



**UWI**

ST. AUGUSTINE  
CAMPUS



# Faculty of **LAW**

## POSTGRADUATE

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**2023-2024** Regulations & Syllabuses

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# HOW TO USE THIS HANDBOOK

The Faculty Handbooks (also known as Faculty Booklets) are available on the Campus website in PDF format at <http://sta.uwi.edu/faculty-booklet-archive>. The Handbooks include:

- Relevant **Faculty Regulations** – e.g. Admission Criteria, Exemptions, Progression, GPA, Leave of Absence, etc.
- Relevant **University Regulations** including the Plagiarism Regulations and Declaration Forms
- Other Information on **Co-Curricular** courses, **Language** courses and **Support for Students** with physical and other disabilities or impairments.
- **Programme Descriptions and Course Listings** which include the list of courses to be pursued in each programme (degrees, diplomas and certificates), sorted by level and semester; course credits and credits to be completed for each programme – majors, minors and specials.
- **Course Descriptions** which may include details such as prerequisites and methods of assessment.

*Students should note the following:*

The Regulations and Syllabuses issued in the Faculty Handbooks should be read in conjunction with the following University Regulations:

- The Postgraduate Regulations and Syllabuses should be read in conjunction with the University Regulations contained on the [Postgraduate Admissions website](#) and the [Board for Graduate Studies and Research Regulations for Graduate Certificates, Diplomas and Degrees \(with effect from August 2018\)](#) and any subsequent amendments thereof.

Progress through a programme of study at the University is governed by Faculty Regulations and University Regulations. Should there be a conflict between Faculty Regulations and University Regulations, University Regulations shall prevail, where appropriate.

# ACADEMIC CALENDAR 2023/2024

Get important dates such as the beginning and end of each semester, matriculation, examinations, graduation and ELPT. Also take note of deadlines for the payment of fees, registration, and applications for overrides, leave of absence, admissions, and scholarships & bursaries.

To download the latest calendar, visit <https://sta.uwi.edu/registration/academiccalendar.asp>

## LEGAL NOTICE – PROGRAMME & COURSES

1. Notwithstanding the contents of Faculty Handbooks, Course Outlines or any other course materials provided by the University, the University reserves the right at any time to altogether withdraw, alter or modify its programmes or courses and/or vary its modes or methods of teaching, delivery and assessment of its programmes or courses, as deemed necessary in the following circumstances:
  - (a) As a result of any changes imposed by national laws, legislation or governmental regulations or orders made from time to time;
  - (b) In response to the occurrence of a force majeure event, including but not limited to, war (whether declared or not), riots, civil disorder, epidemics, pandemics, quarantines, earthquakes, fire, explosions, storms, floods or other adverse weather conditions, strikes, lockouts or other industrial action, confiscation or any other action or authority by governmental or regulatory agencies or acts of God;
  - (c) In the event of an emergency where there is risk to life and property;
  - (d) Where the exigencies of the circumstances require such action to be taken by the University.

## DISCLAIMER – PRIZES & AWARDS

In the case where Faculty/Student Prizes or Awards may be listed, the Faculty does not bind itself to award any or all of the listed prizes/awards contained herein or its stated value and reserves the right to modify or altogether remove certain prizes/awards as described in either or both the electronic and printed versions of the Faculty Handbook.

## FACULTY DISCLAIMER

This booklet gives information on Courses offered in the Faculty of Law at the St. Augustine Campus of The University of the West Indies (Trinidad and Tobago). Given the Cross-Campus nature of the Postgraduate Diploma in Law and the LLM, some courses may be offered by Mona or Cave Hill Campuses.

THE UNIVERSITY RESERVES THE RIGHT TO MAKE SUCH CHANGES TO THE CONTENTS OF THIS PUBLICATION AS MAY BE DEEMED NECESSARY.

Students should consult the Dean's office where clarification is required.

These regulations govern the programmes of study for all students entering in 2023/24. Students who started programmes in previous years are governed by the regulations in force in their year of entry which can be found online at <https://sta.uwi.edu/law/academics-admissions>.

### **DISCLAIMER:**

The information in this booklet is accurate at time of publication. Subsequent publications may therefore reflect updated information. Students should consult their Dean where clarification is required.

# THE MISSION OF THE FACULTY OF LAW

The Faculty of Law, St. Augustine, the University of the West Indies, in communion with its counterparts at Mona and Cave Hill, has as its principal mission, the provision of high quality legal education, cultivating in the prospective law graduate the art of critical thought and reasoned exposition as they apply to the growth and functioning of the legal systems in the Commonwealth Caribbean and to the advancement of a more just and humane West-Indian society. The Faculty of Law is an integral part of the regional development strategy and aims to facilitate this developmental purpose by providing a rich intellectual academic foundation in law for legal practitioners. A collateral purpose of the Faculty of Law, St. Augustine, is to engage in legal research and publication to contribute to a high calibre worldwide jurisprudence and more specifically, further the cause of building an indigenous jurisprudence. The Faculty also aims to enhance continuing legal education in the region and to elevate the standard of public debate and education on issues of relevance to the community that it serves.

In support of these objectives, the Faculty of Law, St. Augustine is committed to:

- deepening the intellectual and humanistic content of the law curriculum to ensure that the student derives a critical understanding of legal concepts, and a solid academic foundation for the practice of law or for the pursuit of a career in any other field;
- the undertaking of fundamental enquiries in collaboration with relevant disciplines into the adequacy of existing laws to meet the developmental needs of our societies;
- the organisation and pursuit of research through the publication of books, monographs, internationally recognised journals, reviews and bulletins to meet the need for critical appraisals of current legal developments in both case and statute law;
- the thorough examination and scholarly exposition of current West Indian Law and West Indian Legal history;
- the provision of services to regional Governments pursuing legal and constitutional reform;
- the provision of intellectual support through research and training essential for the successful operation of the Caribbean Single Market and Economy (CSME) and the Caribbean Court of Justice;
- the provision of continuing legal education programmes for practising attorneys, civil servants, social workers, police officers, teachers and the general public;
- the provision of advanced training in law through the development of postgraduate programmes in such critically needed areas as Legislative Drafting, Corporate and Commercial Law and Public Law;
- the enhancement of the Faculty's ability to serve as an intermediary in the delivery of special programmes, workshops or projects that are funded through international agencies.

# INTRODUCTION

The Faculty of Law was established at The University of the West Indies in 1970, then based at the Cave Hill Campus. Its primary objective is to provide for an academic qualification which is a compulsory prerequisite to professional legal training for lawyers in the Commonwealth Caribbean. However, the traditional basic legal skills of concise and pertinent oral argument, systematic and relevant presentation of essential issues, clarity and precision of written opinions and detached and balanced judgment are also useful and reliable skills for other professions such as the Civil and Police Service, Accountancy, Banking and Commerce.

The Faculty of Law offers both undergraduate and postgraduate programmes. The undergraduate programme is offered only to students from territories which contribute to the Faculty. The programme is divided into 3 parts - Part I -III are offered at the St. Augustine, Cave Hill and Mona Campuses and also at the College of the Bahamas. Part I is offered at the Turkeyen Campus of the University of Guyana.

Graduate studies in the Faculty lead to the Graduate Diploma, the LLM, and MPhil and PhD. The LLM. is awarded on the basis of coursework and an optional research paper. It is offered in the areas of Corporate and Commercial Law; Legislative Drafting; and Public Law. The Legislative Drafting option is open only to members of the legal profession who are specifically nominated by their Governments.

The MPhil and PhD. by research are available to suitably qualified candidates.

Full details on these programmes are contained in the St. Augustine Faculty's Graduate Handbook, the Faculty of Law office and the website <https://sta.uwi.edu/law/academics-admissions>.

## DEAN'S MESSAGE

It gives me great pleasure to welcome all the new students to our postgraduate program at the Faculty of Law at the University of the West Indies, St. Augustine Campus. We in the Faculty of Law are committed to leading you through your legal studies on your path to becoming true global legal experts.

Glanville Williams wrote in 1945 in his book *Learning the Law* that "Law is the cement of society and an essential medium for change." This statement was first published 78 years ago and remains true today. I feel positive that you will find the postgraduate study of law here an enriching and rewarding one that will develop and enhance your future professional endeavours.

The Faculty of Law has a long tradition of excellence and providing distinguished legal scholars to service the Caribbean region. The St Augustine Faculty of Law boasts an impressive and extensive network of past and present students that spans the entire Commonwealth Caribbean and beyond. We are immensely proud of our alumni who occupy many of the senior offices in government and the legal profession and who continue to give outstanding service to the region. The skills you will develop during your studies at the Faculty of Law will enrich your lives and will prepare you for a career not only in the legal profession, but in politics, business, finance, and many others.



During the course of this academic year, we hope to deepen the ties between the Faculty and its alumni as well as many stakeholders in government and the private sector in mutually beneficial ways. We plan to create opportunities for existing students to further leverage networks through several outreach activities, including conferences, seminars, workshops, etc.

The St. Augustine Faculty of Law has an outstanding team of academic and administrative support staff. We work diligently to ensure that the Faculty offers a quality learning experience and also contribute to the development of the region through research and publications. Our administrative staff have extensive professional experience in dealing with student matters and they are here to support you during your studies. I encourage you all to make the most of the opportunities you have to benefit from our academic staff and administrative support staff, from their experience and expertise.

At the St. Augustine Faculty of Law we take particular pride in exemplifying the University's core value of 'studentcentredness' while offering a first-class, competitive academic programme rooted in the realities of the Caribbean experience. As such, our academic programme is tailored to allow for realisation of students' full academic potential as well as for their personal development and growth outside of the law.

At the Faculty we hope that you harness your full potential and reach your highest attainable standard of achievement. The Faculty supports students' personal development through its vibrant extra-curricular activities involving conferences, seminars, research and publications. As you pursue your legal studies, we encourage you to find balance. You are urged to make full use of all of these extra-curricular activities that form an integral part of the rich learning experience offered by the Faculty of Law at the St Augustine campus.

Welcome again to all new and continuing students. We wish you every success with your legal studies during the current academic year!

**Dr Alicia Elias-Roberts (PhD)**

Dean, Faculty of Law

The University of the West Indies

St Augustine Campus

# STAFF LISTING

## **FACULTY OF LAW**

The Faculty's Office is located on the  
Second Floor of the Compton Bourne Building,  
Faculty of Law email address:

[Law@sta.uwi.edu](mailto:Law@sta.uwi.edu)

Email address for Deputy Dean  
(Student Affairs):

[STA-Law.DeputyDean@sta.uwi.edu](mailto:STA-Law.DeputyDean@sta.uwi.edu)

Email address for Deputy Dean  
(Graduate Studies, Research and Outreach):

[STA-LAW.PGDepDean@sta.uwi.edu](mailto:STA-LAW.PGDepDean@sta.uwi.edu)

## **OFFICE OF THE DEAN**

### ***Dr Alicia Elias-Roberts***

LLB (U.G.); BCL (Oxon), LLM (Houston);  
Leg. Ed. Cert; (HWLS); Attorney-at-Law  
*Dean, Lecturer*

## **DEPUTY DEANS**

### ***Mr. John Jeremie SC***

Deputy Dean (Graduate Studies, Research and  
Outreach)  
Lecturer

### ***Dr Timothy Affonso***

LLB (UWI); LLM (UCL); PhD (UWI); Leg. Ed. Cert. (HWLS),  
*Attorney-at-Law*  
Deputy Dean (Student Affairs)  
Lecturer

## **ACADEMIC STAFF**

### ***Dr Chumah Amaefule***

LLB (Calabar); LLM, PhD (Birmingham)  
Lecturer

### ***Dr Emma Perot***

LLB (Kent); LLM (UCL); BPTC (BPP);  
PhD (King's College London)  
Lecturer

### ***Ms Jolie Rajah***

BA (UWI); LLB (University of London); PgDip (UWI); MSc  
(Simmons University)  
Law Librarian

## **ADJUNCT STAFF**

### ***The Honourable Dr Justice Winston Anderson***

LLB (UWI); PhD (Cambridge)  
Adjunct Lecturer

### ***Mr Eden Charles***

LLB (Lond.); BA (Lond.); PGDip. (Lond.)  
Adjunct Lecturer

### ***Mrs Jonëtta Jeet-Ramsahai***

LLB (Lond.); B.Th. (Kingsway);  
LEC (Hugh Wooding Law School); LLM (UWI)  
Adjunct Lecturer

### ***Dr Eduardo Pereira***

LLB; LLM (Scotland); PhD (Scotland)  
Adjunct Lecturer

### ***The Honourable Mr Justice Rolston Nelson***

BA (Oxon.); MA (Oxon); LLM (Lond.)  
Adjunct Lecturer

### ***Mr J. Tyrone Marcus***

LLB (UWI); Leg. Ed. Cert; (HWLS);  
Attorney-at-Law  
LLM, De Montfort, Leicester; FCI (Arb)  
Adjunct Lecturer

## **ADMINISTRATIVE OFFICER**

### ***Mrs Anita Ali***

Administrative Officer  
Ext. 82802

## **ADMINISTRATIVE STAFF**

### ***Ms Reneesha Hodge***

Ext. 82803

### ***Ms Tanisha Lewis***

Ext. 82801

### ***Mrs Cassini Hosein***

Ext. 82804

## **OFFICE ASSISTANT**

### ***Mr Kendall Johnson***

Office Assistant  
Ext. 82817/82819

## **FACULTY CLEANING STAFF**

### ***Ms Deslie Paul***

Office Custodian



**CAMPUS DEANS OF LAW**

***Dr Shazeeda Ali***

*PhD (University of London)*

*Senior Lecturer & Attorney-at-Law*

*Dean, Faculty of Law, Mona*

***Professor Eddy Ventose***

*PhD (Oxford); LL.M (Cambridge); PG Dip (Oxford);*

*Legal Ed. Cert (HWLS); LLB (UWI); Attorney-at-Law*

*Dean, Faculty of Law, Cave Hill*

***Dr Alicia Elias-Roberts***

*LLB (U.G.); BCL (Oxon), LL.M (Houston);*

*Leg. Ed. Cert; (HWLS);*

*Attorney-at-Law*

*Dean, Faculty of Law, St. Augustine*

**STUDENT AFFAIRS**

Tel: (868) 662-2002 Ext. 82154/82157

Fax: (868) 645-4611

**SCHOOL FOR GRADUATE STUDIES AND RESEARCH**

***Mr. Arnold Manniram***

Assistant Registrar

Ext. 82616

**ADMISSIONS SECTION**

***Ms Simone Roberts***

Assistant Registrar

Ext. 82154

**ADMISSIONS LAW FACULTY REPRESENTATIVE**

***Ms Janelle Rollock***

Ext. 83010

**EXAMINATIONS**

***Ms Nardia Thomas-Allain***

Assistant Registrar

Ext. 82155

***Mr Ellingsworth Kelly***

Administrative Assistant - General Operations

Ext. 83877

***Ms Prudence Cato***

Examinations Law Faculty Representative

Ext. 84207

**STUDENT ACCOUNTS**

Students are asked to submit all financial queries to the Bursary Helpdesk at

<https://sta.uwi.edu/bursary/service-desk>

## Connect with the Graduate Studies and Research Team

The Graduate Studies and Research Team can be contacted via email or you can contact a Customer Service Representative via the [LIVE CHAT](#) from 8:30 am to 4:30 pm, Monday to Friday.

### **Professor Hariharan Seetharaman**

Director, School for Graduate Studies & Research and Chair, Campus Committee for Graduate Studies & Research  
Email: [GraduateStudiesandResearch.Director@sta.uwi.edu](mailto:GraduateStudiesandResearch.Director@sta.uwi.edu)

### **Mr. Arnold Manniram**

Assistant Registrar, Graduate Studies & Research  
Email: [Arnold.Manniram@sta.uwi.edu](mailto:Arnold.Manniram@sta.uwi.edu)

### **Applications**

Applicants can access and complete the relevant instructions and online application form at <https://sta.uwi.edu/admissions/postgrad/>

### **Status Letters and Registration Matters**

#### **Ms. Keziah Pereira**

Status Letters and General information  
Email: [Keziah.Pereira@sta.uwi.edu](mailto:Keziah.Pereira@sta.uwi.edu)

#### **Mr. Owen Bruce**

Registration Matters and General information  
Email: [Owen.Bruce@sta.uwi.edu](mailto:Owen.Bruce@sta.uwi.edu)

### **Examination Matters (Students)**

Email: [PGExaminations@sta.uwi.edu](mailto:PGExaminations@sta.uwi.edu)

### **Submission of Examination of Research Projects/Papers**

Electronic submission of Externally Examined Research Projects/Papers will be received and processed. Students should submit via email to [PGExaminations@sta.uwi.edu](mailto:PGExaminations@sta.uwi.edu):

1. One (1) PDF copy of the research paper/project report (large files are to be submitted via drop box link)
2. Turnitin Report in PDF format
3. Certificate of Completion form signed by the Supervisor(s) and Dean of the Faculty.

### **Award of Degrees - Taught Masters, Graduate Diplomas and Certificates**

Electronic submission of award grids will be received and processed.  
Email: [PGAwards@sta.uwi.edu](mailto:PGAwards@sta.uwi.edu)

### **Research Funding**

#### **Ms. Sarah Kalloo**

Scholarships, Bursaries and Campus Research and Publication Funds  
Email: [Sarah.Kalloo@sta.uwi.edu](mailto:Sarah.Kalloo@sta.uwi.edu)

### **Research Ethics**

#### **Ms. Tennille Fanovich**

Secretary, Campus Research Ethics Committee  
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### **PhD/MPhil and MFA matters**

Email: [PGResearch@sta.uwi.edu](mailto:PGResearch@sta.uwi.edu)

### **Faculty Staff Contact at School for Graduate Studies & Research**

#### **Mrs. Abigail Joefield**

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Faculty of Law, Faculty of Engineering, School of Humanities, Seismic Research Unit

#### **Ms. Vanessa Duncan**

Administrative Assistant, MPhil and PhD Matters  
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**Board of Examiners Meetings**

Board of Examiners' Meetings will continue via the respective Departments' video conferencing facility i.e., Zoom or Microsoft Teams

**Mrs. Jenelle Lezama-Thomas**

Administrative Assistant, Examinations

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**BANNER Related Matters**

**Ms. Karlene Hernandez**

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**Ms. Shernice Lashley**

Email: [Shernice.Lashley@sta.uwi.edu](mailto:Shernice.Lashley@sta.uwi.edu)

# Changes to the Registration Process for New GPA Students

With the introduction of the GPA system in 2021/2022, we will have two categories of students (new GPA and continuing/legacy (non-GPA) registering for the same courses. The difference will be reflected in the course registration number (CRN) for each course.

**When registering for courses, you will see two sets of CRN codes** – one for continuing (non-GPA) students (LSA), and another for new students registering under the GPA system (LSG). All other course information is the same. Only the CRNs are different.

**Please pay careful attention and use the codes that correspond with your status as either a new or continuing student.**

The Banner registration system has been set up to deal with this duality, and once grades are input via the Banner Software, GPA is calculated automatically.

For more on the registration process and to see the updated CRN codes and instructions, download the [Online Registration Guide](#).

# GENERAL INFORMATION FOR GRADUATE STUDENTS

The official regulations handbook for all Graduate Diplomas and Degrees is found online at <http://sta.uwi.edu/faculty-booklet-archive>. Students should familiarise themselves with the regulations, a few of which are highlighted here, and also note the following administrative information:

## ***Electives***

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

## ***Registration***

Every student is required to register within the first week of **every** semester until his/her degree has been awarded. Changes in registration are permitted to the end of the third week of the semester.

Registration is a two-part process:

1. The selection of courses on-line through St. Augustine post graduate registration website; and
2. The payment to the Bursary of all fees generated.

## ***Re-registration for Thesis/Research Paper/Practicum***

The requirement to register every semester continues while students are doing and writing up the Thesis/Research Paper/Practicum programme element. Note that if a student registers for the Research Paper/Practicum and does not complete this in the first semester of registration, regulations require him/her **to re-register** every subsequent semester until the Paper/Report has been submitted and graded.

If a student experiences any difficulty registering or re-registering it is his/her responsibility to inform the Graduate Studies Office within the first 3 weeks of the semester by email to [postgrad@sta.uwi.edu](mailto:postgrad@sta.uwi.edu) so that problems can be resolved.

## ***Withdrawal***

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

## ***Examinations***

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

## ***Examination Re-sits or Re-submission of Coursework***

Candidates are required to pass in both written examinations and coursework at the first attempt. In respect of any candidate who fails the coursework or written examination at the first attempt, the Board of Examiners would recommend to Campus Committee whether a second attempt should be permitted. If such a recommendation is approved, the student will be awarded a failing grade of FE (failed exam) or FC (failed coursework). This indicates that permission has been granted to re-sit the examination/re-submit coursework for that course the next time it is offered.

In such cases, an ***Examinations Only*** registration must be done administratively and students will need to contact the Graduate Studies Office within the first week of the relevant semester by email to [postgrad@sta.uwi.edu](mailto:postgrad@sta.uwi.edu) with details of the course for which they are to be registered. Students must not attempt to self-register for courses where Examination Only or Coursework Only registration have been approved.

This repeat registration attracts a per-credit fee.

## ***Re-taking a Failed Course***

Any student who has received a grade F in any course and has been permitted a second opportunity to take that course, is required to take the course in FULL.

**Requirement to Withdraw**

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

**Distinction for Non-GPA Students**

Unless otherwise stated in the regulations of a specific Master's programme the basis for the award of a degree with Distinction is:

- If the programme being followed requires completion of a Research Paper the candidate must pass all courses at the first sitting and the average mark of all courses (excluding the Research paper) must be **70%** or more. The candidate must also achieve a mark of **70%** or over in the Research Paper.
- If the programme being followed does **not** require completion of a Research Paper, the candidate must pass all courses at the first sitting, gain an average of **70 %** or more overall and achieve Grade A in at least **70%** of the courses.

**Award of Degrees for GPA Students**

**New students** entering participating taught programmes from the 2021/2022 academic year onwards, as detailed above, will be assessed and awarded degrees based on the Postgraduate GPA grading scale as follows:

GPA	CATEGORY
≥3.70	Distinction
3.30 – 3.69	Merit
2.00 – 3.29	Pass
< 2.00	Fail

Please note that

- the award of degree is based on the overall programme GPA.
- research projects will be considered similarly to other courses, so for a student who does not earn a 'Distinction' in their research project, it is still possible to be awarded a 'Distinction' in their overall programme once their programme GPA is ≥3.70.
- if a student fails or repeats a course, they will still qualify for a 'Distinction' if their overall programme GPA is ≥3.70.
- [special requirements apply](#) for the award of 'High Commendation' to professional doctorates (see regulation 14).

**Continuing students and new students entering programmes that are currently excluded** will be assessed and awarded according to the non-GPA systems included in this booklet for students' convenience.

**Where can I get help or find out more?**

- Visit [www.uwi.edu/postgradgpa](http://www.uwi.edu/postgradgpa) to learn more and find answers to frequently asked questions about the postgraduate GPA system.
- To see the full regulations governing the PG GPA, download the [GPA Regulations for Graduate Certificates, Diplomas, Taught Masters and Professional Doctorate Programmes](#).
- For answers to specific questions, contact the [Office for Graduate Studies & Research online](#).

# GENERAL FACULTY REGULATION

## ***Requirement to Withdraw***

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

## ***The following designations when assigned SHALL NOT be used in the calculations of Grade Point Average:***

AB	Absent from an examination for acceptable reasons other than medical problem. No penalty.
AM/XM	Medical submitted for absence from an examination. No penalty.
AMS	Absent Medical Supplemental
CR	Credit
DB	Debarred
DEF	Deferred
EC	Exemptions with Credit
EQ	Examination Query
EX	Exemption Only
FM	Fail/Medical Submitted
FMS	Failed Medical Supplemental
I	Incomplete
IM	Incomplete Medical
IP	In Progress
LW	Late Withdrawal
NFC	Not for Credit
NP	Not Passed- when a student has failed a course taken on a pass/fail basis
NR	Not Reported
P	Pass
PC	Preliminary Credits
V	Audited
NV	Where a student has been permitted to audit a course but has done so unsatisfactorily
W	Withdrawal

# GRADUATE PROGRAMMES IN THE UWI

## LLM or Postgraduate Diploma

### ***Introduction***

The University of the West Indies (UWI) Master of Law and Postgraduate Diploma programmes provide advanced legal education leading to a graduate qualification. It is aimed at legal practitioners, academics, legislative draftspersons, and students of law seeking higher qualifications.

It allows graduate legal education to take place on the St Augustine, Cave Hill, and Mona campuses, and via eLearning technology, regionally and globally. It complements existing law graduate programmes, including the MPhil and the PhD programmes by providing a full suite of specialised graduate courses to help focus research goals.

By using eLearning technologies the UWI LLM and Postgraduate Diploma caters to an international student base, including the wider Caribbean diaspora, and makes legal education at the advanced level more accessible to legal practitioners and others interested in advanced legal study.

### ***Method of Delivery***

The UWI LLM and Postgraduate Diploma programmes are offered by way of a combination of multiple modes of delivery (blended learning), which may include 'face to face' instruction, online instruction, teleconferencing and other modes of technological communication. Any postgraduate law course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two Campuses which offer the programme.

### ***Entry Requirements***

The following persons are eligible to apply for admission into the UWI LLM or Postgraduate Diploma programmes:

- Graduates of The University of the West Indies holding the LLB degree;
- Graduates of The University of the West Indies or of an approved University holding a degree which includes such law subjects as shall satisfy the Board for Graduate Studies and Research;
- Graduates of The University of the West Indies, or of an approved University, who have obtained a professional legal qualification and are eligible for admission to practise in any part of the Commonwealth;
- Persons who having obtained a professional legal qualification, are admitted to practise in any part of the Commonwealth, and who have also been certified as being in practice for a minimum of five years; and
- Graduates of The University of the West Indies or of an approved University, who satisfy the Board for Graduate Studies and Research of their capability to undertake the course of study leading to the award of the UWI LLM or Postgraduate Diploma in Law degrees.

The capacity of applicants to the UWI LLM or the Postgraduate Diploma in Law for the designated course of study will be determined by the admitting campus in accordance with the above criteria, through examining their academic and practical experiences. Letters of reference will also be used to determine suitability.

Students with a third class or pass degree will not normally be admitted to read for the UWI LLM.

### ***Qualifying Examination***

Applicants may, at the discretion of the Board for Graduate Studies and Research, be required to take a qualifying examination consisting of at least two papers of a minimum of two hours each, which shall be of a standard equivalent to that of Part II or Part III of the LLB degree examination in order to satisfy the Board of their suitability to undertake the course of degree leading to the UWI LLM.

### ***Language of Instruction***

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



## GENERAL

### LLM and POSTGRADUATE DIPLOMA

#### ***Introduction***

Where an eligible candidate has an interest in the wide range of courses and wishes to undertake courses from more than one of the specialisations, he or she can opt for the general LLM.

Candidates selecting this route can select any course with the exception of the Supervised Legislative Drafting Internship.

#### ***Method of Delivery***

The courses for the General LLM and Postgraduate Diploma will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

#### ***Time of Entry***

Students can begin the LLM in either Semester 1 or Semester 2.

#### ***Course of Study***

##### ***LLM***

Candidates for the UWI LLM Degree must complete thirty-six (36) credit hours of the designated course of study.

With the exception noted above students can select from any courses offered in the UWI LLM programme.

##### ***Duration***

A student designated as a 'full-time student' will be required to complete the courses within a single academic year.

A full-time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester.

A student designated as a 'part-time student' will be required to read for a minimum of one (1) course or a maximum of two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma in Law.

Students unable to complete the full UWI LLM are eligible to receive a Postgraduate Diploma in Law upon successful completion of twenty-four (24) credits.

### ***POSTGRADUATE DIPLOMA***

Candidates for the UWI LLM Degree must complete twenty-four (24) credit hours of the designated course of study.

With the exceptions noted above students can select from any courses offered in the UWI LLM programme.

\*Where a student is awarded the Postgraduate Diploma in Law and is accepted to pursue the LLM, they will be allowed to carry forward 12 credits from the Diploma. This means that the student will have to complete an additional 24 credits to be awarded the LLM degree.

**LIST OF COURSES**

<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>CREDITS</b>
LAW 6010	Banking Law	6
LAW 6020	E-Commerce Law	6
LAW 6130	Comparative Labour Law in a Corporate Environment	6
LAW 6150	Global Health Law	6
LAW 6200	The Management of Intellectual Property Assets	6
LAW 6201	Copyright Law (The Protection of Creative Assets)	6
LAW 6202	Trade Mark Law (The Protection of Marketing Assets)	6
LAW 6203	Patent Law (The Protection of Technology Assets)	6
LAW 6204	International Intellectual Property Law	6
LAW 6205	International Trade and Intellectual Property Law	6
LAW 6300	Advanced Public International Law	6
LAW 6310	Caribbean Business and Public International Law	6
LAW 6330	Advanced Public International Trade Law	6
LAW 6350	Global Perspectives in Public Procurement	6
LAW 6400	Company Law Theory in Modern Commerce	6
LAW 6402	Legal Aspects of Corporate Misconduct	6
LAW 6410	Advanced Insurance Law	6
LAW 6420	Law of Corporate Governance	6
LAW 6430	Advanced Corporate Finance	6
LAW 6450	Offshore Financial Law	6
LAW 6460	Competition Law in a Global Economy	6
LAW 6470	Advanced Intellectual Property Law	6
LAW 6490	Advanced Corporate Insolvency Law	6
LAW 6520	Advanced International Environmental Law	6
LAW 6600	Advanced Caribbean Integration Law	6
LAW6605	Oil and Gas Law	12
LAW6610	Energy Transitions and International Energy Investments	12
LAW 6720	Public Law I – Advanced Constitutional Law	6
LAW 6730	Public Law II – Advanced Administrative Law	6
LAW 6740	Legislative Drafting	12
LAW 6750	Advanced International Human Rights Law	6
LAW 6760	Advanced International Investment Law	6

**NOTE THAT ALL COURSES MAY NOT BE OFFERED EVERY YEAR.**

## **CORPORATE AND COMMERCIAL LAW**

### **LLM and POSTGRADUATE DIPLOMA**

#### ***Introduction***

The University of the West Indies (UWI) Master of Laws programme provides advanced legal education leading to a graduate qualification. It is aimed at legal practitioners, academics, legislative draftpersons, and students of law seeking higher qualifications.

The Corporate and Commercial Law programme aims to enhance the ability of lawyers and other qualified persons working in the corporate and financial services sector throughout the region to function more effectively in such areas as Corporate Law, Offshore Financial Law, Corporate Finance, Insolvency Law and Intellectual Property Law. It equips them to address the issues and problems arising in these areas, to serve as legal advisors and policy advisors to clients, including corporate clients and regional Governments, and to be better placed to undertake complex litigation before international tribunals, ordinary courts and the Caribbean Court of Justice (CCJ). The programme lays the foundation for lawyers to contribute to the development of a Caribbean jurisprudence in the area of corporate and commercial law.

#### ***Method of Delivery***

The courses for the LLM and Postgraduate Diploma in Corporate and Commercial Law will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

#### ***Time of Entry***

Students can begin the LLM (Corporate and Commercial Law) in either Semester 1 or Semester 2.

#### ***Course of Study***

##### **LLM**

Candidates for the UWI LLM Degree (Corporate and Commercial Law) must complete thirty-six (36) credit hours of the designated course of study.

A minimum of four (4) courses must be selected from the prescribed list of courses below and for their remaining credits, courses can be selected from any courses offered in the UWI LLM programme.

With the permission of the Faculty, candidates may substitute a Research Paper on a topic in Corporate and Commercial Law for one six (6) credit course. Students must apply for approval to register in Law 6900 Research Paper before the end of the second semester or teaching session from the commencement of the programme by the student.

The Research Paper must be completed at the end of the semester following the candidate's second semester or teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses.

Failure to complete the Research Paper within the time allotted will result in the award of a Graduate Diploma.

##### **Duration**

A student designated as a 'full-time student' will be required to complete the courses within a single academic year. A full-time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester.

A student designated as a 'part-time student' will be required to read for a minimum of one (1) course or a maximum of two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma (Corporate and Commercial Law).

Students unable to complete the full UWI LLM (Corporate and Commercial Law) are eligible to receive a Postgraduate Diploma (Corporate and Commercial Law) upon successful completion of twenty-four (24) credits, subject to the criteria for the award of the specialisation.

##### **POSTGRADUATE DIPLOMA**

Candidates for the UWI postgraduate diploma (Corporate and Commercial Law) must complete twenty-four (24) credit hours of the designated course of study.

A minimum of three (3) courses must be selected from the prescribed list of courses below. The remaining course can be selected from any courses offered in the UWI LLM programme.

\*Where a student is awarded the Postgraduate Diploma in Law and is accepted to pursue the LLM, they will be allowed to carry forward 12 credits from the Diploma. This means that the student will have to complete an additional 24 credits to be awarded the LLM degree.

***LIST OF CORPORATE AND COMMERCIAL COURSES***

<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>CREDITS</b>
LAW 6010	Banking Law	6
LAW 6020	E-Commerce Law	6
LAW 6130	Comparative Labour Law in a Corporate Environment	6
LAW 6310	Caribbean Business and Public International Law	6
LAW 6400	Company Law Theory in Modern Commerce	6
LAW 6402	Legal Aspects of Corporate Misconduct	6
LAW 6410	Advanced Insurance Law	6
LAW 6420	Law of Corporate Governance	6
LAW 6430	Advanced Corporate Finance	6
LAW 6450	Offshore Financial Law	6
LAW 6470	Advanced Intellectual Property Law	6
LAW 6490	Advanced Corporate Insolvency Law	6
LAW 6520	Advanced International Environmental Law	6

**NOTE THAT ALL COURSES MAY NOT BE OFFERED EVERY YEAR.**

# INTELLECTUAL PROPERTY LAW

## LLM and POSTGRADUATE DIPLOMA

### ***Introduction***

The University of the West Indies (UWI) Master of Laws programme provides advanced legal education leading to a graduate qualification. It is aimed at legal practitioners, academics, legislative draftspersons, and students of law seeking higher qualifications.

The aim of this programme is to enable legal practitioners and other interested persons to gain in-depth knowledge of intellectual property law in the Commonwealth Caribbean and globally. It will do so by introducing them to topics such as patent law, copyright law, trademark law, international intellectual property law, international trade law, competition law, intellectual property law and trade and the management of intellectual property assets.

The World Intellectual Property Organisation (WIPO) has agreed to provide expertise in delivering some of the courses offered. WIPO has also provided input into the design of the programme and the courses to be offered.

### ***Method of Delivery***

The courses for the LLM and Postgraduate Diploma in Intellectual Property Law will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

### ***Time of Entry***

Students can begin the LLM (Intellectual Property Law) in either Semester 1 or Semester 2.

### ***Course of Study***

#### **LLM**

Candidates for the UWI LLM Degree (Intellectual Property Law) must complete thirty-six (36) credit hours of the designated course of study.

A minimum of four (4) courses must be selected from the prescribed list of courses below. The remaining two (2) courses may be selected from any courses offered in the UWI LLM programme.

With the permission of the Faculty, candidates may substitute a Research Paper on a topic in Intellectual Property Law for one (1) six-credit course. Students must apply for approval to register in Law 6900: Research Paper before the end of the second semester or teaching session from the commencement of the programme by the student.

The Research Paper must be completed at the end of the semester following the candidate's second semester or teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses.

Failure to complete the Research Paper within the time allotted will result in the award of a Graduate Diploma.

### ***Duration***

A student designated as a 'full-time student' will be required to complete the courses within a single academic year. A full-time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester.

A student designated as a 'part-time student' will be required to read for a minimum of one (1) course or a maximum of two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma (Intellectual Property Law).

Students unable to complete the full UWI LLM (Intellectual Property Law) are eligible to receive a Postgraduate Diploma (Intellectual Property Law) upon successful completion of twenty-four (24) credits, subject to the criteria for the award of the specialisation.

**POSTGRADUATE DIPLOMA**

Candidates for the UWI postgraduate diploma in Intellectual Property Law must complete twenty-four (24) credit hours of the designated course of study.

A minimum of three (3) courses must be selected from the prescribed list of courses below. The remaining course can be selected from any courses offered in the UWI LLM programme.

\*Where a student is awarded the Postgraduate Diploma in Law and is accepted to pursue the LLM, they will be allowed to carry forward 12 credits from the Diploma. This means that the student will have to complete an additional 24 credits to be awarded the LLM degree.

***LIST OF INTELLECTUAL PROPERTY COURSES***

<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>CREDITS</b>
LAW 6200	The Management of Intellectual Property Assets	6
LAW 6201	Copyright Law (The Protection of Creative Assets)	6
LAW 6202	Trade Mark Law (The Protection of Marketing Assets)	6
LAW 6203	Patent Law (The Protection of Technology Assets)	6
LAW 6204	International Intellectual Property Law	6
LAW 6205	International Trade and Intellectual Property Law	6

**NOTE THAT ALL COURSES MAY NOT BE OFFERED EVERY YEAR.**

## **PUBLIC LAW**

### **LLM and POSTGRADUATE DIPLOMA**

#### ***Introduction***

The subject of public law is central to the practice of good democratic governance and to the success of CARICOM's Single Market and Economy. The Public Law programme aims to provide legal practitioners, magistrates, senior public servants and other qualified persons with advanced training and a deeper understanding of issues in the core subjects of Constitutional and Administrative Law, in addition to others relevant to the regulation of public authorities, so as to enable them to represent their clients more effectively before the courts. The programme also seeks to equip candidates with the capacity to render more enlightened decisions in the discharge of their offices as senior managers of the public service and to give adequate and effective legal and policy advice to governments and other clients. It lays the foundation for the development of a regional jurisprudence in the area of Public Law.

#### ***Method of Delivery***

The courses for the LLM and Postgraduate Diploma in Public Law will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

#### ***Time of Entry***

Students can begin the LLM Public Law in either Semester 1 or Semester 2.

#### ***Course of Study***

##### **LLM**

Candidates for the UWI LLM Degree (Public Law) must complete thirty-six (36) credit hours of the designated course of study.

A minimum of four (4) courses must be selected from the prescribed list of courses below, and the remaining credits can be obtained from any courses offered in the UWI LLM programme.

With the permission of the Faculty, candidates may substitute a Research Paper on a topic in Public Law for one six (6) credit course. Students must apply for approval to register in Law 6900 Research Paper before the end of the second semester or teaching session from the commencement of the programme by the student.

The Research Paper must be completed at the end of the semester following the candidate's second semester or teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses.

Failure to complete the Research Paper within the time allotted will result in the award of a Graduate Diploma.

#### ***Duration***

A student designated as a 'full-time student' will be required to complete the courses within a single academic year. A full-time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester.

A student designated as a 'part-time student' will be required to read for a minimum of one (1) course or a maximum of two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma (Public Law).

Students unable to complete the full UWI LLM (Public Law) are eligible to receive a Postgraduate Diploma (Public Law) upon successful completion of twenty-four (24) credits, subject to the criteria for the award of the specialisation.

**POSTGRADUATE DIPLOMA**

Candidates for the UWI postgraduate diploma in Public Law must complete twenty - four (24) credit hours of the designated course of study.

A minimum of three (3) courses must be selected from the prescribed list of courses below. The remaining course can be selected from any courses offered in the UWI LLM programme.

\*Where a student is awarded the Postgraduate Diploma in Law and is accepted to pursue the LLM, they will be allowed to carry forward 12 credits from the Diploma. This means that the student will have to complete an additional 24 credits to be awarded the LLM degree.

***LIST OF PUBLIC LAW COURSES***

<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>CREDITS</b>
LAW 6300	Advanced Public International Law	6
LAW 6330	Advanced Public International Trade Law	6
LAW 6460	Competition Law in a Global Economy	6
LAW 6520	Advanced International Environmental Law	6
LAW 6600	Advanced Caribbean Integration Law	6
LAW 6720	Public Law I – Advanced Constitutional Law	6
LAW 6730	Public Law II – Advanced Administrative Law	6
LAW 6750	Advanced International Human Rights Law	6

**NOTE THAT ALL COURSES MAY NOT BE OFFERED EVERY YEAR.**



## LEGISLATIVE DRAFTING

### LLM and POSTGRADUATE DIPLOMA

#### Introduction

The Legislative Drafting programme is designed to train lawyers in the skill of drafting legislation to further the regulation of societal affairs. In addition to instruction in the technical skill of drafting 'traditional' legislation, the programme provides the candidates with a basic understanding of treaty drafting and constitution writing. The programme brings greater intellectual depth and breadth to candidates so that they will not only be technically qualified draftspersons but also effective policy advisors to their Governments and other clients. To this end, the programme requires that candidates registered for the Masters (as opposed to the Postgraduate Diploma only) take, in addition to the core course in Legislative Drafting, Public Law I (Advanced Constitutional Law), Public Law II (Advanced Administrative Law), and either: (a) two additional UWI LLM courses, or (b) a single course and to produce a Research Paper, or (c) a single course and to engage in a Supervised Legislative Drafting Internship.

#### Method of Delivery

The courses for the LLM and Postgraduate Diploma in Legislative Drafting will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Students are also **required** to attend the St. Augustine Campus for two to four intensive, residential sessions. Dates for these sessions, each of which may be one to two weeks in duration, will be announced at the beginning of the semester.

#### Time of Entry

The LLM Legislative Drafting begins in Semester 1.

#### Course of Study

##### LLM

Candidates registered for the **UWI LLM in Legislative Drafting** must complete the following:

COURSE CODE	COURSE TITLE	CREDITS
LAW 6740	Legislative Drafting	12
LAW 6720	Public Law I – Advanced Constitutional Law	6
LAW 6730	Public Law II – Advanced Administrative Law	6

For their remaining credits, candidates in the UWI LLM in Legislative Drafting programme may:

1. select any two (2) courses offered in the UWI LLM programme;

##### OR

2. select one (1) course offered in the UWI LLM programme and apply to complete a Research Paper on a topic in Legislative Drafting or on a topic in either Public Law I or Public Law II or on such other topic as the Faculty may permit;

##### OR

3. select one (1) course offered in the UWI LLM programme and apply to complete a Supervised Internship course focusing on legislative drafting.

The Research Paper and Supervised Legislative Drafting Internship courses are each worth six (6) credit hours.

##### COURSE-BASED OPTION

COURSE CODE	COURSE TITLE	CREDITS
<b>FIRST SEMESTER:</b>		
LAW 6720	Public Law I – Advanced Constitutional Law	6
LAW 6740	Legislative Drafting (year-long)	12
<b>AND one additional UWI LLM course</b>		
<b>SECOND SEMESTER:</b>		
LAW 6730	Public Law II – Advanced Administrative Law	6
<b>AND one additional UWI LLM course</b>		

##### RESEARCH PAPER OR INTERNSHIP OPTION

COURSE CODE	COURSE TITLE	CREDITS
<b>FIRST SEMESTER:</b>		
LAW 6720	Public Law I – Advanced Constitutional Law	6
LAW 6740	Legislative Drafting (year-long)	12
<b>AND one additional UWI LLM course</b>		

**SECOND SEMESTER:**

LAW 6730	Public Law II – Advanced Administrative Law	6
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**SUMMER SESSION:**

LAW 6900	Research Paper	6
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**OR**

LAW 6910	Supervised Legislative Drafting Internship	6
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The Research Paper must be completed at the end of the semester following the candidate's second semester or teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses.

Students must apply for approval to register in Law 6900 Research Paper or Law 6910 Supervised Legislative Drafting Internship before the end of the second semester or teaching session from the commencement of the programme by the student.

**POSTGRADUATE DIPLOMA**

Candidates registered for the Postgraduate Diploma in Legislative Drafting will be awarded the Diploma on successful completion of the core course in Legislative Drafting and twelve (12) other credits from the list of courses on the UWI LLM.

A candidate who has registered for the LLM in Legislative Drafting but only completes the core course in Legislative Drafting and an additional twelve (12) credits from the list of courses for the UWI LLM will be awarded the Postgraduate Diploma in Legislative Drafting.

\*Where a student is awarded the Postgraduate Diploma in Law and is accepted to pursue the LLM, they will be allowed to carry forward 12 credits from the Diploma. This means that the student will have to complete an additional 24 credits to be awarded the LLM degree.

## **OIL AND GAS LAW**

### **LLM and POSTGRADUATE DIPLOMA**

#### ***Introduction***

The postgraduate offering in Oil and Gas Law continues the Faculty of Law's work to pioneer relevant, cutting-edge law courses that would meet the needs of forward-looking nations pursuing dynamic development.

Oil & Gas Law is considered as one of the areas of importance to Trinidad and Tobago and Guyana. The wider Caribbean region is increasingly receptive to energy issues and thus it is envisaged that this initiative will form part of a broader effort for the UWI Faculty of Law to provide continuing legal education at the postgraduate level and to ensure that the Faculty maximises its positive impact on the regional constituents that it serves. The postgraduate programme in Oil and Gas Law is currently not offered by any other country in the Caribbean region. Hence these courses will attract not only students in Trinidad and Tobago and Guyana but also in the wider region and Latin America as well.

#### ***Method of Delivery***

The UWI LLM is offered by way of a combination of multiple modes of delivery (blended learning), which may include 'face to face' instruction, online instruction, teleconferencing and other modes of technological communication. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two Faculties of Law.

#### ***Time of Entry***

Students can begin the LLM in either Semester 1 or Semester 2. However, it should be noted that the core courses required to achieve the specialism in Oil and Gas Law are year-long courses that begin in Semester I.

#### ***Course of Study***

##### **LLM**

Candidates for the UWI LLM Degree must complete thirty-six (36) credit hours of the designated course of study comprised of the two (2) core Oil and Gas Law twelve credit courses (LAW 6605 and LAW 6610) and any two (2) six-credit courses offered in the UWI LLM programme.

With the exceptions noted above students can select from any courses offered in the UWI LLM programme.

#### ***Duration***

A student designated as a 'full-time student' will be required to complete the courses within a single academic year.

A full-time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester.

A student designated as a 'part-time student' will be required to read for a minimum of one (1) course or a maximum of two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma in Law.

Students unable to complete the full UWI LLM are eligible to receive a Postgraduate Diploma in Law upon successful completion of twenty-four (24) credits.

#### **POSTGRADUATE DIPLOMA**

Candidates for the UWI PG Diploma must complete twenty-four (24) credit hours of the designated course of study comprised of the following:

(i) Two core, two-semester courses in:

**LAW 6605 – Oil and Gas Law – 12 credits (2 semesters)**

**LAW 6610 – Energy Transitions and International Energy Investments – 12 credits (2 semesters)**

**OR**

- (ii) One of the two core courses (LAW 6605 or LAW 6610), and  
For their remaining credits, candidates in the UWI PG Diploma in Oil and Gas Law shall:
- i. select twelve (12) credits worth of courses offered in the UWI PG programme; **OR**
  - ii. select one (1) six-credit course offered in the UWI PG programme and apply to complete a Research Paper on a topic in Oil and Gas Law or on such other topic as the Faculty may permit. The Research Paper is worth six (6) credit hours.

\*Where a student is awarded the Postgraduate Diploma in Law and is accepted to pursue the LLM, they will be allowed to carry forward 12 credits from the Diploma. This means that the student will have to complete an additional 24 credits to be awarded the LLM degree.

# LIST OF LLM COURSES

## LIST OF COURSES

COURSE CODE	COURSE TITLE
LAW 6010	Banking Law
LAW 6020	E-Commerce Law
LAW 6130	Comparative Labour Law in a Corporate Environment
LAW 6150	Global Health Law
LAW 6200	The Management of Intellectual Property Assets
LAW 6201	Copyright Law (The Protection of Creative Assets)
LAW 6202	Trade Mark Law (The Protection of Marketing Assets)
LAW 6203	Patent Law (The Protection of Technology Assets)
LAW 6204	International Intellectual Property Law
LAW 6205	International Trade and Intellectual Property Law
LAW 6300	Advanced Public International Law
LAW 6310	Caribbean Business and Public International Law
LAW 6330	Advanced Public International Trade Law
LAW 6350	Global Perspectives in Public Procurement
LAW 6400	Company Law Theory in Modern Commerce
LAW 6402	Legal Aspects of Corporate Misconduct
LAW 6410	Advanced Insurance Law
LAW 6420	Law of Corporate Governance
LAW 6430	Advanced Corporate Finance
LAW 6450	Offshore Financial Law
LAW 6460	Competition Law in a Global Economy
LAW 6470	Advanced Intellectual Property Law
LAW 6490	Advanced Corporate Insolvency Law
LAW 6520	Advanced International Environmental Law
LAW 6600	Advanced Caribbean Integration Law
LAW 6605	Oil and Gas Law (12 credits)
LAW 6610	Energy Transitions and International Energy Investments (12 credits)
LAW 6720	Public Law I – Advanced Constitutional Law
LAW 6730	Public Law II – Advanced Administrative Law
LAW 6740	Legislative Drafting (12 credits)
LAW 6750	Advanced International Human Rights Law
LAW 6760	Advanced International Investment Law

**NOTE THAT NOT ALL COURSES MAY BE OFFERED EVERY YEAR.**

## **COURSE DESCRIPTIONS**

*COURSES ARE LISTED IN ALPHANUMERIC ORDER BY COURSE CODE*

### **COURSE CODE: LAW 6010**

#### **TITLE: BANKING LAW**

#### **CREDITS: 6**

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

The course will enable students to:

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

The following topics will be discussed in this course:

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

#### **ASSESSMENT**

40% Coursework, 60% Final Examination

### **COURSE CODE: LAW 6020**

#### **TITLE: E-COMMERCE LAW**

#### **CREDITS: 6**

**COURSE DESCRIPTION:** This module aims to provide the student with an in-depth look at the legal issues surrounding electronic commerce. The course starts looking at the intellectual property issues that arise in the context of e-commerce transactions. It then examines the more traditional legal issues surrounding business in an electronic format, particularly the formal validity of electronic transactions, security and authentication, contract formation and electronic payment systems.

The course then covers consumer issues, such as data protection and privacy. The course also explores various content issues that have arisen in e-commerce including defamation and liability of internet service providers. The course proceeds to analyse in-depth litigation strategies in the shape of online dispute resolution and jurisdiction, and will finish with new legal topics in electronic commerce, including commerce in so-called virtual worlds and open licensing.

The course will focus on aspects of the following:

1. **Intellectual Property:**
  - (i) Copyright;
  - (ii) Patents;
  - (iii) Trademarks/Passing Off; and
  - (iv) Breach of Confidence.
2. **Business and Commerce:**
  - (i) Contractual Formation;
  - (ii) Digital Signatures;
  - (iii) Electronic Payments and Consumer Protection;
  - (iv) Data Privacy/Protection; and
  - (v) Conflicts of Laws/Jurisdiction.
3. **Content Issues:**
  - (i) Computer/Cyber Crime;
  - (ii) Defamation;
  - (iii) Pornography;
  - (iv) Liability of Internet Service Providers;
  - (v) Regulating Telecommunications.

#### **ASSESSMENT**

40% Coursework, 60% Final Examination

**COURSE CODE: LAW 6130****TITLE: COMPARATIVE LABOUR LAW IN A CORPORATE ENVIRONMENT****CREDITS: 6**

**COURSE DESCRIPTION:** The globalisation process, greatly assisted by technological advances, will present many challenges for labour law. As competition increases, companies will strive to reduce as much as possible the cost of doing business. The likely consequences of this are an increase in lay-offs and redundancies, the flexibilisation of labour and wages, the marginalisation of trade unions and increased pressure on the authorities to roll back the rights won by the workers over the years. In such a context, a clear understanding of the principles governing employment law is critical.

Beyond this however, the philosophy and policies which underlie these principles must be thoroughly analysed if they are to be accorded their true status in the new globalised economy. The course is taught from a Commonwealth Caribbean perspective but draws on comparative sources and international labour standards.

Among the areas examined are:

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

**ASSESSMENT**

40% Midterm paper; 60% Final Examination

**COURSE CODE: LAW 6150****TITLE: GLOBAL HEALTH LAW****CREDITS: 6**

**COURSE DESCRIPTION:** This course will be taught jointly by staff from the University of West Indies at St. Augustine and staff from the Global Center for Legal Innovation on Food Environments ("Global Center") at the O'Neill Institute for National and Global Health Law at Georgetown University Law Center.

The course explores the roles that the law, lawyers, and legal institutions play in global health. More specifically, it examines regional and international law and policy that directly or indirectly affect global health, including treaties, regulations, global strategies, and expert guidelines. This course provides a foundation in these instruments, laws and policies, including, but not limited to: the governance of the World Health Organisation, the International Health Regulations, the WHO Framework Convention on Tobacco Control, the Single Convention on Narcotic Drugs of 1961, the International Covenant on Economic, Social, and Cultural Rights, and relevant regional instruments of the Inter-American Human Rights System.

This course aims to equip students with:

- Knowledge of the substantive foundations of global health law, including public international law; human rights law; global health governance; and principles of public health law, as well as how these fields of law dialogue to address global health issues;
- Knowledge of the legal issues related to a range of global health challenges, including non-communicable diseases (NCDs), infectious diseases, mental health, narcotics and sexual and reproductive rights; and
- Ability to use various skills relied upon by global health lawyers, including legal research, analysis and writing, strategic thinking, advocacy, and litigation.

The following topics will be discussed in this course:

- Foundations of Global Health Law
- Foundations of Global Health Governance
- Health and Human Rights Law (Right to Health)
- Health and Human Rights Law (Sexual and Reproductive Rights)
- Communicable Diseases and the Law (Law and Infectious Outbreaks)
- Communicable Diseases and the Law (Access to Medication)
- Non-Communicable Diseases and the Law
- Non-Communicable Diseases and the Law (Regulatory Interventions)

**ASSESSMENT**

100% Coursework

**COURSE CODE: LAW 6200****TITLE: THE MANAGEMENT OF INTELLECTUAL PROPERTY ASSETS****CREDITS: 6**

**COURSE DESCRIPTION:** The importance of innovation and intellectual assets management is being more recognised as traditional business models change and the value of companies shift to the ownership, control and exploitation of intangible assets. Although these developments have been taking place at a slower pace in the Caribbean, compliance with international financial standards and the reporting requirements for intangibles, greater merger and acquisition activity, the need to respond to more sophisticated consumers through strong marketing and branding programmes and the drive of regional Governments for innovation and creativity have spurred a changing perspective. Without a doubt there is a need for education for business executives involved in various functions but especially licensing, research and development and business development to ensure there is a well-informed competence in the management of intellectual assets. This need is not centred on a legal framework which is only one dimension, but also speaks to recognising the complicated and compound nature of intellectual asset management which involves various management functions which is the approach of the proposed programme.

The course will introduce students to the issues that lie at the centre of management of intellectual property assets and innovation and technology transfer. Persons who have an interest in knowing more about the business side of intellectual property rights will find this course very useful.

**Topics covered:**

1. Introduction to Intellectual Asset Management
2. Introduction to Knowledge Management
3. Innovation and Technology Transfer
4. Intellectual Property Ownership (licensing, assignment and distribution basics)
5. Branding, Sponsorship and Merchandising Agreements
6. Intellectual Property Audits and Protection
7. IP Finance: The Valuation and Taxation of Intellectual Assets

**ASSESSMENT**

60% Coursework; 40% Final Examination

**COURSE CODE: LAW 6201****TITLE: COPYRIGHT LAW (THE PROTECTION OF CREATIVE ASSETS)****CREDITS: 6**

**COURSE DESCRIPTION:** This course is designed to develop students' understanding of key principles of copyright law, focusing too on the issues such as copyright infringement in the digital age and the Internet. The student will be introduced the core principles of domestic copyright law, in the context of international principles relating to copyright. The issues will focus on the application of these principles to the problems that developing countries face.

Since copyright law is one of the core intellectual property rights, the focus of protecting such creative assets has implications for our societies because, first, we generate such create assets though our music, folklore etc.; and, second, we are users of these creative assets. An understanding of copyright law from an end-user and creator perspective is therefore critical.

**Course Content**

1. Introduction
2. Justification for Copyright
3. Basic Copyright Principles
4. Copyright Subject Matter
5. Ownership of Copyright
6. Subsistence of Copyright
7. Infringement of Copyright
8. Permitted Acts and Defences
9. Moral Rights
10. International and Regional Copyright Treaties
11. Remedies

**ASSESSMENT**

40% Coursework; 60% Final Examination



**COURSE CODE: LAW 6202****TITLE: TRADE MARK LAW (THE PROTECTION OF MARKETING ASSETS)****CREDITS: 6**

**COURSE DESCRIPTION:** This course is designed to develop students' understanding of key principles of trademark law, focusing too on the issues such as trademark infringement in the digital age and the Internet. With the increasing production of counterfeit products that are being generated, and the ease with which they are able to enter the borders of Commonwealth Caribbean countries, it is important that students are introduced to the legal regime for protecting such creative assets. Knowledge about how to protect such assets will enable students to better advise clients about the types of protection that they require and how to enforce their legal rights.

**Course Content**

1. Introduction
2. Function, history and economics of Trademark protection
3. Registration Process
4. Absolute Grounds for Refusal
5. Relative Grounds for Refusal
6. Exploitation of Trademarks
7. Trademark Infringement
8. Losing the mark
9. International and regional trademark treaties
10. Remedies

**ASSESSMENT**

40% Coursework; 60% Final Examination

**COURSE CODE: LAW 6203****TITLE: PATENT LAW (THE PROTECTION OF TECHNOLOGY ASSETS)****CREDITS: 6**

**COURSE DESCRIPTION:** This course is designed to develop students' understanding of key principles of patent law and to enable them to apply these to issues that arise in the information and technologically advanced age. The students will examine issues relating to the process for registering a patent, patentability requirements, ownership, infringement and remedies.

With the increasing emphasis in the Commonwealth Caribbean on innovation, it is critical that students are aware of the methods by which their innovations can be protected. The knowledge gained will better enable them to advise persons in respect of not only the process for protecting technology assets but also whether the subject matter is worthy of protection, and what remedies are available to them if infringement occurs.

**Course Content**

1. Introduction
2. Patenting Process, History & Strategy
3. Patentability: Novelty
4. Patentability: Inventive Step & Sufficiency
5. Patentable Subject Matter: Software & Business Method Inventions
6. Patentable Subject Matter: Biotechnological & Medical Inventions
7. Patent Infringement: Construction
8. Patent Infringement: Infringing Acts & Exceptions
9. Enforcement, Litigation & Licensing
10. International and regional patent treaties
11. Confidential Information

**ASSESSMENT**

40% Coursework; 60% Final Examination

**COURSE CODE: LAW 6204****TITLE: INTERNATIONAL INTELLECTUAL PROPERTY LAW****CREDITS: 6**

**COURSE DESCRIPTION:** This course is designed to develop students' understanding of key principles of international intellectual property law and to enable them to apply these to issues that arise in the global arena. Students will be introduced to such issues that not only have global significance but are also important to the countries of the Commonwealth Caribbean, such as traditional knowledge, information technology and intellectual property and development. Since this course focuses on international intellectual property law, it will examine a divergence of views from developing and developed countries on issues such as foreign direct investment, trade, innovation, public health, and genetic resources and traditional knowledge.

**Course Content**

1. Globalisation and IP
2. International Law and Political Economy of IP
3. Legal, Philosophical and Economic Justifications
4. Copyright
5. Patents and Trade Secrets
6. Trade Marks
7. Designs
8. Other IP Rights
9. International Human Rights and IP
10. Information Technologies and the Internet
11. IP and Development
12. Education, Culture and Knowledge
13. Biology Life and Health
14. Traditional Knowledge, Folklore and Cultural Expressions

**ASSESSMENT**

40% Coursework; 60% Final Examination

**COURSE CODE: LAW 6205****TITLE: INTERNATIONAL TRADE AND INTELLECTUAL PROPERTY LAW****CREDITS: 6**

**COURSE DESCRIPTION:** This course is designed to develop students' understanding of key principles of international trade and intellectual property law. It will first examine the principles of international trade and provide the context for the second part of the course, which will examine the important intellectual property issues that arise in the context of international trade.

Since all the Commonwealth Caribbean countries are members of the World Trade Organisation and therefore signatories to the Agreement on Trade Related Aspects of Intellectual Property Rights, it is important that students understand the important relationship between the trade in goods and services and intellectual property. This is even more important in light of the intellectual property provisions found in the recently signed EU-Caribbean Economic Partnership Agreement.

**Course Content**

1. Introduction
2. International intellectual property law
3. Basic principles of Intellectual property law
4. Principles of international trade law and TRIPs
5. Access to medicines and public health
6. Geographical indications
7. Biodiversity, genetic resources and traditional knowledge
8. TRIPs and Technology transfer
9. International enforcement of intellectual property rights

**ASSESSMENT**

40% Coursework; 60% Final Examination

**COURSE CODE: LAW 6300****TITLE: ADVANCED PUBLIC INTERNATIONAL LAW****CREDITS: 6**

**COURSE DESCRIPTION:** This course examines three discrete aspects of Public International Law, namely, the law concerning the use of force in international relations, the law of the sea and the law of state responsibility, including the treatment of foreign direct investment. The main concerns will be (1) to consider the ways in which legal principles and rules influence the decision-making process in international relations, and (2) to examine the extent to which different groups of states, and in particular, developing States, have sought to shape Public International Law to suit their national and group interests. Special emphasis will be placed on the manner in which states have used the United Nations and other multilateral agencies as important arenas for the formulation of treaty rules and for the elaboration of norms of customary international law. Particular attention will also be placed on issues relating to the use of law as an instrument of international development.

**ASSESSMENT**

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

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

**COURSE CODE: LAW 6310****TITLE: CARIBBEAN BUSINESS AND PUBLIC INTERNATIONAL LAW****CREDITS: 6**

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

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

Topics include the distinction between public and private international law and the relationship between international law and other areas such as:

1. Movement of persons across borders;
2. International Telecommunications law;
3. Law of the Air;
4. Law of Sea;
5. Human Rights Law; and
6. Environmental Law

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

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

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

**ASSESSMENT**

100% Final Examination

**COURSE CODE: LAW 6330****TITLE: ADVANCED PUBLIC INTERNATIONAL TRADE LAW****CREDITS: 6**

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

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

In **Part II**, the traditional international law of investor protection, including its modern development through networks of bilateral agreements and the International Centre for Settlement of Investment Disputes (ICSID) system, is discussed in outline. This is an important complementary topic to WTO law, since WTO law has only limited application to investment. The investment regime aspects of the projected Free Trade Area of the Americas (FTAA) and of CARICOM Single Market and Economy (CSME) are addressed in Part IV, after the study of the WTO system.

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

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

Specific areas of inquiry under each part include:

**PART I: Background issues of international law**

1. The distinction between public and private international law
2. The relationship between international law and national law

**PART II: International law and investor protection**

1. State responsibility and diplomatic protection
2. National treatment as the lowest standard
3. Investor protection agreements (bilaterals, ICSID Convention)

**PART III: The World Trade Organisation system**

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

**PART IV: Regional trade agreements**

1. GATT Article XXIV and GATS Articles V and V bis (FTAA, CSME, the "WTO-plus" dimension, conflicts of dispute settlement jurisdiction)

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

**ASSESSMENT**

100% Final Examination

**COURSE CODE: LAW 6350****TITLE: GLOBAL PERSPECTIVES IN PUBLIC PROCUREMENT****PREREQUISITES: COMPLETION OF ALL COURSES****CREDITS: 6**

**COURSE DESCRIPTION:** This course provides a broad survey of the regulatory regimes, trade treaties and case law developments that shape public procurement around the world and across the Caribbean. The course will also provide students with practical perspectives on how to advise public institutions and their private sector suppliers on the key considerations that apply to public procurement projects.

**Course Content**

1. The course is divided into the following ten modules:
2. Statutory Structures Part I will include a survey of statutory governance models including the WTO's Agreement on Government Procurement, the UN Model Procurement Law, the European Procurement Directive, the UK Procurement Regulations, and the American Bar Association Model Procurement Code, as well as model codes from a range of international development banks.
3. Statutory Structures Part II will include a sampling of procurement-related statutory codes from other Commonwealth jurisdictions.
4. Statutory Structure Part III will survey recent procurement-related statutory developments across the Caribbean.
5. Public Audits Part I will include a survey of global public audit reports relating to good governance in procurement including World Bank Country Procurement Assessment Reports, UN procurement reviews, and other public audits from the UK, US, Canada, Australia and New Zealand.
6. Public Audits Part II will focus on public audit reviews from across the Caribbean, including the Jamaican Contract General's Office, the Cayman Islands Auditor General, the Trinidad and Tobago Auditor General and the Barbados Auditor General, along with other audit reports and related newsreel highlights from across the region.
7. Case Law Considerations Part I will include a historical survey of leading precedent setting procurement decisions from across the UK, US and broad selection of Commonwealth jurisdictions from around the world.
8. Case Law Considerations Part II will survey recent procurement case law developments from across the UK, US and a broad selection of Commonwealth jurisdictions from around the world.
9. Case Law Considerations Part III will survey recent procurement case law developments from across the Caribbean.
10. Practical Considerations Part I will synthesise the topics covered in prior modules and provide a general overview of the project governance due diligence practices that apply to project design planning and tendering format selection.
11. Practical Considerations Part II will synthesise the topics covered in prior modules and provide a general overview of the key components for solicitation document drafting including scoping statements, pricing structures and evaluation criteria and procedures.

**ASSESSMENT**

40% Coursework; 60% Final Examination

**COURSE CODE: LAW 6400****TITLE: COMPANY LAW THEORY IN MODERN COMMERCE****CREDITS: 6**

**COURSE DESCRIPTION:** This course is an examination of the corporate form of business associations - the company- and the legal, economic and regulatory framework within which the company operates.

It builds upon the fundamental principles of company law by a contextualised and critical examination of the principal problems which confront a company within the world of commerce.

The key issues examined are:- The Jurisprudential foundation of company law; Theory of separate legal personality; The pre-incorporation contract challenge to separate legal personality; Challenges to defining the legitimate use of the corporate form - criminal liability challenge and tortious liability challenge; The problem of corporate ownership and control problems posed by multi-national and transnational companies; The problem of the small incorporated firm vs. corporate groups; Reconciling shareholder remedies with separate legal personality; and Reconciling creditors' rights on insolvency within separate legal personality.

**ASSESSMENT**

100% Take Home Examination

**COURSE CODE: LAW 6402****TITLE: LEGAL ASPECTS OF CORPORATE MISCONDUCT****CREDITS: 6**

**COURSE DESCRIPTION:** This course is intended to provide an examination of those aspects of corporate misconduct that are rapidly developing and assuming increasing importance globally. The course places a special emphasis on the role of the financial services industry in maintaining stability and integrity in the financial markets.

Topics to be covered will include:

1. The concept of corporate misconduct within the context of the financial services industry;
2. The need to regulate financial intermediaries i.e. banks, insurance companies, investment advisors etc.;
3. The issues relating to underground and parallel financial systems;
4. Money laundering - civil and criminal liability for "those who handle other people's money";
5. Insider Dealing - civil and criminal liability; and
6. Liability under the specific regulations governing the financial services industry, including market manipulation.

**ASSESSMENT**

100% Final Examination

**COURSE CODE: LAW 6410****TITLE: ADVANCED INSURANCE LAW****CREDITS: 6**

**COURSE DESCRIPTION:** Insurance is an increasingly important tool for the management of risk by both private and public enterprises. This course, at an advanced level, is intended to introduce students to the theoretical and practical challenges that face the Insurance Companies or the business of insurance in the Commonwealth Caribbean.

The course traces the historical development of Insurance Law to current trends and challenges facing the Insurance Industry in general and in particular the Commonwealth Caribbean. The course also examines the practical difficulties of companies which engage in "insurance business" as a part of the enterprise but without registering under the relevant Insurance Act thereby escaping the rigours of Insurance legislations and presenting obvious problems for regulators.

The course also examines such theoretical problems encountered by insurance law as:

1. The application of the basic principles of contract formation to Insurance Contracts; and
2. The issue of misrepresentation and non-disclosure.

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

**ASSESSMENT**

25% Research paper, 75% Final Examination

**COURSE CODE: LAW 6420****TITLE: CORPORATE GOVERNANCE****CREDITS: 6**

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

Corporate Governance focuses at an advanced level, on the principal legal and economic questions facing corporations in light of the recent scandals involving high profile corporations.

Among the topics considered are:

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

**ASSESSMENT**

100% Research Paper

**COURSE CODE: LAW 6430****TITLE: ADVANCED CORPORATE FINANCE****CREDITS: 6**

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

The course will examine corporate financing mechanisms with specific attention to problem-based strategies and related legal and regulatory frameworks. Course materials represent in general terms the core elements of two of the three major components of the course: Debt Finance and Equity Finance. The third major component of the course relates to company financing from the public. The focus of the course will be primarily on the core concepts of contemporary financing techniques. The selections made for individual seminar topics will reflect this focus.

These include:

1. The concept of capital and financing of Companies;
2. Raising share capital and the capital maintenance doctrine;
3. Corporate self-dealings;
4. Corporate distribution;
5. Concept of equity financing;
6. Loan capital (in particular Debt Financing); and
7. The taxation of companies.

**ASSESSMENT**

100% Research Paper

**COURSE CODE: LAW 6450****TITLE: OFFSHORE FINANCIAL LAW****CREDITS: 6**

**COURSE DESCRIPTION:** The offshore financial centre has become a significant revenue earner in the Commonwealth Caribbean and being inherently transnational, engages routinely the attention of capital producing nations outside of the region as well as leading international institutions. A unique and dynamic jurisprudence has developed alongside the offshore financial centre. It involves the straddling of several legal disciplines such as the law on trusts, banking, insurance, company law, revenue law, mutual legal assistance and law enforcement. This course addresses several of the complex issues raised in offshore financial law.

Specific areas of inquiry include:

1. An understanding and rationalisation of fundamental legal precepts and characteristics of offshore financial centres;
2. An analysis of the international business company (IBC) and its comparability with traditional company structures;
3. Issues of privacy, particularly in relation to regulating offshore financial centres;
4. Vehicles for mutual legal assistance;
5. An examination of the offshore trust as a hybrid legal concept and the legal challenges facing the offshore trust;
6. Selected conflict of laws issues in offshore financial law;
7. Issues relating to law enforcement and disclosure efforts; and
8. Challenges to the tax function of offshore financial centres.

**ASSESSMENT**

100% Final Examination

**COURSE CODE: LAW 6460****TITLE: COMPETITION LAW IN THE GLOBAL ECONOMY****CREDITS: 6**

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

Topics to be covered are:

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

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

On successful completion of this course, students should be able to:

1. Explain and critically evaluate the most controversial topics in antitrust law;
2. Analyse the legal, political and economic content of the topics under consideration;
3. Demonstrate a capacity for thorough research;
4. Utilise a systematic approach to using the multitude of computerised research sources in order to effectively research a legal problem;
5. Assimilate information from a range of sources;
6. Respond to factual and theoretical problems by assessing their legal implications in the context of competition law; and
7. Suggest, argue, report and critically evaluate alternative approaches to such problems.

**ASSESSMENT**

100% Final Examination



**COURSE CODE: LAW 6470****TITLE: ADVANCED INTELLECTUAL PROPERTY LAW****CREDITS: 6**

**COURSE DESCRIPTION:** This course aims to challenge students to apply the basic principles and understanding of intellectual property to issues and challenges in this globalised world. This multifaceted and dynamic concept, intellectual property covers areas such as:

1. Copyright;
2. Trademarks;
3. Patents;
4. Industrial designs; and
5. Geographical Indications

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

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

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

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

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

Building on the introductory part on Intellectual Property, Part II of the course goes on to examine:

- Some of the issues and problems that the law must confront in the age of information and technological innovation;
- The Digital Age and the question of the extensive use of the Internet as a tool in modern commerce, domain names and non-original databases;
- How these well-established principles interface with business development and developing countries concerns;
- The challenges faced by Commonwealth Caribbean countries which operate within the strictures of WTO and the Free Trade Areas of the Americas (FTAA).

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

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

**ASSESSMENT**

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

**COURSE CODE: LAW 6490****TITLE: ADVANCED CORPORATE INSOLVENCY****CREDITS: 6**

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

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

It is therefore important that lawyers and insolvency practitioners in general understand recent developments in insolvency law and increase their awareness of developments internationally, with a view to improving procedures and practices to deal with both existing and new problems.

In this context, the course will consider the fundamentals of business insolvency from a Commonwealth Caribbean perspective while examining the comparative bankruptcy and insolvency regimes. This course combines an analysis of relevant statutory material, concepts and procedures with an understanding of the policy choices in Corporate Insolvency and the different rules which an insolvency regime may play in the contemporary Commonwealth Caribbean society.

**ASSESSMENT**

100% Research Paper

**COURSE CODE: LAW 6520****TITLE: ADVANCED INTERNATIONAL ENVIRONMENTAL LAW****CREDITS: 6**

**COURSE DESCRIPTION:** This course examines the principles, rules, policies, politics, conventions and institutions of international and transnational environmental law:

The basic principles and philosophies that have shaped the emergence of international environmental law.

The political economy of international environmental law particularly the relations between developing and developed countries.

The broader international law context within which the subject is largely nested.

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

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

**ASSESSMENT**

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

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

**COURSE CODE: LAW 6600****TITLE: ADVANCED CARIBBEAN INTEGRATION LAW****CREDITS: 6**

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

Topics to be covered are:

1. The International Law Context of Caribbean Integration: the Law of International Organisations
  - The state in international law,
  - The international organisation in international law,
  - Supra-state entities in international law: the case of the European Union,
  - Supra-state entities in international law: the case of the Commonwealth; and
  - Regional customary international law.
2. Caribbean Integration: Nesting and Intersection
  - Legal issues of the nesting or intersecting relationship of CARICOM and OECS with (in particular) OAS and the Inter-American System, ACS, SICA, ACP Group, AOSIS, CBI, CARIBCAN, CARIFORUM.
3. Caribbean Integration: CARICOM and OECS as political institutions
  - Decision-making in CARICOM and OECS, CARICOM institutional reform, the OECS Economic Union, supranationality.
4. Caribbean Economic Integration, CSME and OECS Economic Union
  - The most favoured nation treatment principle;
  - The national treatment principle;
  - Right of establishment;
  - Movement of natural persons;
  - LDCs;
  - Safeguards;
  - The competition régime; and
  - Subsidies.
5. Dispute Settlement in Caribbean Regional Integration
  - The original jurisdiction of the Caribbean Court of Justice;
  - Other dispute settlement mechanisms; and
  - Conflicts between dispute settlement mechanisms.
6. Caribbean Integration: Functional Co-operation
  - CDB, ECCB, the Appellate Jurisdiction of the Caribbean Court of Justice, the Eastern Caribbean Supreme Court, UWI and other instruments of West Indian functional regional cooperation

Candidates who undertake this course successfully should be capable of:

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

**Reading**

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

**ASSESSMENT**

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

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

**COURSE CODE: LAW 6605****TITLE: OIL AND GAS LAW****CREDITS: 12**

**COURSE DESCRIPTION:** This course is offered as a core course for the LLM in Oil and Gas Law. Knowledge of Contract Law, Business Law, Real Property, Environmental Law and Public International Law would be an asset to understanding this course. This course is designed to give students a high level and critical thinking about fundamental legal issues associated with the oil and gas industry. It will include a study of the legal rights attached to the petroleum sector and an analysis of the nature and protection of interests and legal arrangements found in the oil and gas industry. The course will allow students to develop a strong foundation in the fundamentals of oil and gas law; and a strong understanding of oil and gas contracts, leases and liability issues involved in the oil and gas. Knowledge of Oil and Gas Law is a specialist area and will help to prepare students for a 21st Century law career. In addition, the course is designed to encourage creative and critical thinking, effective oral and written communication skills, and strong ethical values.

The following topics will be discussed in this course:

- Fundamentals of Oil and Gas
- Oil and Gas Ownership & Regulations in the Caribbean
- Oil and Gas Ownership & Regulations Internationally
- Oil and Gas Contracts
- Oil and Gas Sales & Marketing
- Oil and Gas Taxation & Accounting
- Oil and Gas Disputes Resolution

**ASSESSMENT**

100% Coursework

**COURSE CODE: LAW 6610****TITLE: ENERGY TRANSITIONS AND INTERNATIONAL ENERGY INVESTMENTS****CREDITS: 12**

**COURSE DESCRIPTION:** This course is offered as a core course for the LLM in Oil and Gas Law. This course covers the main environmental impacts of the oil and gas cycle, from exploration to abandonment/ decommissioning, and the key functions of the environmental laws for the protection and monitoring of the human and physical environment and energy transition. The role of the oil and gas industry in the broader context of climate change and transboundary pollution will be a subject of study in the course and students will be expected to evaluate alternatives to fossil fuel for energy production such as renewables. The importance of the links between sustainable development and environmental protection, and how these issues impact legislation for the oil and gas industry in global, regional and national contexts will also be highlighted.

The following topics will be discussed in this course:

- Health, Security, Safety and the Environment
- Energy Transition & Climate Change
- Ethics, Transparency and Anti-Corruption
- Corporate and Social Responsibility
- Multilateral and Bilateral Investments
- Stability & Insurances
- Sanctions and Trade Restrictions

**ASSESSMENT**

100% Coursework

**COURSE CODE: LAW 6720****TITLE: PUBLIC LAW I (ADVANCED CONSTITUTIONAL LAW)****CREDITS: 6**

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

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

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

In order to address some of these philosophical questions, we begin with the question of constitutional founding, using the U.S. Founding as representing the closest approximation in modern history of the ideal of constitutional founding.

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

**Part II**

The second part of the course focuses in more detail on the Constitutional Structure of the State. It explores the question of the centrality of the principle of Separation of Powers, as a structural and normative principle, in the design of the just State and to the practice of judicial review.

**Part III**

The third part of the course focuses on Fundamental Rights. This is the most intensely philosophical aspect of the course and begins by considering the central question of the nature of fundamental rights: What makes a right fundamental.

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

Next, the course studies Property as a fundamental right. Here, we explore the moral basis of property rights; that is to say, starting with Locke's Labour Theory, the course attempts to articulate a philosophical justification for the recognition of property rights as fundamental rights and draw the connections between rights to liberty and rights to property. But property is a special kind of social institution, or 'defining who, in a society, may control various classes of valuable objects for a variety of present and future purposes and the conditions under which this power may be exercised.' On this view, property rights are understood to be an integral part of the economic organisation of any society. It also means there are limitations on the exercise and enjoyment of the 'right.' For example, the State, through its police, tax and eminent domain powers, may impose limitations on property for the purpose of the economic and social development of the country and to achieve a more equitable distribution of wealth in the society.

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

**ASSESSMENT**

100% Take Home Examination

**COURSE CODE: LAW 6730****TITLE: PUBLIC LAW II (ADVANCED ADMINISTRATIVE LAW)****CREDITS: 6****COURSE DESCRIPTION**

This course in Advanced Administrative Law is designed principally to satisfy the continuing need for legislative draftspersons to remain topical and appreciative of the radical changes taking place in a dynamic discipline.

The philosophy behind the syllabus is to provide students with a firm theoretical grasp of Administrative Law principles as well as appreciation of the directions in which Administrative Law is moving. While focus is on the Commonwealth Caribbean we shall inexorably be adopting a comparative approach to our seminars, drawing on precedents from the wider Commonwealth as well as the respective jurisdictions from which our students are drawn.

The course proceeds on the central premise that we live in regulated societies, those regulations being measured against the constitutional backdrop. Furthermore, it is a tenet of modern-day reality that increasingly litigation as between citizens has given place to litigation between citizens and the state. Accordingly, the course focuses on those areas of the law that draftspersons ought to be constantly aware of, as they draft laws and offer policy advice to governments.

The course begins by addressing the question of Administrative Law fundamentals. Through an examination of select case law, trends and movements are identified with respect to new directions in Judicial Review.

**Ouster Clauses**

Students will be called upon to reflect on the conflict between two fundamental principles. - The right of access to the courts by citizens who have a genuine grievance versus the right of Parliament to decide on what legislation is appropriate for the good governance of the polity.

A critical examination of the role of the courts will be undertaken. The fundamental question to debate is whether, having regard to the overwhelming attitude of the courts toward ouster clauses, the valiant attempts to legal draftspersons to exclude judicial review are exercises in futility.

**The Boundaries of Administrative Justice**

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

**Natural Justice**

For the Caribbean region, natural justice is not simply a common law doctrine designed to offer procedural protections to citizens across the board. Natural Justice is firmly embedded in the bowels of Caribbean constitutions. Seminal cases on the subject will be critically examined and analysed.

**Doctrine of Legitimate Expectation**

A new and evolving doctrine, there is legitimate scope for argument and discussion as to how far its boundaries should extend.

An opportunity will be provided, once again, to pit the Caribbean case law against those of other jurisdictions, notably the UK, Australia, Canada and South Africa.

**Remedies**

From the prerogative writs, to orders and now to the inclusion of some important Private law remedies, the field is now chocked. By what principle can we rationalise these remedies? Should there be a single set of remedies or not? Should the courts be permitted to offer advisory opinions by way of aiding good administration? Should the courts play a part in developing a code of good administration?

**ASSESSMENT**

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

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

**COURSE CODE: LAW 6740****TITLE: LEGISLATIVE DRAFTING****CREDITS: 12**

**COURSE DESCRIPTION:** The objective of this course is to instruct in the techniques of writing legislation. Instruction is given by exercises devised to simulate on-the-job training in a government drafting service through the assignment and revision of drafting projects.

Emphasis will be on the composition of legislation. Other topics are complementary and are devised to give the student a greater awareness of the place and role of legislative drafting in the legislative process, and to enable the student to make comparisons with and understand the legislation of drafting services elsewhere.

The course will be delivered under the following headings:

- A. *Introduction*
  - 1. Preliminary and General: - Legislative Institutions; Classes of Legislatures; Instruments of the Written Law; and History of Parliamentary Drafting
  - 2. Drafting Environment: - Drafting Services in the English speaking societies; Comparing Drafting Services - Strengths and Weaknesses; and Law Officers of the Crown Complex
  - 3. Common Law Drafting: - Classifying the Methods; Structure of Bills; and Structure of Statutory Instrument
- B. *Composition of Legislation*
  - 1. The Legislative Sentence: - English Tradition; Colonial Tradition; American Tradition; Coode's legislative sentence; and "Modern" legislative sentence
  - 2. The Grammatical Sentence in Legislation: - Achieving a simpler form; "Plain English" Functional Clarity; New and old styles; and Communication difficulties
  - 3. Elements of the Legislative Provision: - Coode's Legislative sentence; and Grammatical Sentence examined
  - 4. Exercises in Writing Legislative Provisions
  - 5. Preparing the Draft Legislation: - Legislative Policy and Role of Drafters; Analyses; research, syntheses; Legislative Plan; Revision and Editing and Checking; Environment
  - 6. Standing Orders; and Constitution Interpretation Acts, etc.
  - 7. Relations of the Drafter to Ancillary Processes: - House Committees – Second Reading; Responsibility to sponsoring Minister, Chief Law Officer, Clerks of Parliament, Cabinet, and Printing Office
- C. *Statutes*
  - 1. Public Bills: - Government Bills; Private Members Bills; Private Bills; and Hybrid Bills
  - 2. Acts: - Public Acts; Local and Personal Acts; Private Acts; Omnibus Acts; Amending Acts; Consolidating Acts; Codifying Acts; and Repealing Acts
  - 3. Statutes: - Accessibility of Legislation; Tables and Indices; Text Processing, Storage and Retrieval; and Responsibility of Drafting Services
  - 4. Revision of Statutes: - Consolidation and Revision; Classes of Revision; Types of Revisors; Publication Methods; Recording of Sources; and Text Processing Methods
- D. *Management and Operation of the Drafting Office*
  - 1. Classification of Drafting Services: - Autonomous office; Dependent office; Hybrid office; and Other offices
  - 2. Relationship to Parliamentary Process: - United Kingdom; Barbados; United States - Federal and State; Canada - Federal and Province; and Comparison of Advantages and Disadvantages
  - 3. Ancillary or Related Services: - Construing Statutes; and
  - 4. The Drafter's Perspective

**ASSESSMENT**

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

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

**COURSE CODE: LAW 6750****TITLE: ADVANCED INTERNATIONAL HUMAN RIGHTS LAW****CREDITS: 6**

**COURSE DESCRIPTION:** This course considers international human rights law as this field has developed since the end of the Second World War. Emphasis will be placed on the so-called “three generations of human rights”, namely: (a) civil and political rights, (b) economic, social and cultural rights, and (c) group rights, such as the right to development. The nature and content of various rights will be examined, and although these rights will be considered mainly from a legal standpoint, reference will be made to the political and economic considerations that help to explain modern conceptions of human rights. The course will also consider developments with respect to the International Criminal Court and the law pertaining to the status of refugees. Considerable attention will be paid to the application of international human rights norms to Caribbean circumstances, as well as to the relevance of human rights norms in the context of modern terrorism.

**ASSESSMENT**

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

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

**COURSE CODE: LAW 6760****TITLE: ADVANCED INTERNATIONAL INVESTMENT LAW****CREDITS: 6**

**COURSE DESCRIPTION:** International investment law is the area of public international law, which governs foreign direct investment and the resolution of disputes between foreign investors and sovereign States. The course will cover such topics as the genesis, development and current features of international investment law; standards of treatment; protection against illegal expropriation; investor-state arbitration; and the future of international investment law.

**ASSESSMENT**

1. The course will be assessed by way of 100% coursework.

**COURSE CODE: LAW 6900****TITLE: RESEARCH PAPER****PREREQUISITES: COMPLETION OF ALL COURSES****CREDITS: 6**

**COURSE DESCRIPTION:** A candidate, who intends to submit a Research Paper shall submit a research proposal before the end of his second semester or teaching session. The Research Paper should be between 10,000-12,000 words exclusive of the bibliography, footnotes and appendices. The Research Paper requires wide reading. It is an exercise in thinking and reflection.

The Research Paper should indicate a fair degree of originality in argument, conclusion and source material. Where appropriate, evidence of extensive reading, clear comprehension of secondary materials and well-planned presentation may compensate for lack of originality. **There is no set course content in terms of research topic areas.**

*Choice of Topics*

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

*Submission of Proposals*

The Proposal should be submitted for approval to the Chairperson, Subcommittee for Graduate Studies, Faculty of Law (St. Augustine), and copied to the Deputy Dean, Graduate Studies and Research, Faculty of Law (St. Augustine), The University of the West Indies before the end of his or her second semester or teaching session.

The Proposal should include a synopsis of the topic of the Research Paper and should give detailed information on:

- a. the need for the study;
- b. the scope of the study;
- c. methodology;
- d. research materials (including citation of the relevant cases, statutes, treaties, journal articles and books);
- e. the format, inclusive of headings and sub-headings; and
- f. the potential use of the study.



The candidate may consult the Deputy Dean, Graduate Studies and Research, or a member of the academic staff in preparing the Proposal. This will enable the candidate to determine the appropriate scope or precise scope of the Research Paper to be undertaken. A candidate may request a particular member of staff to supervise the Research Paper and consult that staff member on his or her availability and for preliminary assistance. However, there is no guarantee that a staff member consulted will automatically be assigned to supervise the writing of the Research Paper of the candidate. Where a candidate has not requested a particular staff member to be his or her Supervisor, the Chairperson of the Sub-Committee, Graduate Studies will appoint a Supervisor for that candidate.

The candidate shall consult regularly with the Supervisor, and adhere to the supervisory directions and arrangements between the Supervisor and the candidate. The candidate has the responsibility to make the Supervisor aware of the progress of the research and of the difficulties encountered in the preparation of the Research Paper.

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

#### *Form of Research Paper*

The Research Paper should:

- a. have a title page which contains the title of the Research Paper, the name of the student, the Faculty degree sought and the academic year of presentation;
- b. be organised into chapters with headings and sub-headings where appropriate;
- c. be free of typographical, grammatical or other errors;
- d. be typed on 8.5 x 11" sized paper, double spacing; and
- e. have well organised appendices where applicable, name of supervisor, a table of contents, footnotes and a well-arranged bibliography with the author, title, date and place of publication clearly stated.

#### *Presentation and Style of the Research Paper*

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

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

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

Candidates must submit their Research Papers of the prescribed length properly documented with footnotes and bibliography. Candidates must submit four (4) spiral-bound copies of their Research Paper in type-written form on 8.5 x 11" paper and electronic format.

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

#### **ASSESSMENT**

100% Research Paper

#### **COURSE CODE: LAW 6910**

#### **TITLE: SUPERVISED LEGISLATIVE DRAFTING INTERNSHIP**

#### **CREDITS: 6**

**COURSE DESCRIPTION:** Permission of Dean of Law or Deputy Dean (Postgraduate and Research) is required before students select this course. Note that students will **not** be permitted to intern with a present employer.

Students permitted to take this course will engage in intensive legal drafting over the course of a summer term. They will work very closely with a supervisor and the legal unit within which that supervisor operates. The student will learn to take instruction and to research and draft legal documents, including legislation.

The course will be assessed by way of a student-created portfolio and a supervisor's report. The portfolio comprises all of the legal documents and legislation produced by the student during the internship. The supervisor's report formally assesses the student's performance during the internship.

#### **ASSESSMENT**

- a. Portfolio – 70% of the course mark;
- b. Supervisor's Report – 30% of the course mark.

# MPHIL/PHD LAW

## ***Entry Requirements***

### **MPHil**

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

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

### **PhD**

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

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

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

## ***Availability of Expertise and Resources***

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

## ***Application Process***

Applicants are strongly advised to consult with the Deputy Dean for Graduate Studies prior to applying. The Faculty of Law will provide information, and where applicable, advice on the research proposal. The research proposal is a core element of the application.

## ***Programme Structure/Course of Study***

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

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

## ***Courses***

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

## ***Compulsory Seminar Presentations***

For each seminar, candidates are required to write and present a paper to be distributed beforehand on a topic arising out of their research as well as to field questions put to them afterwards.

## ***Thesis***

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

## ***Conferral of the Degree***

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

## LIST OF MPhil/PHD COURSES

COURSE CODE	COURSE TITLE
LAW 6000	MPhil Law Thesis
LAW 6101	MPhil Research Seminar 1
LAW 6102	MPhil Research Seminar 2
LAW 8000	PhD Law Thesis
LAW 8001	PhD Research Seminar 1
LAW 8002	PhD Research Seminar 2
LAW 8003	PhD Research Seminar 3

### COURSE DESCRIPTIONS

*COURSES LISTED IN ALPHANUMERIC ORDER BY COURSE CODE*

**COURSE CODE: LAW 6000**

**TITLE: MPhil LAW THESIS**

**CREDITS: 0**

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

**ASSESSMENT:** Pass/Fail

**COURSE CODE: LAW 6101 (COMMON TO ALL MPhil STUDENTS)**

**TITLE: MPhil RESEARCH SEMINAR 1**

**TYPE: COMPULSORY FOR MPhil STUDENTS**

**CREDITS: 0**

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

**ASSESSMENT:** Pass/Fail

**COURSE CODE: LAW 6102 (COMMON TO ALL MPhil STUDENTS)**

**TITLE: MPhil RESEARCH SEMINAR 2**

**TYPE: COMPULSORY FOR MPhil STUDENTS**

**CREDITS: 0**

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

**ASSESSMENT:** Pass/Fail

**COURSE CODE: LAW 8000**

**TITLE: PHD LAW THESIS**

**CREDITS: 0**

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

**ASSESSMENT:** Pass/Fail

**COURSE CODE: LAW 8001 (COMMON TO ALL PHD STUDENTS)**

**TITLE: PHD RESEARCH SEMINAR 1**

**TYPE: COMPULSORY FOR PHD STUDENTS**

**CREDITS: 0**

**COURSE DESCRIPTION**

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

**ASSESSMENT:** Pass/Fail

**COURSE CODE: LAW 8002 (COMMON TO ALL PHD STUDENTS)**

**TITLE: PHD RESEARCH SEMINAR 2**

**TYPE: COMPULSORY FOR PHD STUDENTS**

**CREDITS: 0**

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

**ASSESSMENT:** Pass/Fail

**COURSE CODE: LAW 8003 (COMMON TO ALL PHD STUDENTS)**

**TITLE: PHD RESEARCH SEMINAR 3**

**TYPE: COMPULSORY FOR PHD STUDENTS**

**CREDITS: 0**

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

**ASSESSMENT:** Pass/Fail

# THE CAMPUS LIBRARIES

## THE UNIVERSITY OF THE WEST INDIES ST. AUGUSTINE CAMPUS

The Campus Libraries support the teaching, learning and research activities of The University of the West Indies (UWI), St. Augustine Campus (STA) community. These libraries include:

- The Alma Jordan Library
- The Medical Sciences Library
- The Norman Girvan Library of The Institute of International Relations
- The Republic Bank Library and Information Resource Centre of the Arthur Lok Jack Global School of Business
- The School of Education Library
- The Patience-Theunissen Memorial Library of the Seminary of St. John Vianney & the Uganda Martyrs Theological Institute at Mt St Benedict, and
- The Seismic Research Centre Library.

### **Resources for Students**

Each Library's website ([libraries.sta.uwi.edu/](http://libraries.sta.uwi.edu/)) is the gateway to its comprehensive electronic, print and multimedia information resources. From there, students can access state-of-the-art, scholarly, full-text databases on and off campus. The specialised and constantly updated collections contain information relevant to all faculties, research centres, and institutes on Campus. They currently provide access to approximately:

- electronic resources: - 262 databases, 111,464 e-journal titles and 67, 968 e-books
- print resources: - 500,000 books/monographs and 73 journal titles.

Moreover, a sizeable body of Caribbean research may be accessed from maps, microforms, newspapers, theses, photographs, oral history interviews, and over 150 special collections in the West Indiana and Special Collections Division.

### **Library Services**

- traditional loan services
- device loans
- personal and small group research consultations
- reference assistance
- inter-library loan/document delivery
- dissertation/thesis checking
- web-based guides
- orientation tours
- year-round Information literacy sessions

### **Library Facilities**

- audio-visual rooms
- computer laboratories
- photocopying and printing
- group study rooms
- areas for quiet study

### **Research Support**

An online chat service which provides users with immediate responses to questions in real-time with library staff is available from the AJL, the Medical Sciences Library, the School of Education Library the Republic Bank Library & Information Resource Centre and the Norman Girvan Library websites. Users can also submit queries when staff is not online. Users can find answers in the Frequently Asked Questions at <http://uwi-sta.libanswers.com> at the Alma Jordan Library and the Medical Sciences Library.

The Institutional Repository, **UWISpace**, ([uwispace.sta.uwi.edu/dspace/](http://uwispace.sta.uwi.edu/dspace/)) facilitates the collection, preservation, and distribution of the scholarly/research output of the University. Researchers are also allowed to archive and preserve datasets generated by their research activities,

**UWIScholar** ([uwischolar.sta.uwi.edu](http://uwischolar.sta.uwi.edu)) is our research information management system designed to aggregate and manage researcher (faculty and students) profiles and facilitate global networking and expertise discovery. The link to the dataset in UWISpace can be added to the list of research.

The libraries also provide services and software that enable UWI faculty, staff, and students to publish their own subscription and open-access online journals ([journals.sta.uwi.edu/](http://journals.sta.uwi.edu/)). These journals are published using Open Journals System (OJS), an open-source editorial management and publishing system, which can manage some or all of the stages of the journal publishing process including submissions, peer review, editing, online publishing, and indexing.

The AJL, in collaboration with the St. Augustine Centre for Innovation and Entrepreneurship (STACIE), and the Intellectual Property Office of the Ministry of the Attorney General and Legal Affairs provides an **Intellectual Property Help Desk Service** ([libraries.sta.uwi.edu/ajl/index.php/services/ip-help-desk](http://libraries.sta.uwi.edu/ajl/index.php/services/ip-help-desk)) to help support researchers.

For further information on these resources and services, please refer to your Library's website or contact your Faculty Liaison Librarian:

**Ms. Jolie Rajah**

Law Librarian

Rm. 227, 2nd Floor

The Alma Jordan Library

Tel.: 868-662-2002, Exts. 82276, 83360

E-mail: [jolie.rajah@sta.uwi.edu](mailto:jolie.rajah@sta.uwi.edu)

Fax: 868-662-9238

Alma Jordan Library: <http://libraries.sta.uwi.edu/ajl>

# THE STUDENT LIFE AND DEVELOPMENT DEPARTMENT (SLDD)

## *DIVISION OF STUDENT SERVICES AND DEVELOPMENT (DSSD)*

### WHO CAN ACCESS THE SERVICES OF SLDD?

**ANY** student can access the services through self-referral or referral by Faculties, Departments, friends, family, etc. We provide support to **ALL** students in the following areas:

#### *GENERAL SUPPORT – ALL STUDENTS*

- Peer-Pairing
- Referral to Counselling
- Access to a Safe Space for relaxing and restoration

#### *ACADEMIC SUPPORT - ALL STUDENTS*

- Time Management
- Examination Strategies
- Workload Management
- Study Skills - one on one sessions
- Educational Assessment – Lucid Adult Dyslexia Screening (LADS) & Learning and Study Strategies Inventory (LASSI)
- Peer Tutoring – one on one sessions

#### *INTERNATIONAL AND REGIONAL STUDENT SUPPORT*

- Assistance with Immigration matters – renewal of landing stamps, visas etc.
- Liaising with faculties and departments in The UWI and the Immigration Division

#### *POSTGRADUATE AND MATURE STUDENT SUPPORT*

- Opportunities for student employment such as peer tutoring, and examination invigilation
- Liaising with faculties and departments on any postgraduate and mature student matters

#### *DISABILITY SUPPORT/STUDENTS WITH MEDICAL CONDITIONS SUPPORT (TEMPORARY AND PERMANENT)*

- Loans of aids and devices such as laptops, digital voice recorders, wheelchairs, walking canes and crutches
- Special accommodations in the classroom and for examination
- Liaison with faculties, departments, deans, heads of departments, and lecturers
- Special parking accommodations - Accessible Parking Permits
- Student Support Group
- Assistive Technology Lab at the Alma Jordan Library- special software (JAWS)

**No student of The UWI will be discriminated against based on having special needs.** Every effort is made to facilitate requests related to mobility, general academic support and examinations accommodation.

### HOW DO I REGISTER AT SLDD?

- All students accessing the services must complete the registration form
- Collect a registration form from the SLDD office or download from <https://sta.uwi.edu/dssd/student-life-and-development-department> (SLDD website)
- Complete the registration form and submit to the office or via email to [sldd@sta.uwi.edu](mailto:sldd@sta.uwi.edu)
- Students with disabilities and medical conditions must submit a medical report from a qualified medical professional
- Schedule an appointment to meet with the Manager or a Student Support staff member
- An assessment of the student's needs will be conducted to determine the required service

### FOR MORE INFORMATION OR ASSISTANCE, CONTACT:

**Dr Jacqueline Huggins, Manager, Student Life and Development Department,**

Email – [sldd@sta.uwi.edu](mailto:sldd@sta.uwi.edu) or [jacqueline.huggins@sta.uwi.edu](mailto:jacqueline.huggins@sta.uwi.edu) OR Direct line 645-7526

**SLDD Website:** <https://sta.uwi.edu/dssd/student-life-and-development>

**Facebook:** <https://www.facebook.com/UWI-Student-Life-Development-Department-SLDD-948337438614375>

*Creating a Campus without Barriers*

# UNIVERSITY REGULATIONS ON PLAGIARISM

## APPLICATION OF THESE REGULATIONS

These Regulations apply to the presentation of work by a student for evaluation, whether or not for credit, but do not apply to invigilated written examinations.

## DEFINITIONS

1. In these Regulations, "plagiarism" means the unacknowledged use of the words, ideas or creations of another and includes situations where the student reuses without acknowledgment their own previously written text, ideas or creations when writing any new work.  
"Level 1 plagiarism" Level 1 plagiarism occurs where small quantities of the work are affected and/or the breaches are minor. It includes cases of cosmetic or poor paraphrasing, negligent referencing or incorrect or missing citations.  
"Level 2 plagiarism" Level 2 plagiarism occurs where large quantities of the work are affected and/or the breaches are serious. It includes cases in which a significant amount of material is borrowed or directly quoted or cosmetically paraphrased with no attribution at all, or attribution insufficient to indicate that the borrowed material is not the work of the student.
2. What may otherwise meet the definition of plagiarism may be justified for the purposes of Regulation [2](#) where the particular unacknowledged use of the words, ideas and creations of another is, by the standards of the relevant academic discipline, a function of part or all of the object of the work for evaluation whether or not for credit, including without limitation:
  - (a) The unacknowledged use is required for conformity with presentation standards;
  - (b) The task set or undertaken requires producing a result by teamwork for joint credit regardless of the level of individual contribution;
  - (c) The task set or undertaken requires the use of an artificial language, such as is the case with computer programming, where the use of unoriginal verbal formulae is essential.
3. The fact that a user enjoys the right of use of certain words, ideas and creations as a matter of intellectual property, does not justify their unacknowledged use under Regulations 2 and 3.
4. In these Regulations, "BGSR Regulations" means The University of the West Indies *Regulations for Graduate Certificates, Diplomas and Degrees*; "Director" means the Director for Graduate Studies and Research.

## EVIDENCE OF PLAGIARISM

5. In order to constitute evidence of plagiarism under these Regulations, there must be identified as a minimum the passage or passages in the student's work which is/are considered to have been plagiarised and the passage or passages from which the passages in the student's work are considered to have been derived.

## STUDENT CERTIFICATION

6. When a student submits for examination prepared work under Regulation [1](#), the student shall sign a statement, in such form as the Board for Graduate Studies and Research may prescribe, that the work submitted is free of plagiarism including unattributed unjustified quotation or paraphrase. The student may utilise electronic vetting to facilitate the assessment and certification. The results of the electronic vetting shall be provided to the Supervisor by the student when the work is submitted to the Supervisor for approval to submit for examination.
7. Quotation or paraphrase is attributed for the purpose of Regulation [7](#) if the writer has indicated that the work is not the writer's own, even if the source is not identified.
8. Absence of certification does not prohibit the University from proceeding with a charge of plagiarism.

## ELECTRONIC VETTING FOR PLAGIARISM BY THE UNIVERSITY

9. The Director may authorize or direct the Faculty Office, or other authorised body on behalf of the Campus Committee, that the work submitted under Regulation [7](#) be subjected to further electronic scrutiny in order to verify its freedom from plagiarism before being submitted to the Examiners. The results of the electronic vetting shall be submitted to the Director, the Dean and the Head of Department, and shall be considered in determining whether the University proceeds with submission of the work to the Examiners. The results of such electronic vetting although capable, where the requirements of Regulation 6 are satisfied, of constituting evidence under these Regulations, are not thereby conclusive of any question as to whether or not plagiarism exists.

10. Where suspected plagiarism is detected, whether through the procedures outlined in Regulation 10, or whether subsequently during the course of examination, the person(s) detecting the suspected plagiarism, whether the Dean, Head of Department or Examiner, shall:
  - (a) where there is suspected evidence of Level 1 plagiarism in work which does not constitute a thesis or major project report (defined as the report comprising 25% or more of the total credits for the programme), refer the matter to the Examiners for their consideration as a charge of Level 1 plagiarism under Regulation 12; or
  - (b) where there is suspected evidence of Level 1 plagiarism in a thesis or major project report, refer the matter to the Director as a charge of Level 1 plagiarism under Regulation 13; or
  - (c) where there is suspected evidence of Level 2 plagiarism, refer the matter to the Director as a charge of Level 2 plagiarism under Regulation 19.

**LEVEL 1 PLAGIARISM****Plagiarism in Work which does not Constitute a Thesis or Major Project Report**

11. In work submitted for examination which does not constitute a thesis or major project report under the University Regulations for Graduate Certificates, Diplomas and Degree, and where the Examiners are satisfied that Level 1 plagiarism has been committed, they shall levy a penalty for the Level 1 plagiarism charged in the form of a reduction in the marks which would have otherwise been awarded. The First Examiner must inform the Campus Registrar of the penalty levied and of the evidence of plagiarism. When the normal examination process is complete, the Campus Registrar must communicate this information to the student.

**Plagiarism in Theses and Major Project Reports**

12. In the case of theses and major project reports, evidence of Level 1 plagiarism must be reported to the Director to support a charge of Level 1 plagiarism by the Dean, the Head of Department or an Examiner, where the person making the report considers that Level 1 plagiarism has been committed. Such a report and charge may be made regardless of the outcome of any scrutiny under Regulation 10.
13. If the Director considers that Level 1 plagiarism has been committed as charged, the Director shall return the submitted work to the student for revision and resubmission within a period determined by the Director but which may not exceed one year. The outcome and the penalty levied shall be reported to the Board for Graduate Studies and Research and the University Registrar. The University Registrar shall inform the student of the outcome of the assessment and the penalty levied.

**Appeals**

14. In the case of work which is neither a thesis nor a major project report, a student may appeal against the finding of plagiarism or the penalty levied under Regulation 12 to the Head of Department or, where the Head of Department is the First Examiner who has levied the penalty, to the Dean. Where the same person discharges both the functions of Dean and Head of Department and is also the First Examiner who has levied the penalty, the appeal is to the Director.
15. In the case of theses and major project reports, the student may appeal to the Board for Graduate Studies and Research from a decision of the Director under Regulation 14.
16. The Board for Graduate Studies and Research, the Director, the Dean or the Head of Department, as the case may be, hearing the appeal, in a Level 1 plagiarism case, may hear the appeal by correspondence. In the case where the Board or person hearing the appeal is not satisfied that there has been plagiarism, or considers that the penalty levied was excessive, they may allow the appeal or remit or reduce the penalty accordingly.
17. The Board for Graduate Studies and Research, Director, Dean or Head of Department, hearing the appeal, as the case may be, shall report the outcome of the appeal to the Campus Registrar, who shall advise the student accordingly.



**LEVEL 2 PLAGIARISM**

18. When a Director receives a report of suspected Level 2 plagiarism under Regulation 11(c), whether the evidence is in a thesis, a major project report or in work which does not constitute either a thesis or major project report, the Campus Co-ordinator may either:
  - (a) where not concurring with the identification of evidence of Level 2 plagiarism, communicate with the person(s) reporting the suspected plagiarism, whether the Dean, Head of Department or Examiner, declining to proceed further in relation to the Level 2 proceedings, and shall in addition:
    - (i) indicate that the decision is intended to preclude the invocation of the procedures for Level 1 plagiarism; or
    - (ii) indicate that the avenue is open for the matter to be treated as a case of suspected Level 1 plagiarism under Regulation 12 in work which does not constitute a thesis or major project report, or as a case of suspected Level 1 plagiarism under Regulation 13 in work which constitutes a thesis or major project report; or
  - (b) where concurring, refer the matter to the University Registrar who shall inform the person(s) reporting the suspected plagiarism and the student that there is a case to be answered, subject to an application under Regulation 20.
19. Where the Director replies in the terms of Regulation 19(a), the Dean, Head of Department or Examiner may apply, no later than the elapse of two complete calendar weeks after the reply has been notified, through the University Registrar to the Chair of the Board for Graduate Studies and Research seeking a reversal of the Director's decision.
20. The Chair of the Board for Graduate Studies and Research may:
  - (a) where concurring with the identification of evidence of Level 2 plagiarism, uphold the application in Regulation 20 and treat the case as one which has been referred to the Chair under Regulation 19(b); or
  - (b) deny the application.
21. A denial by the Chair of the Board for Graduate Studies and Research of an application under Regulation 21(b) is, subject to Regulation 32, conclusive in relation to an allegation of Level 2 plagiarism in the case under consideration.
22. A denial by the Director under Regulation 19(a) which is, after the elapse of three complete calendar weeks after the reply has been notified, not the subject of an application under Regulation 20, or a denial by the Chair of the Board for Graduate Studies and Research under Regulation 21(b), terminates the proceedings on the plagiarism charge, subject to Regulation 32 and save to the extent that the Director has ruled otherwise under Regulation 19(a)(ii).
23. Where the matter has been referred under Regulation 19(b) or an application has been upheld under Regulation 21(a), the Chair of the Board for Graduate Studies and Research, at the request of the University Registrar, shall establish a Committee of Inquiry comprising:
  - i. The Chair of the Board for Graduate Studies and Research or his/her nominee.
  - ii. One Academic Board representative from each campus sitting on the Board for Graduate Studies and Research.
  - iii. One postgraduate student representative from among those sitting on the Board for Graduate Studies and Research.

Four members of the Committee including the Chair shall constitute a quorum.

24. The Committee of Inquiry is not a court of law but the hearing shall be conducted in accordance with the rules of natural justice. The Committee may summon witnesses to give evidence.
25. The Committee of Inquiry reserves the right to have legal representation.
26. The student shall be given a written notice from the University Registrar specifying the allegations of the Level 2 plagiarism, along with a copy of all material relevant to the charge and made available to the Committee, at least fourteen days before the hearing of the allegation and within three calendar months of the case first being reported to the Director.
27. The student shall have a right to appear before the Committee of Inquiry and to be accompanied or represented by a friend or by an attorney-at-law whose expenses will be borne by the student.

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28. The student shall have the right to ask questions of witnesses, to call his/her own witnesses, to make statements on his/her own behalf, and to make submissions.
  29. If the student fails to make an appearance before the Committee of Inquiry and does not offer a satisfactory excuse, the Committee of Inquiry may hear the case in the student's absence.
  30. Where a Committee of Inquiry has been established under Regulation 24, the procedure under these Regulations prevails, subject to Regulation 32, over any other disciplinary proceedings against the student based on the same facts and, without prejudice to Regulation 38. Any other such disciplinary proceedings must be terminated, subject to being re-opened to consider a recommendation of the Board for Graduate Studies and Research under Regulation 34(b).
  31. Where other disciplinary proceedings based on the same facts have been completed or have reached the stage of a hearing, whichever comes first, any procedure under these Regulations based on a charge of Level 2 plagiarism shall be terminated.
  32. (a) If the Committee of Inquiry is satisfied, after holding a hearing, that the student has committed Level 2 plagiarism, it shall in making a determination on the severity of the penalty take into consideration:
    - (i) the circumstances of the particular case;
    - (ii) the seniority of the student; and
    - (iii) whether this is the first or a repeated incidence of plagiarism by the student.
  33. Where a determination on the severity of the penalty has been made, the Committee of Inquiry shall report its conclusions and recommendations to the Board for Graduate Studies and Research which shall:
    - (i) if the work in which the plagiarism occurred was not a thesis or major project report, fail the student in the assignment and hence the course in which the assignment was submitted, with the option to re-take the course at a time specified by the Board;
    - (ii) if the work in which the plagiarism occurred was a major project, fail the student in the project report, with the option to re-do and re-submit a project report on a different topic at a time specified by the Board;
    - (iii) if the work in which the plagiarism occurred was a thesis, either:
      - (a) find the thesis to be inadequate, requiring re-submission of the revised thesis within eighteen months of the date of notification; or
      - (b) fail the thesis, with no allowance for re-submission.
  34. The Board for Graduate Studies and Research may also, if the Committee of Inquiry so recommends after being satisfied that the student has committed Level 2 plagiarism, either:
    - (a) exclude the student from all further examinations of the University for such period as it may determine; or
    - (b) recommend to the relevant Academic Board that the student should be dismissed from the University, with or without the possibility of re-entry.
  35. The decisions taken by the Board for Graduate Studies and Research following receipt of the conclusions and recommendations from the Committee of Inquiry with respect to the outcome of the hearing and the severity of the penalty shall be communicated by the Chair of the Board to the University Registrar who shall inform the student, the Dean, the Head of Department and the Examiners of the decisions taken.

#### **Clearance on a Charge of Level 2 Plagiarism**

36. If the Committee of Inquiry is not satisfied, after holding a hearing, that the student has committed Level 2 plagiarism, it will direct the Director to reply to the Dean, the Head of Department, the Examiners and the student, through the University Registrar, advising them of the decision against proceeding further on the charge of Level 2 plagiarism, and may in addition:
  - (a) indicate that the decision is intended to preclude the invocation of the procedures for Level 1 plagiarism; or
  - (b) indicate that the avenue is open to pursue the matter as a case of Level 1 plagiarism under Regulation 12 in work which does not constitute a thesis or major project report, or as a case of Level 1 plagiarism under Regulation 13 in work which constitutes a thesis or major project report.

37. A determination of the Committee of Inquiry under Regulation 33 terminates the Level 2 plagiarism proceedings and also precludes any further Level 1 plagiarism proceedings except as indicated by the Committee of Inquiry under Regulation 36(b).

**Appeal to the Senate**

38. A student may appeal to the Senate from any decision of the Board for Graduate Studies and Research under Regulations 33 and 34(a) and of Academic Board under Regulation 34(b).

**DELEGATION BY DEAN OR HEAD OF DEPARTMENT**

39. The Dean or Head of Department, as the case may be, may generally or in a particular instance delegate that officer's functions under these Regulations.

**SUPERVISOR'S CONFLICT OF INTEREST**

40. Any person who has at any time been a supervisor of work in relation to which an issue of plagiarism is being considered under these Regulations must withdraw from performing any functions under these Regulations other than those of supervisor and examiner.

## Conducting Research at The UWI

All applicants who use The UWI as a Research Site i.e. will interview staff, students or collect secondary institutional data should complete the [Assurance Form](#) and upload this along with the request for approval in the *UWIScholar* portal.

For further information on the Research Ethics on the St. Augustine Campus, please visit <https://sta.uwi.edu/research/campus-ethics>.



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