or all of the areas covered.

### **Key Reading**

Students will be provided with a copy of Company Law in Practice manual and a copy of Blackstones Statutes on Company Law.

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

1. Butterworths Company Law Handbook
2. Tolley's Company Law online and looseleaf service
3. Mayson, French and Ryan, Guide to Company Law
4. Palmer's Company Law, Morse, Davies, Fletcher et al (Sweet & Maxwell) looseleaf and online service
5. Boyle, Gore-Browne on Companies (Jordans) looseleaf service
6. Davies, Gower and Davies' Principles of Modern Company Law (Sweet & Maxwell)
7. Hannigan, Company Law (LexisNexis)
8. Pennington, Pennington's Company Law (Butterworths)
9. Hannigan and Prentice: The Companies Act 2006 – commentary (Butterworths)

### **Useful websites**

[www.companieshouse.gov.uk](http://www.companieshouse.gov.uk)

<http://corporate.practicallaw.com>

[www.gov.uk/government/organisations/department-for-business-innovation-skills](http://www.gov.uk/government/organisations/department-for-business-innovation-skills)

[www.opsi.gov.uk](http://www.opsi.gov.uk)

[www.insolvency.gov.uk](http://www.insolvency.gov.uk)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Company**

LGS	SGS
<p><b>Choice of Business Medium &amp; Company Formation</b>                      The different legal vehicles through which businesses are conducted;                      The various types of company;                      The basic structure of a company limited by shares;                      How a company is formed;                      Applications under the Companies Act 2006 and CPR Part 8.</p>	<p><b>Companies Court applications</b>                      Student must explain the procedure for making an application to the Companies Court under the Companies Act 2006                      Students draft a Part 8 Claim Form and supporting witness statement in a matter concerning the Companies Act .</p>
<p><b>Ownership and Management of companies</b>                      The structure of a company and the people involved;                      The constitution of a company;                      The division of powers within a company;                      The methods of and procedures for transacting the business of a company;                      How directors can be appointed and removed;                      How the general principles of agency law are relevant.</p>	
<p><b>Directors: Transactions, Appointment and Removal of Directors</b>                      Directors’ duties;                      The restrictions on companies entering into substantial property transactions;                      The restrictions on loans to directors;                      The consequences of breach of duty;                      The powers of a shareholder to ratify a director’s misconduct;                      The circumstances in which a company may indemnify its directors in respect of their personal liability.</p>	<p><b>Transactions involving directors &amp; directors’ duties</b>                      Students must identify and advise in conference on transactions involving company directors;                      Students analyse and advise on directors’ duties;                      Students draft an opinion in a matter concerning the conduct of a company director.</p>
<p><b>Share Capital &amp; Corporate Finance</b>                      Why and how a company raises finance including the procedure for the allotment and issue of shares;                      The legal and commercial considerations on the allotment and issue of shares;</p>	<p><b>Appointment and removal of directors                      Issue and allotment of Shares</b>                      Students must explain the procedure and advise on the appointment and removal of directors, including the procedure for a member’s requisition;</p>

<p>The procedures for the transfer and transmission of shares;</p> <p>The maintenance of share capital doctrine;</p> <p>The key considerations in deciding whether to finance a company through debt or equity;</p> <p>The manner in which a company can raise finance through secured borrowing; and</p> <p>The characteristics, advantages and disadvantages of different types of security including an appreciation of the order of priorities on insolvency.</p>	<p>Students must identify and advise on substantive and procedural matters which require attention on an issue and allotment of shares by a private company;</p> <p>Students draft documentation and/or rectify errors and omissions in draft documentation relating to the application of each of the above.</p>
<p><b>Minority Shareholders</b></p> <p>The remedies available to minority shareholders, for example pursuant to sections 994 and 260 CA 2006;</p> <p>The limitations of such remedies; and</p> <p>How a shareholders’ agreement might be used to protect the interests of minority shareholders.</p>	<p><b>Minority Shareholders</b></p> <p>Students must explain the issues of concern to minority shareholders in a dispute concerning a private limited company and advise on the available remedies.</p> <p>Students must draft an opinion to present their advice to a lay and/or professional client</p>
<p><b>Insolvency</b></p> <p>Collective Insolvency Procedures;</p> <p>Enforcement Insolvency Procedures; and</p> <p>Insolvency Liabilities and Challenging Transactions.</p>	<p><b>Insolvency</b></p> <p>Students must explain the issues of concern to both shareholders and directors when faced with the prospect of insolvency and provide recommendations for action to be taken;</p> <p>Students must draft an opinion to present their advice to the lay and/ or professional client.</p>
	<p><b>Winding up petition</b></p> <p>Students must explain how to wind up a company in accordance with the provisions of the Insolvency Act 1986.</p> <p>Students draft the relevant paperwork to petition for the winding up of a company in accordance with the relevant provisions.</p> <p>Students present a petition for the winding up of a company in accordance with the relevant provisions.</p>
<p><b>Revision LGS</b></p>	

## Employment General Information

School		Law School
Level		7
Credit Value		12 Credits
Contact Hours and Teaching Methods		120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		Anna Banfield
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

## Introduction

The aim of the module is to give students a detailed and practical knowledge of the law necessary to undertake the work of a pupil. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require them to put this into practice by advising clients in conference and then representing them in court. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice. Students will be taught in groups of 6 to enable them to develop their conference and advocacy skills.

## Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of Employment law and practice
- To provide further opportunities to practice professional skills appropriate to employment law in practice
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of employment law

## Learning Outcomes

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the practice area of employment law.
2. Apply critical thinking and analysis of areas of employment handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client's needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of employment law.
4. Demonstrate professional skills appropriate to the area of employment law.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

## Mode of Assessment

### Formative Element

Students will have the opportunity to practice the skills which are the subject of the formative assessment in each SGS. Feedback will be given by the SGS tutor.

### Summative Element

The assessment will be a 15 minute conference with a client played by an actor. Students will get the brief a week in advance (1 month for part time students) and will have to conduct legal research and prepare a detailed plan.

### **Key Reading**

Students will be provided with a copy of Employment law – An Advisor’s Handbook by Tamara Lewis (published by the Legal Action Group ‘LAG’).

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

1. Harvey on Industrial Relations
2. Tolley’s Employment Law Handbook
3. Butterworths on Employment Law
4. Oxford University Press Employment Law Manual (the ‘Manual’)
5. Industrial Law Reports

### **Useful websites**

[www.bis.gov.uk](http://www.bis.gov.uk) (The Department for Business, Innovation and Skills)

[www.acas.org.uk](http://www.acas.org.uk) (Advisory, Conciliation and Arbitration Service)

[www.equalityhumanrights.com](http://www.equalityhumanrights.com) (Commission for Equality and Human Rights)

[www.justice.gov.uk/tribunals/employment](http://www.justice.gov.uk/tribunals/employment) (Employment Tribunals Service)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Employment**

LGS	SGS
<p><b>1. Sources of employment law: definition of employee</b>                      Overview of the Module.                      Sources of employment law.                      Employment status.                      Provisions of ERA 1996 dealing with written particulars.</p>	
<p><b>1A. Express Terms, Implied Terms and post termination restraint</b>                      Identifying the core express and implied terms.                      Confidential information and restrictive covenants.</p>	
<p><b>1B. Termination of Employment and Wrongful Dismissal</b>                      Termination of employment. Breaches of contract by the employer or employee. Identifying summary and constructive dismissal. Wrongful dismissal remedies and quantum.</p>	<p><b>1. Wrongful Dismissal and Post Termination Restraint</b>                      Advising an employer and employee in relation to a wrongful dismissal claim, a PILON clause and quantum. Conducting a conference with either the employer or employee.                      Also advising in relation to various different types of restrictive covenant.</p>
<p><b>2. Unfair Dismissal</b>                      Qualifying for statutory protection.                      The potentially fair reasons, fairness in all the circumstances and the role of procedure in assessing overall fairness.</p>	<p><b>2. Unfair Dismissal 1</b>                      Advising an employer and employee as to the circumstances in which an employee qualifies for the right not to be unfairly dismissed, fair reason, fairness in all the circumstances, evidence and quantum of damages.</p>
<p><b>3. Unfair Dismissal Remedies, Tribunal Procedure and Settlement</b>                      Unfair dismissal remedies                      Making and defending a claim before a tribunal. Settlement arrangements and tax considerations.</p>	<p><b>3. Unfair Dismissal 2</b>                      Conducting cross examination of a witness in an unfair dismissal case using the same case study as SGS 2.</p>
<p><b>4. Discrimination</b>                      Discrimination in relation to protected characteristics under the Equality Act 2010. Direct and indirect discrimination, victimisation and harassment.</p>	<p><b>4. Discrimination 1</b>                      Advising a client in conference in a disability discrimination claim. Applying the definition of disability, identifying the types of claim available</p>

Defences, evidence and remedies.	on the fact, reviewing the evidence and advising as to remedies and quantum of damages.
	<p><b>5. Discrimination 2</b></p> <p>Advising a client in conference in a sex discrimination claim. Identifying the types on discrimination, reviewing the evidence and advising as to remedies and quantum of damages.</p>
<p><b>5. Statutory Controls</b></p> <p>General principles and reminder of EU influence.  Working Time Regulations 1998  Maternity and Paternity rights  Parental leave and flexible working  Equal pay</p>	
<p><b>5A. TUPE</b></p> <p>Consideration of the definition of 'relevant transfer' within the meaning of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended).  The effect and consequences of a transfer on contracts of employment.</p>	
<p><b>6. Redundancy and Stress in the workplace</b></p> <p>Definition of redundancy.  Redundancy procedure and payments.  Relationship with unfair dismissal.  The legal framework in relation to stress in the workplace.</p>	<p><b>6. Redundancy and stress in the workplace</b></p> <p>Applying the definition of redundancy to a set of facts, advising as to fair procedure and calculating the redundancy payment.  Advising in relation to a stress claim in an unseen scenario handed out in class.</p>

## Property and Chancery General Information

School	Law School	
Level	7	
Credit Value	12 Credits	
Contact Hours and Teaching Methods	120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>	
Programme	Bar Professional Training Course	
Module Leader	Jonathan Clore	
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body	BPP University	

### Introduction

The aim of the module is to give students a detailed and practical knowledge of the law necessary to undertake the work of a pupil undertaking property and chancery work. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require them to put this into practice by advising clients in conference and drafting opinions, statements of case and applications. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of property and chancery law and practice
- To provide further opportunities to practice professional skills appropriate to property and chancery law in practice
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of property and chancery law

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the practice area of property and chancery law.
2. Apply critical thinking and analysis of areas of property and chancery, handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client's needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of property and chancery law.
4. Demonstrate professional skills appropriate to the area of property and chancery law.
5. Demonstrate the ability to study autonomously, showing the self-direction needed for continued professional development

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**Formative Element

Students will have the opportunity to practice the skills which are the subject of the formative assessment in each SGS. Feedback will be given by the SGS tutor.

Summative Element

The assessment will be an opinion and/or drafting to be submitted within approximately one week.

### **Key Reading**

Students will be provided with a copy of A Practical Approach to Landlord and Tenant, by Simon Garner and Alexandra Frith (published by Oxford University Press).

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- White Book Volume 2
- Hill and Redman's Law of Landlord and Tenant
- Woodfall: Landlord and Tenant
- Snell's Equity
- Preston and Newsom on Freehold Covenants
- Gale on Easements
- Residential Possession Proceedings, Webber and Dovar
- Fisher and Lightwood's Law of Mortgage
- Williams, Mortimer and Sunnucks: Executors, Administrators and Probate
- Modern Equity, Hanbury and Martin

### **Useful websites**

[www.chba.org.uk](http://www.chba.org.uk) (The Chancery Bar Association)

[www.judiciary.gov.uk/publications/chancery-guide-2016](http://www.judiciary.gov.uk/publications/chancery-guide-2016) (the Chancery Division procedural rules)

[www.actaps.com/draft.cfm](http://www.actaps.com/draft.cfm) (The Association of Contentious Trusts and Probate Specialists Practice Guidance for the Resolution of Probate and Trust Disputes)

[www.boundary-problems.co.uk](http://www.boundary-problems.co.uk) (In depth guide to the law on boundary disputes)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Property and Chancery**

LGS	SGS
<p><b>1. Landlord and Tenant: Assured Tenancies and Rent Act tenancies</b>                      The statutory security of tenure schemes for private residential tenants                      Qualifying conditions                      Grounds and procedure for possession                      Succession on death</p>	
<p><b>2. Landlord and Tenant: Secure Tenancies</b>                      The statutory security of tenure scheme for public sector residential tenants                      Qualifying conditions                      Grounds and procedure for possession                      Succession on death</p>	<p><b>1. Landlord and Tenant: Assured Tenancies</b>                      Landlord and Tenant possession proceedings: questions on the Housing Act 1988 and Rent Act 1977, introduction to possession hearings, and opinion on private sector residential claim for possession and defence and counterclaim for disrepair.</p>
<p><b>3. Landlord and Tenant: Business Tenancies</b>                      Qualifying conditions                      Procedure for termination and application for a new tenancy                      Grounds of opposition                      Rent and terms of new tenancy</p>	<p><b>2. Landlord and Tenant: Secure Tenancies and Business Tenancies</b>                      Public sector residential tenancies: Housing Act 1985: advice in conference on possession claim and succession on death. Business tenancies: advice in conference on landlord’s claim for possession under Landlord and Tenant Act 1954, including procedure and grounds of opposition to new tenancy</p>
<p><b>4. Mortgage Possession Proceedings</b>                      Possession procedure                      Suspension under AJA 1970 s.36                      Defences</p>	<p><b>3. Equitable Remedies</b>                      Equitable remedies: opinion and drafting particulars of claim and injunction application in respect of claim for equitable remedies for breach of restrictive covenants and breach of property contract: specific performance and injunctions or quantum of damages in lieu of an injunction.</p>
<p><b>5. Equitable remedies</b>                      Specific performance: principles and procedure                      Injunctions: principles and procedure</p>	<p><b>4. Easements and Boundary Disputes</b>                      Real property: opinion and drafting of particulars of claim and injunction application in respect of</p>

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Damages in lieu of an injunction	right of way dispute, including advice on construction of easements and remedies for interference with easement; also, research on principles and presumptions governing boundary disputes.
<b>6.Trusts Law and Drafting</b> Update and overview of key trusts law Introduction to drafting of trusts claims	<b>5. Contentious Probate. Co-ownership of Land.</b> Part A: advice in conference on contentious probate dispute: validity of a will and grounds and procedure for challenging validity of a will. Part B: opinion and drafting of claim in respect of co-ownership of land, including claim for a beneficial interest and claim for occupation rent and sale.
	<b>6. Trusts: Construction Claims and Breach of Trust</b> Part A: construction of a trust: drafting of opinion and part 8 claim in respect of interpretation and validity of a trust. Part B: breach of trust claim: drafting of opinion and particulars of claim in respect of a claim for a trustee's breach of investment duties.

## Intellectual Property General Information

School		Law School
Level		7
Credit Value		12 Credits
Contact Hours and Teaching Methods		120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		Dr Anton van Dellen
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

### Introduction

The aim of the module is to give students a detailed and practical knowledge of the law necessary to undertake the work of a pupil. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require them to put this into practice by advising clients in conference, preparing an opinion and representing them in court. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice. Students will be taught in groups of 12 to enable them to develop the skills necessary to advise and represent clients.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of Intellectual Property law and practice
- To provide further opportunities to practice professional skills appropriate to intellectual property law in practice
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of intellectual property law

## Learning Outcomes

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the practice area of intellectual property law.
2. Apply critical thinking and analysis of areas of intellectual property, handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client's needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of intellectual property law.
4. Demonstrate professional skills appropriate to the area of intellectual property law.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

## Mode of Assessment

### Formative Element

Students will have the opportunity to practice the skills which are the subject of the formative assessment in each SGS. Feedback will be given by the SGS tutor.

### Summative Element

The assessment will be a take-home opinion. Students will get the brief a week in advance (1 month for part time students) and will have to conduct legal research and prepare a detailed opinion.

### **Key Reading**

Students will be provided with a copy of Intellectual Property Law (4<sup>th</sup> edition) by Jennifer Davis (published by the Oxford University Press).

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- Kerly's Law of Trade Marks and Trade Names
- The Law of Passing Off: Unfair Competition by Misrepresentation
- The Modern Law of Copyright and Designs
- Gurry on Breach of Confidence: the Protection of Confidential Information
- The Modern Law of Copyright and Designs

### **Useful websites**

<https://www.gov.uk/government/organisations/intellectual-property-office> (Intellectual Property Office)

<https://euipo.europa.eu/ohimportal/en/databases> (OHIM)

<https://www.gov.uk/courts-tribunals/intellectual-property-enterprise-court> (IPEC)

<https://www.gov.uk/guidance/trade-mark-disputes-resolution-hearings> (Trade Marks Tribunal)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Intellectual Property**

LGS	SGS
<p><b>1. Copyright subsistence</b>            Definition of copyright under the Act.            The role of authorship.            Identifying <i>de minimus</i>.            Joint authorship.            Idea versus expression.</p>	<p><b>1. Copyright subsistence</b>            Advising a client in relation to a potential claim for copyright infringement, commencing with identifying all of the relevant copyright works.            Conducting a conference with the client.            Also advising in relation to other potential defendants.</p>
<p><b>2. Copyright infringement</b>            The test for infringement of literary copyright.            The test for infringement of artistic copyright.            Defences.            Remedies.</p>	<p><b>2. Copyright Infringement</b>            Advising a client as to the circumstances in which there might be infringement.            Advising in relation to copyright infringement in an unseen scenario handed out in class.</p>
<p><b>3. Trade mark</b>            Definition of a trade mark under the Act.            Distinctiveness.            Descriptiveness.</p>	<p><b>3. Trade mark subsistence</b>            Advising a client as to whether a trade mark is subsisting or not.            Advising in relation to trade mark subsistence in an unseen scenario handed out in class.</p>
<p><b>4. Trade mark infringement</b>            Identical.            Similar and likelihood of confusion.            Similar and taking advantage.            Similar and causing detriment.            Defences.</p>	<p><b>4. Trade mark infringement</b>            Advising a client in conference in a trade mark dispute. Applying the test for infringement, identifying the types of infringement on the facts, reviewing the evidence and advising as to remedies.</p>
<p><b>5. Passing Off</b>            General principles and contrast with law of unfair competition.            Goodwill            Misrepresentation            Damages            Defences</p>	<p><b>5. Passing Off</b>            Advising a client in conference in a potential passing off claim. Identifying the goodwill, misrepresentation and advising as to remedies.            Advising in relation to passing off in an unseen scenario handed out in class.</p>
<p><b>6. Breach of confidence</b>            Definition of confidential information.            Obligation of confidence.            Detriment.            Defence.            Human rights.</p>	<p><b>6. Breach of confidence</b>            Applying breach of confidence to a set of facts, representing a client who is seeking an urgent without notice injunction.            Advising in relation to confidential information in an unseen scenario handed out in class.</p>

## Family Law General Information

School	Law School	
Level	7	
Credit Value	12 Credits	
Contact Hours and Teaching Methods	120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6/7 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>	
Programme	Bar Professional Training Course	
Module Leader	Maggie Putland	
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body	BPP University	

### Introduction

The aim of the module is to put a student in a position where they can start their pupillage with a good grounding in the law and the tools they will regularly need at the junior bar. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require them to put this into practice by advising clients in conference and then representing them in court. As well as the skills of conference and advocacy students will develop and practice negotiation skills in the context of financial remedies applications. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice. Students will be taught in groups of 6 to enable them to develop their conference, negotiation and advocacy skills.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of family law and practice
- To provide further opportunities to practice professional skills appropriate to family law in practice
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of family law

## Learning Outcomes

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the main practice areas of family law.
2. Apply critical thinking and analysis of areas of family law handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client's needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of family law.
4. Demonstrate professional skills appropriate to the area of family law and in particular the need to take a constructive and conciliatory approach.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

## Mode of Assessment

### Formative Element

Students will have the opportunity to practice the skills which are the subject of the formative assessment in three SGS's with feedback given by the SGS tutor. One of those SGS's will be an opportunity to conduct a full conference with oral and written feedback.

### Summative Element

The assessment will be a 20 minute conference with a client played by an actor. Students will get the brief a week in advance (1 month for part time students) and will have to conduct legal research and prepare a detailed plan. A set of Last Minute Instructions are handed out to students 30 minutes before the assessment in an invigilated room.

### **Key Reading**

Students will be provided with a copy of The Family Law Handbook – Jane Sendall (OUP).

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- The Family Court Practice 2016 (Red Book)
- Family Procedure Rules 2010
- Butterworths Family Law Service
- Hershman and McFarlane – Children Law and Practice
- Duckworth's Matrimonial Property and Finance
- At a Glance – Essential Tables for Financial Remedies

### **Useful websites**

[www.justice.gov.uk](http://www.justice.gov.uk) ( Family Procedure Rules)

[www.familylawweek.co.uk](http://www.familylawweek.co.uk) ( resources and continuing development)

[www.flba.co.uk](http://www.flba.co.uk) ( Family Law Bar Association)

[www.resolution.co.uk](http://www.resolution.co.uk)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Family Law**

LGS	SGS
<p><b>1A. Sources of family law/overview of court system:</b>                      Overview of the Module.                      Sources of family law.                      Single Family Court                      Family Procedure Rules 2010</p>	
<p><b>1B – Domestic Abuse</b>                      Consideration of wider criminal law remedies. Occupation of the home and domestic abuse injunctions under Part IV Family Law Act 1996. The concept of home rights, associated persons, occupation and non-molestation orders, without notice orders, with notice orders, committal.</p>	<p><b>1. Domestic Abuse</b>                      Advising the Applicant in relation to applications for a non-molestation and occupation order. Conducting a conference prior to without notice application. Conducting without notice application.                       Analysis of Respondent’s statement and position and conducting return date. Consideration of final hearing and possible outcomes.</p>
<p><b>2. Divorce/Dissolution of Civil Partnerships. Financial Remedies Orders</b>                      Law and overview procedure of divorce/dissolution. Financial Remedies Orders available and classifying capital and income orders. Identifying when each type of order may be appropriate. Calculation of Child Maintenance via Child Maintenance Service.</p>	<p><b>2. Financial Remedies (1)</b>                      Advising either the Applicant or Respondent in relation to a claim for financial remedies on divorce (Green v Green case study). Analysis of matrimonial assets and financial disclosure documentation. Identifying options in relation to former matrimonial home. Considering, advising on and structuring opening proposals for settlement. And court proceedings</p>
<p><b>3. Financial Remedies – The Package</b>                      Detailed consideration of the principles taken into account in financial remedies claims and s.23 MCA 1973 factors. Justification for departure from equality. Impact of pre- nuptial agreements. Step by step application by putting together a workable set of proposals/package using example simple brief.</p>	<p><b>3. Financial Remedies (2)</b>                      Continuing case study. Acting for Applicant or Respondent in court proceedings. Conducting a First Appointment. Opening an FDR and identifying opening positions. Adjournment of FDR for purpose of negotiation and conducting a negotiation with Counsel for other party. Reconvened FDR and reporting of settlement position/seeking directions.                       Analysis of drafting of consent orders.</p>

<p><b>4.Procedure in Financial Remedies Claims</b> Detailed procedure from issue. Features and importance of First Appointment. Features and importance of FDR. Final hearing. Costs.</p>	
<p><b>5.Private Children Law</b> Principles underpinning Children Act 1989. S.8 applications for child arrangements orders, specific issue and prohibited steps orders. S.1(3) welfare checklist Special Guardianship Orders.  Role of Cafcass. Overview Child Arrangements Programme procedure.</p>	<p><b>4.Private Children I ( Patel brief- Applicant)</b> Advising Applicant father in relation to S.8 application for child arrangements order. Conference with client prior to First Appointment. Conducting First Hearing and Dispute Resolution Appointment and seeking interim orders and directions.</p>
	<p><b>5. Private Children II (Patel brief- Respondent)</b>  Advising Respondent mother client in conference in relation to potential application for leave to remove from the jurisdiction and father’s ongoing application. Identifying relevant law and factors regarding such applications, merits and practical advice.  Consideration of potential outcomes based on 3 different scenarios.</p>
<p><b>7. Public Children Law</b> General principles underpinning LA duties. Framework of Part V Family Law Act 1996 . Care and Supervision Orders – threshold criteria and disposal stage. Emergency Protection – EPO’s and ICO’s. Role of Children’s Guardian Overview Procedure – Public Law Outline 2014</p>	<p><b>6. Public Children</b> Advising and acting for either LA, mother, father or children in relation to application for care order and Interim Care Order (in SGS) pending full investigation and determination.  Analysis of LA case and threshold criteria. Analysis of parents and Guardian’s position.  Conducting ICO application.  Consideration of appropriate investigations and assessments.  Consideration of outcomes at final hearing based on 3 scenarios.</p>

## Advanced Criminal Litigation General Information

School	Law School	
Level	7	
Credit Value	12 Credits	
Contact Hours and Teaching Methods	120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>	
Programme	Bar Professional Training Course	
Module Leader	Ben Smith	
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body	BPP University	

### Introduction

The aim of the module is to give students a detailed and practical knowledge of the law necessary to undertake the work of a Criminal pupil. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require them to put this into practice by identifying legal issues, assessing the evidence in the case, preparing legal applications and then presenting these applications in court. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice. Students will be taught in groups of 6 to enable them to develop their advocacy skills.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of Criminal Law and practice;
- To provide further opportunities to practice their advocacy skills appropriate to Criminal Law in practice; and
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of Criminal Law.

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the practice area of Criminal law.
2. Apply critical thinking and analysis to a selection of Criminal briefs and evidential situations, and follow this up by making the requisite legal applications in an advocacy setting.
3. Demonstrate professional skills appropriate to the area of Criminal Law.
4. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development.

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**Formative Element

Students will have the opportunity to practice the skills which are the subject of the formative assessment in SGSs. Feedback will be given by the SGS tutor.

Summative Element

The assessment will be a 15 minute advocacy performance in which the students will be asked to present two legal applications of their choice to the Court. Students will receive the brief 90 minutes prior to the assessment in an invigilated preparation room and will have to conduct legal research and prepare their submissions in this period.

### **Key Reading**

Students will be provided with a copy of Blackstone's Criminal Practice

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- Blackstone's Criminal Practice
- Archbold Criminal Practice
- Blackstone's Guide to the Proceeds of Crime Act 2002
- Wilkinson's Road Traffic Offences
- BPP BPTC Criminal Litigation, Evidence & Sentencing Manual.

### **Useful websites**

<https://www.justice.gov.uk/courts/procedure-rules/criminal/forms-2015> (The Ministry of Justice - Forms)

<https://www.justice.gov.uk/courts/procedure-rules/criminal> (The Ministry of Justice – Criminal Procedure Rules)

[http://www.cps.gov.uk/prosecution\\_policy\\_and\\_guidance.html](http://www.cps.gov.uk/prosecution_policy_and_guidance.html) (Crown Prosecution Service - Legal Guidance)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Advanced Criminal Litigation**

LGS	SGS
<p><b>1. First Appearance</b> A useful overview of what happens at the first appearance in the Magistrates' Court. Comprehensive review of all issues, with the inclusion of both a sample video for students and the relevant forms mentioned therein.</p>	
<p><b>1A. Plea and Case Management Hearing</b> Review of the PCMH (now PTPH) in the Crown Court, identification of issues at an early stage and the completion of the Advocates' Questionnaire. Includes both a sample video for students and the relevant forms.</p>	
<p><b>1B. Applications to Exclude Evidence</b> This lecture looks at applications to exclude evidence. This includes applications to exclude evidence under the common law and, more importantly, using s.78 PACE 1984. We also consider excluding hearsay evidence using s.126 of the Criminal Justice Act 2003 and excluding bad character evidence admitted under s.101 CJA 2003 using s.101(3) CJA 2003 and s.78 PACE.</p>	<p><b>1. Advanced Applications</b> Reviewing a lengthy Criminal brief, identifying and reviewing any legal issues in respect of admissibility/exclusion of evidence and preparing and presenting submissions to the Court on these issues.</p>
<p><b>2. Professional Witnesses &amp; Cell Site Evidence</b> Review of the role of professional witnesses more generally, and specifically, in relation to Intelligence Analysts in the context of the presentation of Cell Site Evidence to the jury.</p>	<p><b>2. Cell Site Evidence</b> Analysing and presenting to the jury a variety of pieces of Cell Site evidence in a user-friendly and representative way in the context of the case as a whole. Same case study used as in SGS 1.</p>
<p><b>3. Road Traffic Penalties</b> Overview of the sentencing provisions in road traffic cases, specifically licence endorsement. Disqualification, special reasons and exceptional hardship.</p>	<p><b>3. Road Traffic</b> Conducting examination-in-chief and cross examination of two Defendants in a Criminal trial charged with Road Traffic Offences. Also, presenting legal submissions in the context of both an application for special reasons, and in support of an exceptional hardship argument.</p>
<p><b>4. Domestic Violence</b> Review of the characteristics of Domestic Violence, misconceptions and assessment of risk. Assessment of the approach adopted by</p>	<p><b>4. Domestic Violence</b> Making submissions in the context of contested hearsay and bail applications in a Domestic Violence trial.</p>

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Prosecution Counsel in presenting such cases as trial and for sentence.	
<b>5. Proceeds of Crime Act (POCA)</b> Review of asset confiscation in Criminal proceedings and considerations by both the Prosecution and Defence Counsel in such cases	<b>5. Applications under the Proceeds of Crime Act</b> Applying the POCA principles to a criminal brief and assessing the considerations for both the Prosecution and Defence. Making legal submission if parties cannot agree on the correct figures.
<b>6. Opening and Closing Speeches</b> Preparation and delivery in opening and closing speeches in a Crown Court trial.	<b>6. Closing Speeches</b> Making closing speeches for either the Prosecution or one of the two Defendants in a Criminal trial. Same case study used as in SGS's 1 & 2.

## Personal Injury & Clinical Negligence

### General Information

School	Law School	
Level	7	
Credit Value	12 Credits	
Contact Hours and Teaching Methods	120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>	
Programme	Bar Professional Training Course	
Module Leader	Amanda Moylan-Jones	
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body	BPP University	

### Introduction

The aim of the module is to give students a detailed and practical knowledge of the law necessary to undertake the work of a pupil. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require them to put this into practice by advising clients in conference. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of personal injury and clinical negligence
- To provide further opportunities to practice professional skills appropriate to personal injury and clinical negligence law in practice
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of personal injury and clinical negligence law

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the practice area of personal injury and clinical negligence
2. Apply critical thinking and analysis of areas of personal injury and clinical negligence law handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client’s needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of personal injury and clinical negligence law.
4. Demonstrate professional skills appropriate to the area of personal injury and clinical negligence law.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**

Formative Element

Students will have the opportunity to practice the skills which are the subject of the formative assessment in SGSs. Feedback will be given by the SGS tutor.

Summative Element

The assessment will be a 20 minute conference with a client played by an actor. Students will get the brief a week in advance (1 month for part time students) and will have to conduct legal research and prepare a detailed plan.

### **Key Reading**

Students will be provided with a copy of a manual, Personal Injury & Clinical Negligence Litigation by Julie Mardell & Kate Serfozo.

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- Kemp & Kemp – Quantification of Damages
- Facts & Figures: Tables for calculation of damages, Professional Negligence Bar Association (Sweet & Maxwell)
- Personal Injury Law: Liability, Compensation and Procedure by Peter Barrie, published by Oxford University Press
- CLP Legal Practic Guides: Personal Injury & Clinical Negligence Litigation, published by CLP
- Butterworths Personal Injury Litigation Service by Golderein & De Haas et al
- Personal Injury Practice & Procedure by Solomon, Middleton and Pritchard (Sweet & Maxwell)
- Personal Injury Practice: The guide to Litigation in the County Court and High Court by Buchan, Kennedy, Woolf et al, published by Tottel
- Clinical Negligence by Powers & Harris, published by Tottel
- Clinical Negligence: A Practical Guide by Charles Lewis, published by Butterworths
- Clinical Negligence by Khan, Robson and Swift, published by Cavendish

### **Useful websites**

[www.dca.gov.uk](http://www.dca.gov.uk)

[www.highwaycode.gov.uk](http://www.highwaycode.gov.uk)

[www.hse.gov.uk](http://www.hse.gov.uk)

[www.gmc-uk.org](http://www.gmc-uk.org)

[www.bmj.com](http://www.bmj.com)

[www.bila.org.uk](http://www.bila.org.uk)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Personal Injury & Clinical Negligence**

LGS	SGS
<p><b>1. Course Overview and Introduction to Personal Injury Litigation</b></p> <p>The typical litigation steps in a personal injury case.</p> <p>To be able to identify important facts and information.</p> <p>To understand the issues relating to funding personal injury and clinical negligence claims.</p>	<p><b>1. Terminology, Funding, Costs and Case Review</b></p> <p>Research and recall the common medico-legal jargon used by personal injury and clinical negligence litigators.</p> <p>Read and understand a medical report by researching the medical language/terminology used.</p> <p>Research, understand and describe the different types of funding that are available to commence claims.</p> <p>Understand costs and the fixed costs regime in personal injury and clinical negligence cases.</p> <p>Undertake a screening exercise to consider the merits of a case</p>
<p><b>2. Common Claims: Road Traffic Accidents and 'Slip &amp; Trip'</b></p> <p>To understand the areas of liability that arise in relation to road traffic accidents.</p> <p>To consider the role of the Highway Code in establishing liability in road traffic accidents.</p> <p>To understand the areas of liability that arise in relation to slip/trip accidents.</p>	<p><b>2. Slip and trip accidents.</b></p> <p>Understand the different stages of the Pre-Action Protocol for Low Value Personal Injury (Employers' Liability and Public Liability) Claims.</p> <p>Competently conduct a conference with a client.</p> <p>Competently advise on liability, quantum and evidence.</p>
	<p><b>3. Road traffic accidents.</b></p> <p>Competently complete a straightforward advice on liability, quantum, evidence and procedural issues.</p> <p>Review and apply the Pre-Action Protocol for Personal Injury Claims to a road traffic accident case.</p> <p>Understand the different stages of the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents.</p> <p>Understand how to use the Ogden tables in a simple case of future loss of earnings and future care costs.</p>

	Understand the relevance of the Motor Insurer's Bureau.
<p><b>3. Employer's Liability</b></p> <p>Consider in detail the role of health and safety legislation in establishing liability and the effect of section 69 of the Enterprise and Regulatory Reform Act 2013.</p> <p>Identify the types of evidence that may be available to establish employers' liability.</p> <p>Consider the appropriate defendant(s) in employers' liability claims.</p>	<p><b>4. Employer's Liability</b></p> <p>Review and understand the liability rules in relation to employers' liability.</p> <p>Analyse the Health &amp; Safety Legislation in relation to the case study of Ian Banks.</p> <p>Understand the different stages of the Pre-Action Protocol for Low Value Personal Injury (Employers' Liability and Public Liability) Claims.</p> <p>Competently conduct a conference with a client.</p> <p>Competently advise on liability in conference.</p>
<p><b>4 &amp; 5 Calculating Damages</b></p> <p>To understand the use of the multiplier in future claims.</p> <p>To understand the claw-back provisions.</p> <p>To understand the claimant's entitlement to interest.</p> <p>To understand provisional damages and when it is appropriate to make such a claim.</p> <p>To understand periodical payments and when these may be appropriate.</p>	
<p><b>6. Fatal Accident Claims</b></p> <p>To understand the entitlement to compensation under the Fatal Accidents Act 1976 &amp; the Law Reform (Miscellaneous Provisions) Act 1934.</p> <p>To be able to competently calculate losses recoverable under both of the above statutes.</p> <p>To be able to identify necessary evidence to advance a fatal accident claim.</p>	<p><b>5. Fatal Accidents 1</b></p> <p>Understand and advise on the liability rules under the Law Reform (Miscellaneous Provisions) Act 1934 and the Fatal Accidents Act 1976 (as amended).</p> <p>Understand and advise on the law relating to the quantification of damages in a fatal accident claim.</p>
	<p><b>6. Clinical Negligence Claims</b></p> <p>Review and understand the liability rules in relation to clinical negligence claims. Competently advise on liability and quantum.</p> <p>Review and understand the requirements of the Pre-Action Protocol for the Resolution of Clinical Disputes</p> <p>Understand the alternative procedures for dealing with clinical negligence disputes.</p>

**Judicial Review  
General Information**

School		Law School
Level		7
Credit Value		12 Credits
Contact Hours and Teaching Methods		120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		Noémi Byrd
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

**Introduction**

The aim of the module is to give students a detailed and practical knowledge of the law and procedure necessary to undertake the work of a pupil in the area of judicial review, whether in their own right or assisting their pupil supervisor. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require them to put this into practice by researching the relevant law in detail, drafting judicial review claims and skeleton arguments, and appearing at a permission hearing in the High Court. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice.

The focus of the course is on legal research and written skills as the majority of JR claims are decided on the papers. There is an advocacy exercise at the end of the course.

In order to test the students' research techniques and understanding of JR principles, the final assessment is on a substantive area of law not previously covered on the course.

## Educational Aims

The principal educational aims of this module are:

- To apply practically the substantive law and procedure of judicial review practice
- To provide further opportunities to practice professional skills required in judicial review practice
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of judicial review

## Learning Outcomes

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the practice area of judicial review.
2. Apply critical thinking and analysis of areas of judicial review handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client's needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of judicial review.
4. Demonstrate professional skills appropriate to the area of judicial review.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

## Mode of Assessment

### Formative Element

The last two SGSs function as a formative assessment. Students will be given detailed written and oral feedback on their drafts.

### Summative Element

The assessment will be a take-home written paper on a substantive area of law not covered on the course. Students will be required to complete a Judicial Review claim form, an accompanying 'detailed statement of facts and grounds' and the appropriate draft order.

### **Key Reading**

Students will be provided with a copy of Judicial Review – A Practitioner's Guide by Jonathan Manning (published by the Legal Action Group 'LAG').

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module. All published by Oxford University Press.

- De Smith's Judicial Review of Administrative Action
- Judicial Review Handbook, Fordham
- Wade and Forsyth, Administrative Law
- Judicial Review Principles and Procedure, Auburn
- EU law in Judicial Review, Gordon

### **Useful websites**

[www.publiclawproject.org.uk](http://www.publiclawproject.org.uk) (The Public Law Project)

[www.equalityhumanrights.com](http://www.equalityhumanrights.com) (Commission for Equality and Human Rights)

[www.gov.uk/courts-tribunals/administrative-court](http://www.gov.uk/courts-tribunals/administrative-court) (Administrative Court)

[www.liberty-human-rights.org.uk](http://www.liberty-human-rights.org.uk) (Liberty)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Judicial Review**

LGS	SGS
<b>1. Introduction to Judicial Review</b> Overview of the Module. Sources of administrative law Reviewable decisions Prerogative power Reviewable defendants Requirement for standing in JR 'Victim status' requirement in Human Rights cases Key grounds of review Alternatives to JR Basic procedure: Claimant and Defendant Disclosure Urgent claims Remedies Research questions Recommended texts	
<b>2. Identifying Grounds of Judicial Review</b> Illegality Irrationality Procedural Impropriety Human Rights Grounds Bias Legitimate Expectation Proportionality Approach to identifying and refining grounds	
<b>3. Judicial Review in the context of prison law</b> Introduction to Prison Law Sources of prison law Sources of statutory guidance Prisoner Security Categorisation decisions Case law summary Human Rights in the prison law context Basic structure of grounds	<b>1. Re Absalom Rieber (prison law case)</b> . Identifying the correct research questions . Supervised legal research using online resources (principally Halsbury's and Westlaw) . Drafting an outline of grounds . Class discussion of likely response from Defendant
	<b>2. Re Absalom Rieber (prison law case)</b> . How to complete and N461 claim form . How to draft an Order . Supervised drafting of 'facts and grounds' in full
<b>4. Judicial Review and Human Rights</b> European Convention on Human Rights	<b>3. Re Yildiz Sinali (asylum support JR)</b> . Summary of legal research

<p>Human Rights Act          Absolute, limited and qualified rights          Contrast between 'standard' JR grounds and Convention Rights cases          Extent of ECHR protection – territorial considerations          'Fact-based' reviews          Damages          Guidance for drafting Human Rights grounds</p>	<p>Class discussion on case law and grounds          How to complete an N463 urgent claim form          Supervised drafting of 'facts and grounds' in full</p>
<p><b>5. Immigration Judicial Review – Upper Tribunal</b>          Introduction to immigration JR          Upper Tribunal procedure          Introduction to asylum law          'Refugee convention'          The asylum process          'Fresh Claims' for Judicial Review          Upper Tribunal jurisdiction          Urgent applications to High Court          Appeals</p>	<p><b>4. <i>Re Yildiz Sinali</i> (fresh claim for asylum JR)</b>          Relationship between Admin Court and UT review of asylum decisions          Supervised drafting of facts and grounds in full</p>
<p><b>6. Criminal Law and Judicial Review</b>          Challenging Magistrates' Courts decisions          Case stated or JR?          JR of Crown Court decisions          Available remedies</p>	<p><b>5. <i>Re Stephen Geffins</i> (JR of conviction and sentence)</b>          Formative assessment – drafts can be completed in class</p> <p><b>6. <i>Re Stephen Geffins</i> (JR of conviction and sentence)</b>          Advocacy exercise: students prepare skeleton arguments for JR permission hearing          Individual oral and written feedback given on formative assessment drafts.</p>
<p><b>7. Revision lecture</b>          Summary of research tips          How to present case law          Structuring grounds          Avoiding pitfalls</p>	

## Commercial Dispute Resolution General Information

School	Law School	
Level	7	
Credit Value	12 Credits	
Contact Hours and Teaching Methods	120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>	
Programme	Bar Professional Training Course	
Module Leader	Anthony Kennedy	
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body	BPP University	

### Introduction

The aim of the module is to give students a detailed and practical knowledge of the current law necessary to undertake the work of a pupil in private international (commercial) practice. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require students to put this into practice by analysing cases, applying the relevant law and rules, and preparing written advice. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice.

### Educational Aims

The principal educational aims of this module are:

- To ensure that students either commencing pupillage at the Commercial Bar or intending to commence pupillage at the Commercial Bar in the future understand the setting in which commercial disputes arise;
- To equip students with a working knowledge of the principal legal and theoretical concepts which underpin private international (commercial) law as applied by the courts in England and Wales at this moment in time;
- To ensure that students can apply practically the principles of private international (commercial) law when confronted with sets of fact giving rise to commercial disputes; and

- To provide students with an opportunity to build upon the legal skills which they have learned already on the BPTC (by way of example only, in Written Skills) and to enable students to fine-tune those skills so as to provide accurate, client-centric advice in this particular setting.

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the principles which English courts have to apply when deciding whether to give relief by way of freezing injunction/to make a search order and apply these principles to a particular set of facts;
2. Apply critical thinking and analysis of areas of the way in which the Brussels I Recast Regulation (Regulation 1215/2012) operates so as to provide clients with practical advice as to the circumstances in which an English court will have jurisdiction over a commercial dispute with an international element to it;
3. Demonstrate a comprehensive and systematic knowledge and understanding of and apply accurately the principles by which a judge in England will determine whether she should recognise/enforce a judgment handed down by a court in another country, be that other country a Member State of the European Union or a country outside that Union, such that the student is then able to advise a client accordingly;
4. Recognise the principles by which an English court will determine the law which governs contractual obligations between parties to an international commercial dispute and be able to apply these so as to provide client-centric advice; and
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development.

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

## Mode of Assessment

### Formative Element

The activities which the students are required to complete in advance of those Small Group Sessions, afford ample opportunity for students to practise and hone the skills which will be tested in the summative assessment.

### Summative Element

The assessment will either require the students to write an opinion on a commercial dispute which has arisen between parties (and which may have a private international law element to it) or to submit a skeleton argument and draft order in support of an application for relief. Students will get the brief a week in advance (1 month for part time students) and will have to conduct legal research so as to ensure that they produce the best opinion/skeleton argument and draft order they can.

## Key Reading

Students will be provided with a copy of each of the most important Regulations (Brussels Recast, Rome I, Rome II and the Service Regulation) in their packs at the start of the module. There is no core student textbook for this module as things stand: the subject is one for which the principal guiding authority is a practitioner text (*The Conflict of Laws, Dicey Morris and Collins*, 15<sup>th</sup> edition, 2012). Students have access to this via their BPP subscription to Westlaw. It should be noted that, as the Module Leader understands, there is no intention to publish a new edition of this practitioner text until after the United Kingdom has completed its negotiations with the European Union and completed the process of withdrawal from that polity. Accordingly, students are required to supplement their reading by reference to case law and academic articles.

## Background reading

Listed below are texts which provide background to the concepts and content of the module:

- *The Conflict of Laws, Dicey Morris and Collins*, 15<sup>th</sup> edition, 2012;
- *The Brussels I Regulation Recast*, Dickinson and Lein, 2015;
- *Jurisdiction and Judgments*, Professor Briggs, 6<sup>th</sup> edition, 2015;
- *The Rome I Regulation on the Law Applicable to Contractual Obligations*, McParland, 2015; and
- *The Rome II Regulation: The Law Applicable to Non-Contractual Obligations*, Dickinson, 2010.

## Useful websites

[www.conflictoflaws.net](http://www.conflictoflaws.net) (academic website run by various European academics who specialise in this field);

[http://curia.europa.eu/jcms/jcms/j\\_6/en/](http://curia.europa.eu/jcms/jcms/j_6/en/) (the website of the Court of Justice of the European Union); and

<https://www.supremecourt.uk/> (the website of the Supreme Court of the United Kingdom)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Commercial Dispute Resolution**

LGS	SGS
<p><b>1. Freezing injunctions</b>                      Overview of the Module.                      Overview of the principles according to which a court will grant relief by way of freezing injunction                      Analysis of the circumstances in which one would seek a freezing injunction.                      Duty of full and frank disclosure.</p>	<p><b>1. Freezing injunctions</b>                      Students meet the ubiquitous case study for the first time.                      Students are required to draft a skeleton argument in support of an application which instructing solicitors have made for a freezing injunction.                      Students will also be required to draft an order to give to the judge. For this, they can use the sample freezing order which can be found on the MoJ website.                      Both of these tasks will involve the practical application of the principles by which an English court will be guided when determining whether to grant such relief or not.</p>
<p><b>2. Search Orders</b>                      Overview of the principles according to which a court will grant relief by way of search order.                      Analysis of the circumstances in which one would seek a search order.                      Duty of full and frank disclosure.                      The LGS will rely on the White Book to point students in the right direction.</p>	<p><b>2. Search Orders</b>                      Students will not engage with the main case study this week but will be required to read a different case (Halfpenny). Again, they will be required to draft a skeleton argument in support of an application (only this time for a search order, rather than a freezer).                      Students this week will be required to draft the order themselves, rather than rely on being taken through the order by the tutor.</p>
<p><b>3. Jurisdiction</b>                      Students will be introduced to the law which governs the English court’s power to take jurisdiction over cases involving an international element.                      To this end, the LGS will introduce the Brussels I Recast Regulation (which governs the English court’s ability to take jurisdiction over people who are domiciled in a Member State of the European Union).                      The LGS will also talk about the doctrine of <i>forum non conveniens</i> and the principles according to which an English court will take jurisdiction over</p>	<p><b>3. Jurisdiction</b>                      In advance of the SGS, students are required to produce an opinion analysing whether an English court will take jurisdiction over a particular defendant (who is incorporated in Malaysia). They will therefore be required to engage with the doctrine of <i>forum non conveniens</i>.                      At the start of the SGS, the students will be given a document which sets out the approach to be taken to the Regulation. This should provide the</p>

<p>those who are not domiciled in an EU Member State.</p>	<p>students with a road map or framework to the Regulation itself. The students will then be expected to carry out an activity in the session so as to solidify their knowledge of the areas under discussion.</p>
<p><b>4. Enforcement of Foreign Judgments</b> This LGS will deal with an English court's ability to enforce/recognise a judgment handed down by a court in a foreign country. The LGS will explore how an English court will react when faced with (a) a judgment emanating from a court in another Member State of the European Union and (b) a judgment emanating from a court in any other country.</p>	<p><b>4. Enforcement of Foreign Judgments</b> At the start of the SGS, the students will go through the difference between the recognition of a foreign judgment and the enforcement thereof. The students will then go through the remainder of the questions on which they have been asked to advise a client in conference (ie the activity given them in preparation for this SGS). The students will then complete an unseen activity in the remainder of the SGS.</p>
<p><b>5. Law governing contractual obligations</b> The LGS will introduce students to the Rome I Regulation. It will provide an overview to that Regulation and should allow students to acquire a working knowledge of the concepts put at issue by that Regulation.</p>	<p><b>5. Law governing contractual obligations</b> For the first part of the SGS, the students will be taken through (once again) the way in which the Rome I Regulation works. They will then engage in a period of review on the opinion which they were asked to write in advance of the SGS. Finally, they will complete an activity (unseen) in the SGS so as to ensure that they have the opportunity to consolidate what they have learned in the week.</p>
<p><b>6. Law governing non-contractual obligations</b> The LGS will introduce students to the Rome II Regulation. It will provide an overview to that Regulation and should allow students to acquire a working knowledge of the concepts put at issue by that Regulation. Owing to the carve-outs contained within the Rome II Regulation (e.g. there is no room for defamation within it), the students will also be taken through some of the common law rules by which English courts determine the law applicable to such claims.</p>	<p><b>6. Law governing non-contractual obligations</b> For the first part of the SGS, the students will be taken through (once again) the way in which the Rome II Regulation works. The students will then be taken through the questions which they were meant to prepare in advance of the SGS. Finally, so as to consolidate their learning, the students will then have the opportunity to do some unseen questions, requiring them to apply the rules emanating from the Rome II Regulation and the common law.</p>

## Asylum Detention Deportation and Extradition General Information

School		Law School
Level		7
Credit Value		12 Credits
Contact Hours and Teaching Methods		120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		Rebecca Pickering
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

### Introduction

The aim of the module is to give students a detailed and practical knowledge of the law necessary to undertake the work of a pupil. The LGSs and accompanying transcripts give students a grounding in the topic providing them with platform from upon which they can conduct their own research. The SGSs will then require them to put this into practice. Students will advise clients in conference, make legal submission in court and draft grounds seeking permission. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of Asylum, Immigration and Extradition Law.
- To provide further opportunities to practice professional skills appropriate to Asylum, Immigration and Extradition Law in practice.
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the areas of Asylum, Immigration and Extradition Law.

## Learning Outcomes

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the practice area of asylum, Immigration and Extradition Law.
2. Apply critical thinking and analysis to Asylum, Immigration and Extradition Law cases.
3. Navigate and utilize a wide variety of sources including, primary and secondary legislation, case law, policy guidance and country reports
4. Demonstrate professional skills appropriate to the area of Asylum, Immigration and Extradition Law.
5. Demonstrate the ability to study independently showing the self-direction needed for continued professional development.

The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

## Mode of Assessment

### Formative Element

Students will have the opportunity to practice the skills which are the subject of the formative assessment in each SGS. Feedback will be given by the SGS tutor.

### Summative Element

The assessment will be by way of advocacy. Students will be expected to draft a skeleton argument and perform closing submissions in an appeal hearing. The advocacy aspect of the assessment will be 12 minutes. Students will get the brief a week in advance (1 month for part time students) They will be expected to conduct their own legal research in order to produce a skeleton argument.

### Key Reading

Students will be provided with a copy of the HJT Manual

### Background reading

Listed below are texts which provide background to the concepts and content of the module.

7. Textbook on Immigration and Asylum Law, Gina Clayton
8. Immigration Law Handbook, Margaret Phelan
9. MacDpnald's Immigration Law and Practice
10. Immigration Law 2017, Kevin Browne
11. Finding Home, Emily Dugan
12. Desert Flower, Waris Dirie

### Useful websites

[www.gov.uk/government/organisations/uk-visas-and-immigration](http://www.gov.uk/government/organisations/uk-visas-and-immigration)

[www.tribunalsdecisions.service.gov.uk](http://www.tribunalsdecisions.service.gov.uk)

UK Visas

Country Guidance, reported, starred and unreported decisions of the Upper Tribunal of the Immigration and Asylum Chamber

[www.freemovement.org.uk](http://www.freemovement.org.uk)

Immigration law blog written by Colin Yeo

[www.ein.org.uk](http://www.ein.org.uk)

Immigration law resources

## INDICATIVE SCHEME OF WORK

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

### Module Title: ADDE

LGS	SGS
<p><b>1. Who is a Refugee?</b>            Practical introduction to 1951 Convention at Article 1 (A) (2) 1951 including:            Burden and standard of proof            Component parts of the Convention            Sources of Law            Common issues arising in asylum appeals including credibility and prosecution vs persecution</p>	<p><b>1. Who is a Refugee?</b>            Analysis of a case where asylum has just been refused. Advising an asylum seeking client of how they fit the definition of a refugee and issues arising in their case.            Questioning a refugee in conference and recognising the potential difficulties/challenges into taking instructions from an asylum seeker.            Advising an asylum seeker of the UK procedure now their case has been refused and possible remedies</p>
<p><b>2. How does someone become recognized as a Refugee?</b>            Introduction to the UK procedure starting from the initial asylum claim.            Chart the progression of a claim being processed and possible outcomes.            Considering the appeal process in the first instance and preparation for an appeal hearing before the First Tier Tribunal            The appeal hearing before a First Tier Tribunal Judge.</p>	<p><b>2. How does someone become recognised as a Refugee?</b>            Closing submissions in an asylum case before a First Tier Tribunal Judge.            Utilising the Refugee Convention and case law to demonstrate why the Appellant is a Refugee.            Drafting a skeleton argument to support submissions as to why the Appellant is a Refugee</p>
<p><b>3A. What is Extradition?</b>            Introduction/overview of the Extradition Act 2003. Consideration of Part 1 and Part 2 Warrants as well as import and export Extradition.</p> <p><b>3B. What is the Role of Article 8 in Extradition?</b>            Introduction to the role of Article 8 in Extradition cases with consideration of the accompanying case law.</p>	<p><b>3. What is Extradition</b>            Analysis of an Extradition brief and identification of the possible arguments to resist extradition            Drafting a skeleton argument to support why an Applicant should not be extradited.            Presentation of closing submissions in an Extradition appeal</p>
<p><b>4. How does someone get immigration bail?</b>            Introduction to the principles governing bail in an immigration case.            Consideration of the relevant law, procedure rules and guidance</p>	<p><b>4. How does someone get immigration bail?</b>            Preparation of a bail application, from the perspective of the Home Office and an Applicant            Application of the correct documentation and procedure rules.            Presentation of submissions for and against immigration bail</p>

<p><b>5. When can someone be deported?</b></p> <p>Introduction to the relevant law governing deportation: the primary legislation, immigration rules and caselaw.</p> <p>Understanding why someone would be deported and how legally this would take place</p> <p>The approach to Article 8 and the interplay between Article 8 of the HRA and the Immigration Rules.</p>	<p><b>5. When can someone be deported?</b></p> <p>Preparation and presentation of a deportation appeal either from the perspective of the Home Office and an Applicant.</p> <p>Application of the primary legislation, immigration rules and caselaw. Understanding of the interplay between Article 8 of the HRA and the immigration rules.</p> <p>Presentation of closing submissions in a deportation.</p> <p>Drafting a skeleton argument to support why the Applicant should be deported/should not be deported</p>
<p><b>6. How do we challenge a decision of the First Tier Tribunal?</b></p> <p>Introduction to the legislation that allows appeals from a decision of the First Tier Tribunal to allow or dismiss appeal.</p> <p>The grounds on which such an application can be made. Consideration of the case law interpreting these grounds. Examining the relevant procedure rules so applications are made appropriately</p>	<p><b>6. How do we challenge a decision of the First Tier Tribunal?</b></p> <p>Analysis of a decision of the First Tier Tribunal.</p> <p>Identification of appropriate grounds to plead.</p> <p>Drafting grounds</p>

**Professional Discipline (Healthcare)****General Information**

School		Law School
Level		7
Credit Value		12 Credits
Contact Hours and Teaching Methods		120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		Julia Harrow
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

**Introduction**

The aim of the module is to give students a detailed and practical knowledge of the law necessary to undertake the work of a pupil. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require students to put this into practice by analysing cases, applying the relevant law and rules, and presenting them in court. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice. Students will be taught in groups of 6 to enable them to develop their advocacy skills.

**Educational Aims**

The principal educational aims of this module are:

- To practically apply the knowledge and principles of the law, rules and regulations in the area of Professional Discipline (Healthcare).
- To provide further opportunities to practice professional skills appropriate to Professional Discipline (Healthcare) work.
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of Professional Discipline (Healthcare).

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the practice area of Professional Discipline (Healthcare).
2. Apply critical thinking and analysis of areas of Professional Discipline from a healthcare perspective handling primary source information and data from legal and non-legal sources, to offer advice and make effective submissions in the best interests of a client.
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of Professional Discipline.
4. Demonstrate professional skills appropriate to the area of Professional Discipline.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development.

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**

Formative Element

Students will have the opportunity to practice the skills which are the subject of the formative assessment in each SGS (save for the first SGS which is a knowledge-based class). Feedback will be given by the SGS tutor.

Summative Element

The assessment will be submissions advocacy for a duration of 12 minutes. Students will get the brief a week in advance (1 month for part time students) and will have to conduct legal research and prepare a skeleton argument.

### **Key Reading**

Students will be provided with a copy of *Professional discipline and healthcare regulators: a legal handbook* by Christopher Sallon QC, Jon Whitfield QC and Gemma Hobcraft (published by the Legal Action Group 'LAG').

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- Disciplinary and Regulatory Proceedings by Gregory Treverton-Jones QC, Alison Foster QC and Saima Hanif.
- Health Care Law by Jonathan Montgomery
- The Regulation of Healthcare Professionals by Joanna Glynn and David Gomez
- Professional Conduct Casebook by Kenneth Hamer
- The White Book 2016: Volumes 1 and 2

### **Useful websites**

<http://www.gmc-uk.org/> (The General Medical Council website)

<https://www.nmc.org.uk/> (The Nursing and Midwifery Council website)

<http://www.mpts-uk.org/> (The Medical Practitioners Tribunal Service website)

<http://www.professionalstandards.org.uk/> (The Professional Standards website)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: Professional Discipline**

LGS	SGS
<p><b>1. An Introduction to Professional Discipline (Healthcare).</b>            An introduction to the regulation of professionals.            An introduction to codes of conduct/good practice guidance which doctors and nurses are subject to.            The function and purpose of the General Medical Council and the Nursing and Midwifery Council.            An introduction to Fitness to Practise procedures.            Sources of healthcare regulatory rules, legislation and guidance documents.            An overview of the module and the assessment.</p>	<p><b>1. An Introduction to Professional Discipline (Healthcare)</b>            Understanding the reasons why a healthcare professional may find themselves before a professional tribunal.            Advising on procedure and evidence at the different stages of the adjudication process.            Understanding the differences between the GMC and NMC's procedures and rules.</p>
<p><b>2. The NMC: an Overview</b>            The NMC's objectives and remit.            Key definitions including 'fitness to practise'.            The structure of the NMC and the functions of different teams within it.            The lifespan of a case from initial complaint to appeal.            Key rules and guidance documents, including those relevant to fitness to practise hearings.</p>	
<p><b>3. The GMC: an Overview</b>            The GMC's objectives and remit.            Key definitions including 'fitness to practise'.            Key legislation, guidance documents and rules.            The structure of the GMC and the functions of different teams within it.            The lifespan of a case from initial complaint to appeal, including the fitness to practise hearing procedure.</p>	
<p><b>4. Interim Orders</b>            Purpose of interim orders hearings and grounds for interim orders.</p>	<p><b>2. Interim Order Hearings</b>            Making submissions at interim order hearings for or against the NMC and GMC in cases involving misconduct, lack of competence and deficient professional performance.</p>

<p>The GMC and Interim Orders: the panel, its powers, procedure, the format of the hearing and the relevant rules.</p> <p>The NMC and Interim Orders: the panel, its powers, procedure, the format of the hearing and the relevant rules.</p> <p>Duration, reviews and extensions of interim orders.</p> <p>A comparison of the GMC and NMC interim orders.</p> <p>How to structure submissions at interim order hearings.</p>	
<p><b>5. Misconduct &amp; Lack of Competence/Deficient Performance</b></p> <p>An overview of misconduct &amp; lack of competence/deficient performance.</p> <p>The important differences between these concepts; and the implications of a finding of each.</p> <p>Key cases and definitions.</p> <p>How to structure submissions at this stage of the adjudication process.</p>	<p><b>3. Substantive Hearings: the GMC</b></p> <p>Making submissions on behalf of the GMC or the Registrant on the facts, misconduct, impairment and sanctions stages of proceedings.</p> <p><b>4. Substantive Hearings: the NMC</b></p> <p>Making submissions on behalf of the NMC or the Registrant on the facts, misconduct/lack of competence, impairment and sanctions stages of proceedings.</p>
<p><b>6. Impairment</b></p> <p>The importance of the focus on current impairment of the healthcare professional.</p> <p>Relevant considerations at this stage of the adjudication process.</p> <p>How to structure submissions on impairment.</p> <p>Key cases on impairment.</p>	
<p><b>7. Sanctions</b></p> <p>Available sanctions following fitness to practise proceedings at the GMC and NMC.</p> <p>The purpose of sanctions.</p> <p>Key principles surrounding sanctions.</p> <p>Important case law and guidance documents.</p> <p>How to structure submissions on sanctions.</p>	
<p><b>8. Appeals and the Assessment</b></p> <p>The right of appeal.</p> <p>The relevant rules, legislation and case law.</p> <p>The risks of appeals.</p> <p>How to approach appeals.</p> <p>Preparing a skeleton argument.</p> <p>Assessment guidance.</p>	<p><b>5. Appeals: the GMC</b></p> <p>Identifying relevant appeal points and making effective appeal submissions on behalf of a Registrant in proceedings initiated by the GMC.</p> <p><b>6. Appeals: the NMC</b></p> <p>Identifying relevant appeal points and making effective appeal submissions on behalf of a Registrant in proceedings initiated by the NMC.</p>

## International Criminal Practice General Information

School		Law School
Level		7
Credit Value		12 Credits
Contact Hours and Teaching Methods		120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		Helena Tomic
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

### Introduction

The aim of the module is to give students a detailed and practical knowledge of the law necessary to undertake the work of a legal assistant practicing at international criminal courts. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require them to put this into practice by advising clients in conference, drafting submissions for international courts and making oral arguments in international criminal courts. This will prepare students for the kind of demands they might encounter once they enter practice, as well as during their pupillage, where such practical skills will be of vital importance. Students will be taught in groups of 6 to enable them to develop their conference, advocacy and drafting skills.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of International Criminal Law and Practice
- To provide further opportunities to practice professional skills appropriate to International Criminal Law in practice
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a legal assistant in the area of international criminal law

**Learning Outcomes**

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge of substantive international criminal law and understanding of the procedural law and practice of international criminal law.
2. Apply critical thinking and analysis of areas of international criminal law and practice handling data from domestic and international legal sources in order to offer advice and solutions for preparation of defence or prosecution strategies.
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of international criminal law.
4. Demonstrate professional skills appropriate to the area of international criminal law and practice.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development

**The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:**

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

**Mode of Assessment**

Formative Element

Students will have the opportunity to practice the skills, which are the subject of the formative assessment in each SGS. Feedback will be given by the SGS tutor.

Summative Element

The assessment will be in the form of drafting a filing (pleading) on behalf of Prosecution or Defence based on legal research conducted by the students. Such filings (pleadings) are typically be drafted by Legal Officers of the Prosecution and/or Defence teams. Students will get the brief a week in advance (1 month for part time students) and will have to conduct legal research and prepare a written pleading.

### **Key Reading**

Students will be provided with a copy of Antonio Cassese's "International Criminal Law" (published by the Oxford University Press).

### **Background reading**

Listed below are texts, which provide background to the concepts and content of the module.

- W.A. Schabas: "An Introduction to the International Criminal Court", Cambridge University Press
- J.R.W.D. Jones and S. Powles: "International Criminal Practice", Oxford University Press
- M.N. Shaw: "International Law"
- I. Brownlie: "Principles of Public International Law, Oxford University Press

### **Useful websites**

<https://www.icc-cpi.int/> (International Criminal Court (ICC))

<https://www.legal-tools.org/> (ICC Online Database)

<http://www.icty.org/> (United Nations International Criminal Tribunal for the Former Yugoslavia (ICTY))

<http://www.icj-cij.org/> (International Court of Justice (ICJ))

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: International Criminal Practice**

LGS	SGS
<p><b>1. International Crimes and Basic Principles of International Criminal Law</b></p> <ul style="list-style-type: none"> <li>• Introduction to the option subject and to ICL</li> <li>• Definition of ICL</li> <li>• General features of ICL</li> <li>• Sources of ICL</li> <li>• General principles of ICL</li> <li>• Courts and Tribunals</li> <li>• Jurisdiction</li> <li>• International crimes</li> <li>• Elements of international crimes</li> <li>• Mens Rea in international crimes</li> <li>• War crimes</li> <li>• Crimes against humanity</li> <li>• Genocide</li> <li>• Torture and aggression</li> <li>• Terrorism</li> </ul>	<p><b>1. Conference with a Client in the UN Detention Unit</b></p> <p>Advising to a client in a conference in the UN detention unit on aspects such as jurisdiction of an international criminal court, counts on an indictment, elements of international crimes, potential defences etc.</p>
<p><b>2. Written Advocacy and Pleadings</b></p> <ul style="list-style-type: none"> <li>• Indictment</li> <li>• Various filings of the Prosecution and Defence</li> <li>• Responses and replies</li> <li>• Pre-trial briefs</li> <li>• Adjudicated facts and judicial notice</li> </ul>	<p><b>2. Drafting a Basic Filing</b></p> <p>Drafting a basic filing (pleading) filed at an international court either by a defence team or by a prosecution team.</p>
<p><b>3. Oral Advocacy</b></p> <ul style="list-style-type: none"> <li>• Inquisitorial v adversarial trials</li> <li>• Addressing the judges</li> <li>• Opening statements</li> <li>• Examination in chief</li> </ul>	<p><b>3. Oral advocacy and Sentencing International Crimes</b></p> <p>Orally arguing a case before a trial chamber sitting at an international criminal court. The submissions to court will relate to a sentencing</p>

<ul style="list-style-type: none"> <li>• Cross-examination</li> <li>• Closing arguments</li> </ul>	<p>hearing, whereby sentencing principles applying to international crimes should be applied.</p>
<p><b>4. Modes of Criminal Liability</b></p> <ul style="list-style-type: none"> <li>• Perpetration</li> <li>• Co-perpetration</li> <li>• Joint criminal enterprise (I, II, III)</li> <li>• Aiding and abetting</li> <li>• Inchoate crimes</li> <li>• Omissions</li> <li>• Exclusion of criminal liability (self-defence, superior order, necessity, duress, mistake, immunities)</li> </ul>	<p><b>4. Legal Research</b></p> <p>Conducting a thorough and detailed legal research of specific legal issues arising in international criminal law using the sources that international practitioners use in the relevant field of law.</p>
<p><b>5. Command and Superior Responsibility</b></p> <ul style="list-style-type: none"> <li>• Definition</li> <li>• Elements</li> <li>• De jure command</li> <li>• De facto command</li> <li>• Effective control</li> <li>• Knowledge requirement (knew v had reason to know)</li> <li>• Failure to prevent</li> <li>• Failure to punish</li> </ul>	<p><b>5. Drafting an Advanced Filing</b></p> <p>Applying and further developing the drafting skills by drafting an advanced filing (pleading) either for a defence team or for a prosecution team acting at an international criminal court.</p>
<p><b>6. International Court of Justice</b></p> <ul style="list-style-type: none"> <li>• State immunity</li> </ul>	<p><b>6. Simulation of ICJ hearing</b></p> <p>Arguing an inter-state dispute at the International Court of Justice relating to state immunity issue and related aspects of international criminal law.</p>

## International Trade General Information

School		Law School
Level		7
Credit Value		12 Credits
Contact Hours and Teaching Methods		120 notional learning hours, broken down approximately as follows: <ul style="list-style-type: none"> <li>• Independent reading &amp; preparation (82 hours)</li> <li>• Asynchronous online LGS (6 hours)</li> <li>• 6 x face to face SGS (12 hours)</li> <li>• Assessment and preparation for assessment (20 hours)</li> </ul>
Programme		Bar Professional Training Course
Module Leader		Sabeen Obaidullah
Related Modules	Pre-requisites	BPTC core modules
	Co-requisites	N/A
	Post-requisites	N/A
	Excluded Combinations	N/A
Awarding Body		BPP University

### Introduction

The aim of the module is to give students a detailed and practical knowledge of the law necessary to undertake the work of a pupil. The LGSs will prepare them with fundamental principles to enable them to start their own research. The SGSs will then require them to put this into practice by preparing statements of case and counsel's legal opinions. This will prepare students for the kind of demands they might encounter once they enter pupillage and practice. Students will be taught in groups of 15.

### Educational Aims

The principal educational aims of this module are:

- To practically apply the knowledge and principles of international trade law and practice
- To provide further opportunities to practice professional skills appropriate to international trade law in practice
- To equip students to understand the principal legal, procedural and practical issues that may arise when undertaking the work of a pupil barrister in the area of international trade law

## Learning Outcomes

Upon successful completion of this module, students should be able to:

1. Demonstrate a comprehensive and systematic knowledge and understanding of the practice area of international trade law.
2. Apply critical thinking and analysis of areas of international trade law handling primary source information and data from legal and non-legal sources, to offer advice and solutions which best address a client's needs
3. Recognise and act appropriately when faced with ethical and professional conduct issues arising in the area of international trade law.
4. Demonstrate professional skills appropriate to the area of international trade law.
5. Demonstrate the ability to study autonomously showing the self-direction needed for continued professional development.

The table below demonstrates where the module learning outcomes above achieve the programme learning outcomes:

Programme Outcomes	Module Learning Outcomes		
	1	2	3
Knowledge and Understanding	x	x	
Cognitive Skills	x		
Professional Skills and Attitudes	x	x	x
Transferable skills	x		

## Mode of Assessment

### Formative Element

Students will have the opportunity to practice the skills which are the subject of the formative assessment in each SGS. Feedback will be given by the SGS tutor.

### Summative Element

The assessment will be a take-home paper consisting of Instructions to Counsel and additional papers in Counsel's Brief. Students will be given a week to conduct research and write Counsel's Opinion pursuant to the instructions provided.

### **Key Reading**

Students will be provided with a copy of “Law of International Trade” by Jason Chuah (Sweet & Maxwell, 5<sup>th</sup> Edition 2013).

### **Background reading**

Listed below are texts which provide background to the concepts and content of the module.

- Scruttons on Charterparties and Bills of Lading
- Bills of Lading by Aiken, Lord and Bools
- Schmitthoff: Law and Practice of International Trade
- Goode on Commercial Law
- Lloyd’s Law Reports
- Civil Procedure Volumes 1 & 2 (2016)

### **Useful websites**

<http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do> - (Department of Justice - Court Forms)

<http://www.lmaa.london/Papers-from-Seminars.aspx> - (London Maritime Arbitrators Association – Seminars / Papers on current issues in maritime arbitration)

<http://www.clydeco.com/insight/article/shipping-newsletter> - (Quarterly publication by leading shipping law firm Clyde & Co)

**INDICATIVE SCHEME OF WORK**

In some instances information regarding content of the module is indicative - actual module content will be determined according to considerations (for example, opportunities for work with specific external partners or new developments in the field) which are taken into account at the time of module delivery.

**Module Title: International Trade**

LGS	SGS
<p><b>Introduction</b> Course Outline. Recommended reading and sources of research. Assessment</p>	
<p><b>1. International Sale of Goods (1)</b> Different types of contract. General factors and distinctive features. Different forms of Carriage Contracts (eg Cif and FoB). Distinguishing features of Cif and FoB contract. Key documents, with samples provided. Functions and requirement of Bill of Lading. Endorsement of Bill of Lading</p>	<p><b>1. Cif Contract claim – Statement of Case</b> Drafting a Particulars of Claim for breach of Cif contract of sale; research into the rights and remedies of a buyer under Cif contract of sale; fraudulent documents. Drafts reviewed in SGS with tutor feedback.</p>
<p><b>2. International Sale of Goods (II)</b> Cif contracts : Significance of Bill of Lading.. Samples considered. Other Cif conforming documents. Samples considered. Effect of non-conforming Cif documents. Remedies for Buyer and Seller</p>	<p><b>2. Cif Contract Claim - Freezing Injunction</b> Conducting research (using White Book) on grounds for Freezing Injunction and Worldwide Freezing Injunction in a Cif breach of contract claim. Drafting of documents supporting Freezing Injunction including Affidavit, Skeleton and draft Order. Reviewed in SGS with tutor feedback</p>
<p><b>3. Contract of Carriage (I)</b> Title to Sue. COGSA 1992 (Section 1 &amp; 2). Alternative/additional claims (Implied Contract/Negligence/ Bailment). Parties to claim: identifying Legal and Actual carrier in a Demise, Time and Voyage Charterparty</p>	<p><b>3. Contract of Carriage (I) – Claim vs Carrier</b> Identifying Carrier and claims. Identifying obligations and duties of Carrier under Hague Visby. Remedies of Buyer against Carrier. Drafting Particulars of Claim for breach of contract of carriage/ bailment against Carrier. Reviewed in SGS with tutor feedback</p>
<p><b>4. Contract of Carriage (II)</b> Contract of Carriage. Shipper’s Bill of Lading and Charterer’s Bill of Lading. COGSA 1971 and Hague Visby Rules application. Duties of the Carrier. Limitation of Liability. Bailment</p>	<p><b>4. Contract of Carriage (II) – Claim by Carrier</b> Identifying rights of Carrier. Claim by carrier for damage/losses arising from dangerous cargo. Time limitations. Writing full counsel’s opinion for carrier. Reviewed in SGS with tutor feedback.</p>
<p><b>5 Jurisdiction and Choice of Law</b> Brussels (Recast) Regulations. Domestic: submission to jurisdiction and Admiralty Court’s jurisdiction S.20-24 Supreme Court’s Act1981. Dismissal/Stay of proceedings: forums conveniens; arbitration clauses; anti-suit injunctions.</p>	<p><b>5. Jurisdiction and Choice of Law</b> Preparing and conducting a conference with client in relation to various scenarios covering complex jurisdiction and choice of law issues in international sale context.</p>

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<p>Rome I (Contract); focus on contract of carriage claims Rome II (Tort) focus on claims against carrier in international sales</p>	
<p><b>6. International Commercial Arbitration</b> The arbitration agreement and separability; Arbitration Act 1996 including jurisdiction challenges and appointment/removal of arbitrators. Arbitration Award: Challenge and Enforcement.</p>	<p><b>6. International Commercial Arbitration</b> Research on various issues in a claim against a carrier including: title to sue under COGSA 1992; reference to international commercial arbitration; time limits; appointment of arbitrator; security for claim in arbitration proceedings. Writing full counsel's opinion in relations to aforesaid issues. Reviewed in SGS with tutor feedback.</p>