

# Law Brief

University of Buckingham Law School Newsletter  
Issue 1 | 2015



THE UNIVERSITY OF  
BUCKINGHAM



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## MESSAGE FROM THE DEAN OF LAW

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I am delighted to be invited to write the introduction to 'Law Brief,' our Winter 2015 Law School newsletter, and I do so as the Dean of the Law School. I am very proud of what you, our students and Alumni, have achieved and are continuing to achieve, and am proud of the accomplishments of all our staff. We continue to thrive and grow and students from all over the world who study with us go on to achieve an excellent LLB [Hons] degree in law. A Buckingham law degree is recognised everywhere in the world.

The School of Law is ranked 1st in Law out of 98 universities (The Complete University Guide 2015) for Graduate Prospects, and so a degree from Buckingham is a passport into a successful career. All of our Alumni

achieve great things, some greater things. See inside where a former law graduate is now an Appeal Court Judge in the Kenya Court of Appeal.

The Law School students also enjoy a nationwide reputation regarding participation in national mooting and negotiation competitions. We also provide extra curricular opportunities including the Street Legal scheme (re-launched in August 2014), our Law Clinic and our annual Legal Workshop. There are many opportunities to develop further your confidence and legal skills so you can become 'ambassadors' for the University and for yourselves.

We have a truly wonderful committed and dedicated teaching and administration team to support you every step of the way and we promise you we will. As one of our former students said, "I am indebted to you and my professors and the administrative staff for guiding me. My thanks are beyond words". But the teaching and learning of skills is nothing without principle. We are committed as lawyers in our teaching and in our lives to furthering those principles upon which justice is founded. Many of these principles were set down in those early days by the strivings of the Magna Carta in 1215 and further expounded and embellished over the centuries. These principles we instil in our students.

I hope you enjoy our 'Law Brief'. You will see when you read through these pages that we have certainly not stood still. As Lord Denning said, "If we never do anything which has not been done before, we shall never get anywhere. The law will stand still whilst the rest of the world goes on; and that will be bad for both" (Packer v Packer [1954] P. 15 at 22).

*Professor Susan Edwards, the Dean of Law*



# PROFESSIONAL SKILLS OPPORTUNITIES FOR STUDENTS

## CITIZENS' ADVICE BUREAUX (CABX)

A new opportunity for students was launched in 2014. Everyone involved with the provision of justice is aware that the stringent cutbacks to legal aid schemes have meant that for the majority of the public it is impossible to obtain basic legal advice in a range of consumer, debt and employment issues. The Citizens' Advice Bureaux (CABx) formerly gave much of that advice, but they too have been subject to deep cuts in their funding. The Law School is helping to fill the gap for the citizens of Buckingham. We have gone into partnership with the local CAB to found the ATLAS scheme whereby, in exchange for specialist training which may lead to remission of time on Solicitors' Training Contracts, a number of our students are able to provide first line legal advice as CAB Gateway Assessors.

Our Clinic opened its doors to the public in February 2015 when the first group of students completed their training. Professor Bob Watt leads on this initiative. The scheme recognises the need both for providing legal advice to disadvantaged members of the public, and for Buckingham law students to have the opportunity of gaining valuable work experience in a very competitive environment.



Judge Wide with Martin Bryant and Ashna Gunpath on a Street Legal placement at the Old Bailey



## STREET LEGAL

The Street Legal scheme was re-launched in August 2014 following its initial launch in 2011. Professor Judith Bray leads this initiative as Director, assisted by Julie O'Shea. It offers students the opportunity of shadowing judges, barristers and solicitors, thereby building up a greater understanding of the law as practised. Placements offered range from shadowing a judge at the Old Bailey and a judge at the Central Family Court, attending a trial at Northampton Crown Court, shadowing a District Judge, working with a solicitor; there is also the opportunity of mini-pupillages. Here are some extracts from the reports of the students who took part in the scheme in 2014:

**Visit to the Old Bailey** - 'On 29th September we were met by Judge Wide and officially welcomed to the court. Judge Wide is extremely interested in progression of the criminal Justice system and the speeding up of trials. He exercised his powers under the Criminal Procedure Act to place time restrictions on how long a cross-examination should take. He was very concerned about getting best use out of the court space and time as it's all down to the public purse.'

**Mini-pupillages** - 'Through the Street Legal placement scheme I was able to complete a one-week mini-pupillage with 36 Bedford Row Chambers. During the pupillage I had the opportunity to shadow three barristers working on four different cases. These included a domestic violence case, a fraud case and a child abuse case at the Aylesbury Crown Court and a public disorder case at the Magistrates' Court in Milton Keynes'.



The Honourable Judge Gargan and Shida Azari (student) on a Street Legal placement at the Central Family Court

**Sitting at Northampton Crown Court** - 'Sitting at a trial from start to finish gives one a wonderful opportunity to observe from a different vantage point how law works from the point of view of a barrister sitting in the audience'.

**Sitting in the Family Court** - 'I attended the Principal Registry of Family Division. I very much enjoyed my experience and learned a lot. The Honourable Judge Gargan is a brilliant judge and very nice to be around. She gave me information on the cases that were heard before her and explained the procedures to me.'

# STUDENT ADVOCACY AND MOOTING

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On Thursday 11th December 2014, the University of Buckingham Law School hosted a team from London South Bank University in the first round of the OUP/BPP inter-university mooting competition. We were most pleased to welcome Milton Keynes Solicitor-Advocate Syvil Lloyd Morris from Bastian Lloyd Morris LLP as the presiding judge.

The moot problem was an interesting case before the Supreme Court concerned with criminal liability for harassment. The teams made submissions in the Supreme Court on a case of Putting a Person in Fear of Violence under Section 4(1) of the Protection From Harassment Act 1997. Hot on the heels of finishing their examinations, two very talented students – Charles Hogan and Christen Robie – represented the Law School. Despite an excellent performance they narrowly lost out to the team from London South Bank University (LSBU).

Charles Hogan and Christen Robie, for Buckingham, succeeded in their appeal on the law, but the judge deemed that Thomas Spencer and Lewis Hooper for LSBU won the moot overall by a margin of 2.5%.

The judge praised both teams for the quality of their submissions and conceded that it was very difficult to pick a winner. The home team will point to the close proximity of December examinations as a mitigating factor, but the visitors were very impressive and were worthy winners.

The LSBU team faces Birmingham City University in the next round.

Not to be put off by their defeat, both Charles and Chris are determined to secure more mooting experience and are keen to enter other competitions. They had previously been keen participators in one of the Law School's regular internal mooting competitions, which are organised with the Student Law Society. They are part of the Law School's policy of inculcating a culture of good mooting performance and case presentation. All students are required to participate in a moot as part of their studies here, and a number of enthusiasts then like to develop their skills further through voluntary workshops and moots. In the Law School we are firmly of the view that developing skills of marshalling arguments, presentation and debate is important in preparing our students for whatever walk of professional life they wish to pursue.

*Mr Gavin Love, Master of Moots, and Charles Hogan, Student Senior Counsel*

## OTHER NEWS

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### OPEN DAYS

The University is holding two Open Days this year: 11 April and 3 October. These are the perfect opportunity to visit our beautiful campus, meet our staff and speak to our students to see what makes studying at Buckingham a unique experience.

**Book your place now:**  
[www.buckingham.ac.uk/oparday](http://www.buckingham.ac.uk/oparday)

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### FIVE COUNTIES SCHOLARSHIP

Our local scholarship now includes Hertfordshire alongside Buckinghamshire, Bedfordshire, Northamptonshire and Oxfordshire, making it the new **Five Counties Scholarship**.

With this scholarship undergraduate students can receive up to £2,500 towards their tuition fees per year.



The Buckingham Mooting Team

## HUMAN RIGHTS SERIES 2014

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Our Human Rights lecture series was launched in 2014. Foreign correspondent Lynne O'Donnell was guest speaker at an October Law School seminar which addressed 'The Law of War' and was chaired by the Hon. Dr Jocelyne Scutt. O'Donnell's presentation was framed by a revolving series of graphic images taken by photographers accompanying her as she sent despatches from Afghanistan to international media. She spoke powerfully and with passion of the ravages visited upon a country invaded from outside and wracked with conflict from within. Her 'on the ground' reflections on life in the Afghanistan war zone brought home to her audience, of law and journalism students, international and security scholars, academics and administrative staff, the courage of civilians (mostly women and children) subjected to bombs and bombardment – and of journalists working to bring these realities to the eyes and ears of everyone remaining untouched by war.



Lynne O'Donnell is author of *High Tea in Mosul*, the true story of two English women in war-torn Iraq, based on her experiences as foreign correspondent. Her visit to the University immediately preceded her taking up her post as head of the AP bureau in Kabul. ([www.dailymail.co.uk/wires/ap/article-2757999/AP-names-Lynne-ODonnell-Kabul-bureau-chief.html](http://www.dailymail.co.uk/wires/ap/article-2757999/AP-names-Lynne-ODonnell-Kabul-bureau-chief.html) - accessed 22 October 2014)

Dr Francis Grimal's introductory presentation on war, treaties, international law and the UN set the scene for this unique view from the theatre of war, with Professor Susan Edwards summing up. Reflections on continuing conflict in the Middle East added to the debate. The seminar concluded with numerous questions and comments, leaving participants wishing for more. Lynne O'Donnell has promised to return to the University of Buckingham when next she returns to Britain.

## TOWN AND GOWN LINKS OR PRACTICE MEETS THEORY

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*Reflections past present and future from the pen of Sheena McMurtrie, Lecturer in Law*

In addition to my return to the Law School on a part-time basis in 2013, I have been working as the Town Plan Officer with Buckingham Town Council. The role requires assistance with the delivery of the Buckingham Neighbourhood Development Plan. This new concept in Planning was introduced under the Localism Act 2011. The premise is that grassroots communities can influence how development is delivered locally. Neighbourhood Development Plans have legal status and are not merely advisory documents. They must pass an Independent Examination, and crucially a referendum by local people in the area covered by the Plan (the only planning document in the UK so required!).

The Neighbourhood Development Plan work provides excellent teaching material. Judicial review is being deployed by developers to challenge these new plans (demonstrating that it is not just dry academic theory, but has an important role to play in many areas of law, not least commercial and property). New legal concepts, such as designated Local Green Spaces, are also being tested.

Buckingham will be remembered as a small, peaceful town by many former students. The Town Council's aim is to retain the character of an historic market town whilst accommodating inevitable and needed development.

It is noteworthy that, Brandon Lewis, a Buckingham Law School alumnus and one of my first Constitutional law students when I joined in 1989, is currently a government minister at the Department for Communities and Local Government, the responsible government department for planning and associated legislation.

## INTERNATIONAL PRO BONO

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Professor Susan Edwards visited Nepal to launch the 2014 Report of “Witchcraft Accusations and Persecution in Nepal”. The launch was jointly organized by National Women’s Commission, PPR Nepal, WHRIN (Witchcraft Human Rights International Network) and BHRC (Bar Human Rights Committee) of England and Wales on 7th April 2014 in Kathmandu. She also spoke at Tribhuvan University, Nepal, met with judges at Lalitpur district court, and had meetings with the National Judicial Council, Women’s Ministry, and Nepal Human Rights Commission.

The report “Witchcraft Accusations and Persecution in Nepal”, was launched in the UK on Friday 3rd October at Garden Court Chambers, 57-60 Lincoln’s Inn Fields, London WC2A 3LJ.

**Left:** Professor Mr Kapil Shrestha, Excommissioner National Human Rights and Professor Edwards

**Right:** Judge Tek Narayan Kunwar, Professor Edwards and Satish Sharma of PPR Nepal



## INTERNATIONAL DONS

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Our academics have been presenting papers in international conferences across the world.

**Dr Sarah Sargent** presented a paper in May at the Stanford Archaeology Centre, Stanford University, California, USA, on “The Horse Culture of the American Indians: Past, Present and Future”.

**Dr Adolfo Paolini** presented a paper in May on “The Insured Rights to recover for sums paid and costs incurred: actual or arguable Liability?”, at the Civil Liability Insurance Working Party, Association Internationale de Droit des Assurances, European Conference, Athens.

**George R. Mawhinney** presented a paper at the European Society for Criminology (ESC) Annual Conference in Prague in October 2014 on the impact of Schedule 21, the statutory sentencing guidelines for murder, on the sentencing of attempted murder.

**Professor Susan Edwards** presented a paper in November on “Multiculturalism’s Frailties: Orientalism In Feminist and Legal Discourse” at UC Berkeley, Berkeley, San Francisco, USA, Department of Political Science.

**Dr Carol Brennan** presented a paper in December on “Apologies and the Legacy of Institutional Child Abuse: International Perspectives” at the Centre for European Studies, University of Lund, Sweden.

# GIVING EVIDENCE TO THE UNITED KINGDOM PARLIAMENT

Our legal academics have also had an interesting year in developing their own despatches to parliament, its assemblies, its committees and to the Law Commission.

Professor Judith Bray gave evidence to the Justice Committee convened at the Palace of Westminster in October 2014 as part of its inquiry into Manorial Rights. It was chaired by Sir Alan Beith. A statutory obligation to register arose from the Land Registration Act 2002. The Act had allowed a group of rights to exist as binding rights on a purchaser of land without the need to register for a period of ten years. This period had come to an end in October 2013 and letters had been sent to landowners notifying them of the intention to register the manorial right. The witnesses included Amanda White and Kim Thomas, who are both representatives of 'the Peasants' Revolt', a group from Welwyn Garden City, as well as representatives from a similar group from Anglesey. They were concerned that it would have a detrimental effect on the value of their land. The representatives from the Peasants' Revolt were concerned that the owner of the manorial right was able to register the right with little or no proof how the rights had come into existence. They also challenged the relevance of the rights in the context of the twenty-first century.



Professor Bray was asked to provide expert legal opinion on the law and propose what reform might be needed (Manorial Rights evidence session 15/10/14). Professor Judith Bray was interviewed by Alicia McCarthy on November 28th in the weekly review television programme 'a Week in Parliament' on the BBC Parliament channel. <http://www.bbc.co.uk/programmes/b04t1g1m>

Professor Bob Watt is a member of the Advisory Group to the Law Commissions of England and Wales, Scotland and Northern Ireland on revising electoral law. He gave oral evidence to Mr Speaker's Commission on Digital Democracy on 3rd September 2014. Speaker's Commissions on electoral law are extremely rare events; there have been only four since 1900. In giving evidence Professor Watt stated that, in the light of recent cases of electoral corruption involving voting in unsupervised environments, whilst remote voting may fall within the margin of appreciation given to States under the fair elections provision of Article 3 of the First Protocol to the ECHR, the practical difficulties show that it should not be introduced: <http://www.parliament.uk/business/commons/the-speaker/speakers-commission-on-digital-democracy/ddc-news/electronic-voting-meeting/>



In 2014 Professor Watt was invited to respond to the Law Commission Consultation Paper due at the end of March 2015 which will form the basis of a new Electoral Law for the United Kingdom.

In September the Honorable Dr Jocelyne Scutt was consulted by the Welsh Assembly on the "Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill" and made a presentation before the Communities, Equality and Local Government Committee on 24th September in Cardiff at the Assembly. She presented on the importance of including a provision in the bill to remove the legal defence protecting those who assault children, so long as it can be argued it is 'reasonable' and for 'disciplinary' reasons. She said that denying children the same protection/rights as adults vis-à-vis assault means that children are at risk and that this impinges on women and women's rights, too.



# A NEW PATHWAY FOR THE LLM PROGRAMME

The LLM programme is offering a new pathway from September 2014/15 into Financial Services Law. Our in-house expertise will provide students with a clear understanding of the functioning of Financial Services and Regulation, which could be very useful for those planning to work in this technical and demanding area of law.

## Start Dates

Students may take the LLM over:

- 12 months starting in September; or
- 9 months starting in January

## Specialist Designations

Students can select specific modules to have their LLM designated as specialising in:

- International Trade and Maritime Law;
- International Oil and Gas Law; or
- Financial Services Law (New Pathway 2014/2015) NEW

For more information about this pathway please visit: <http://www.buckingham.ac.uk/law/llm/internationalandcommercial>, or email the programme director Dr Adolfo Paolini: [adolfo.paolini@buckingham.ac.uk](mailto:adolfo.paolini@buckingham.ac.uk)



Dr Adolfo Paolini,  
LLM Programme Director

# MEDICAL LAW

In this edition of our newsletter we are featuring our undergraduate medical law option which has been successfully running for the past three years. The Module Convenor is Karen Dyer who has a specialist interest in the subject, especially in Artificial Reproductive Techniques (ART) and the Law, and we particularly highlight this as in 2015 the University opened its new Medical School. Karen says:

“From a very early age, I was fascinated by the study of medicine, and secured a place at Cardiff University to study for an MB ChB. However, after working in a radiotherapy department for a year, I decided that practical medicine was not the right career path for me. I then worked as an actor/teacher for a number of years until I ultimately chose to study law.

When it came to specialising in an area for my LLM it was easy to select Medical Law and Ethics, and be able to revert to my former interest. I am currently researching into the relationship between law and medicine in the lives of children born with intersex/DSD conditions and this requires me to research not only legal issues, but also endocrinology and genetics.

The medical law option focuses primarily on English Law, and covers areas such as ART, assisted dying and organ donation, as well as areas that will be more familiar to medical students, namely medical ethics, consent and confidentiality. I teach on the module alongside Dr Carol Brennan, who delivers the lectures on clinical negligence and mental health law, and Dr Patricia Covarrubia, who lectures on medical patents.

I also lead an international medical law option for our LLM students. For this module, students are required to research specific areas of law in their own jurisdictions, and then compare them to laws in the UK. Their diversity of backgrounds makes this a particularly exciting module to lead, as every year is completely different.

With the new Medical School at Buckingham, it is hoped that the international medical law module will be taught to medical students as one of the Student Selected Components in their second year of study”.



# LAW BALL

The University of Buckingham Law Ball is a grand annual event. This year it took place in the magnificent Sculpture Gallery in the historic setting of Woburn Abbey on 31st October 2014. While the Law Ball has a reputation for being a lavish event, the mission of this year's Law Ball was "Exclusive but Inclusive". The guests were pampered with a wonderful three-course menu, champagne, wine, a lucky draw, a photo booth and great entertainment. These treats were offered at a minimal ticket price, subsidised generously by the Law School and the University. The event was opened by the Vice-Chancellor, Professor Alistair Alcock, followed by a welcome address from the Dean of Law, Professor Susan Edwards. Sir Ivan Lawrence QC, Honorary Graduand (Doctor of Laws) and Visiting Professor in Law of 5 Pump Court Chambers, and Mr Matthew Richardson, barrister of Henderson Chambers, were the guest speakers. In attendance was alumna Lorinda Long (LLB 1985), President of the Alumni Society, a qualified barrister specialising in financial services. She has previously worked for Lloyds Group Corporate Treasury, HBOS plc, Credit Suisse, Paribas and NatWest as a capital markets/securitisation lawyer. She is a Member of the Bar Council and also sits on the University Council, recently taking up a position as Bar Council Treasurer-elect. Also attending was alumna Setara Pracha, Lecturer in English Language and English Literature at Buckingham and former postgraduate Ondaatje Scholar at Massey College, University of Toronto, BA (Hons) 2004.

The Student Law Society and its committee worked especially hard on fundraising and ticket sales, and acquiring some excellent prizes from local shops and supporters in Buckingham. We would like to thank all the sponsors of prizes and everyone who made the Ball such a success.



# STUDENT LAW SOCIETY

- by Chi Ng, President of Student Law Society

The Student Law Society has been established for more than two decades, making us one of the oldest societies in the University of Buckingham. Yet, just like the law, while we embrace traditions we constantly strive forward and arguably we are the most active and dynamic society on campus. We aim to develop our members by providing opportunities for them to hone various skills which are vital for their future careers, and we do this through various events.

One of the biggest events is the Annual Law Ball. The 2014 Law Ball was a great success - with more guests than ever - and we had the privilege to be graced by the presence of the Guest of Honour, Sir Ivan Lawrence QC. Sir Ivan Lawrence QC is one of the most distinguished criminal barristers and also a Visiting Professor at the Law School. The ball was followed by a sell-out Halloween after-party in the Old Tanlaw Mill on campus.

Our parties on campus are always well-attended and we have also been invited to external social events such as a drinks reception by the North Bucks Junior Lawyers, breakfasts with alumni, and a Lincoln's Inn dinner. These social functions not only develop members' interaction skills but also serve as a platform for networking.

With regard to advocacy skills, the Student Law Society has organised introductory mooting and negotiation workshops for new students as well as internal competitions. We have also liaised with the Law School in organising public lectures, including one by Sir Ivan Lawrence QC on "The Art of Advocacy".

On top of that, we work closely with our experienced lecturers — Master of Moots, Mr Gavin Love and Professor bob Watt, an ace negotiator — who are always happy to coach students personally to enhance their skills.

We have a student peer-reviewed publication (Buckingham Student Law Review) which affords members the opportunity to develop critical legal skills. These are just the tip of the iceberg and we have quite a few more upcoming events, including public lectures, inn trips, court trips, law workshops, law fair, parties and so on. All of these aim to benefit the members of the Student Law Society.

We are proud to have defended our title of "Best Society of the Year" in the University. There is so much more to University life than just studying and on behalf of the Executive Committee of the Student Law Society, I invite you to join us in creating the best experience and memories during your time here at the University of Buckingham.



**Society Committee: Standing:** Winnie Tang, Tishina Ramkishun, Princess Nwaji, Victor Disemokumo Sameira, Chinele Oji | **Seated:** Amanda Yeo, Thasnim Miah, Chi Ng, Tamaramieseiya Sammy, Philip Eyam-Ozung



**Advocacy Team:** Raiff Andrews, Nasreen Shah, Amanda Yeo, Charles Hogan, Princewell Akinseye-George



# STAFF/STUDENT CONFERENCES

## UBCEES CONFERENCE ON THE CURRENT LEGAL AND POLICY ISSUES IN THE AFRICAN ENERGY MARKET

The University of Buckingham Centre for Extractive Energy Studies (UBCEES) held its third energy conference on 29th October 2014. The conference was organised by UBCEES Co-Directors, Prof. John Hatchard and Mrs Hephzibah Egede. It focused on current issues affecting the African energy market and was well attended by staff, students and practitioners in legal practice and the energy industry.

The conference featured high profile African industry speakers such as Mr Abimbola Ogunbanjo, the First Vice President of the Nigerian Stock Exchange, and Mrs Ngozi Okonkwo, the Chief Legal Officer of Oando Plc, one of Africa's largest indigenous integrated petroleum companies. The industry speakers provided illuminating perspectives on topical issues affecting the African energy market, ranging from the regulatory challenges affecting the rebalance of energy portfolios to industry growth trends and how these provide other sector opportunities in the African economy. Mrs Hephzibah Egede (UBCEES) also provided academic insights on the force of the community in conflict prone countries in Africa. The conference ended with a student mentoring session which highlighted potential career opportunities in the African energy sector.

## UNIVERSITY OF BUCKINGHAM CENTRE FOR EXTRACTIVE ENERGY STUDIES (UBCEES)

A research centre of excellence has been established by the University of Buckingham. The University of Buckingham Centre for Extractive Energy Studies (UBCEES) undertakes research, teaching and consultancy in extractive energy studies. The UBCEES serves as a forum for world class inter-disciplinary research in energy studies and combines the expertise of the Buckingham Law School, and other Schools involved in energy studies in the University.

Work at the UBCEES focuses on:

1. Good governance in the extractive industry
2. Energy exploitation and environmental regulation
3. Money laundering, offshore banking and asset recovery
4. Indigenous rights and the energy sector
5. Oil and gas carriage in international trade and maritime law
6. International oil and gas law and policy
7. Energy taxation law
8. Marine insurance
9. Energy competition law
10. International labour rights in the oil and gas industry

The UBCEES projects and outputs are disseminated through academic publications, conferences and seminars, policy briefings and reports, and through media communications. The UBCEES is led by Prof. John Hatchard and Mrs Hephzibah Egede in collaboration with other specialists from the Buckingham Law School and schools within the University.

The UBCEES has an Advisory Board consisting of leading academics and practitioners in the extractive energy sector. These specialists will provide expert guidance in the development and implementation of the UBCEES' programmes and activities.

### UBCEES Advisory Board Members

Prof RG Lee Exeter University

David Salter, Warwick University

James Maton, Partner Edward Wildman LLP

Marc Hammerson, Partner Akin Gump LLP

Carlos Bellorin, Senior Petroleum Analyst IHS Energy

Abimbola Ogunbanjo, Partner, Chris Ogunbanjo & Co

Prof. Peter Slinn, University of Notre Dame (London Centre)

# PART-TIME LAW OPEN EVENING - WEDNESDAY 20 MAY

## FIND OUT HOW OUR PART-TIME LAW DEGREE CHANGES LIVES

The Part-time LLB (Hons) degree at the University of Buckingham is a four-year programme, taught through a mixture of distance learning and one evening seminar per week. We welcome students of all ages and backgrounds, and the course is ideal for those who wish to boost their career or qualify as a solicitor or barrister.

We will be holding an Open Evening for our Part-time law degree on Wednesday 20th May 2015 at the Chandos Road Building.

This is an opportunity for prospective students to see the Part-time law degree in action. You will have the opportunity to:

- Meet the lecturers who teach on the course
- Chat to graduates who will also describe the impact that gaining a law degree with Buckingham Law School has had on their careers and lives
- Meet current students and find out what they think about the course and how they are fitting it around their lives

If you would like to attend, please visit our website at the link below or email Margaret Darrell, Secretary to the Part-time Law programme: [margaret.darrell@buckingham.ac.uk](mailto:margaret.darrell@buckingham.ac.uk).

For more information please visit: [www.buckingham.ac.uk/event/part-time-law-open-evening](http://www.buckingham.ac.uk/event/part-time-law-open-evening). Alternatively feel free just to turn up on the evening itself!



## MEET SIMONE, ONE OF OUR CURRENT PART-TIME LAW STUDENTS

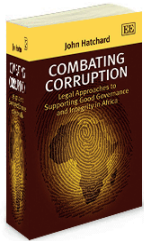
I began searching for a part-time Law degree after moving to Milton Keynes from South Africa. I worked as a Veterinary nurse and wanted to continue working in the profession I love whilst studying. I was ecstatic when I found the University of Buckingham's part-time Law Degree. It suits me perfectly and I look forward to the seminars on Wednesday evenings. Studying and working full time as a Head Nurse of a local practice takes some commitment, but failure is not a word in my vocabulary. I am hoping to combine my current career with my Law degree, either by working within the Royal College of Veterinary Surgeons, or by continuing my lifelong passion to make a difference, which may involve Criminal Law.



My future is an exciting one and I cannot wait to see where my law degree takes me. My thanks to Dr James Slater and the University of Buckingham.

# QUIET FLOW THE DONS

Throughout 2014 in a wide range of areas our academic staff have been writing and publishing high quality research, including sole authored books, edited collections, articles, chapters in edited collections and also student textbooks.



## BOOKS - MONOGRAPHS

John Hatchard, *Combating Corruption: Legal Approaches to Supporting Good Governance and Integrity in Africa* (Edward Elgar 2014) pp.416, ISBN 978 1 78100 436 4

## ARTICLES IN JOURNALS

Susan Edwards, “The claims of culture: The Occident and the Orient in child custody” *Journal of Comparative Law* JCL 9.1 (2014), pp. 271-29.

Francis Grimal, “Missile Defence Shields: Automated and Anticipatory Self-Defence?” *Journal of Conflict and Security Law* 19.2 (Summer 2014), pp.317-339. doi:10.1093/jcsl/kru001.

## CHAPTERS IN EDITED COLLECTIONS

Alistair Alcock, “Developments in Market Misconduct” *Gore-Browne Special Release* (Jordans: March 2014) at p SR1.

Susan Edwards, Chapter 14, “Proscribing unveiling – law: a chimera and an instrument in the political agenda” pp. 278-297 in Eva Brems (ed) *The Experiences of Face Veil Wearers in Europe and the Law* (Cambridge University Press 2014) ISBN 9781107058309.

Susan Edwards, Chapter 6, “Good and harm, excuses and justifications, and the moral narratives of necessity” pp. 75-92, in Alan Reed and Michael Bohlander (eds) *General Defences in Criminal Law Domestic and Comparative Perspective* (Ashgate 2014) ISBN: 978-1-4724-3337-4.

Susan Edwards, Chapter “The claims of culture: The Occident and the Orient in child custody” pp. 326-358 in Robert Rains (ed) *The 1980 Hague Abduction Convention* (Wildy Simmonds and Hill 2014) ISBN 9780854901517.

John Hatchard, Chapter “Combating Corruption: the Global Initiatives” pp. 347-363 in Neil Boister and Robert J. Currie (eds) *Routledge Handbook of Transnational Criminal Law* (Routledge 2014) ISBN 978-0-415-83712-5.

Adolfo Paolini, Chapter 12: “Non-Executive Directors in Financial Institutions: a demanding standard of care” pp. 298 - 320 in Paolini (ed) *Research Handbook on Directors’ Duties* (Edward Elgar Publishing 2014) ISBN 978 1 78100 440 1.

Sarah Sargent, “What’s in a Name: The Contested Meaning of Free, Prior and Informed Consent in International Financial Law and Indigenous Rights” pp. 87-103 in Valentina Vadi and Bruno de Witte (eds) *Culture and International Economic Law* (Routledge 2015) ISBN 978-0415723268.

Jocelyne Scutt, “(Dis)honour, Death and Duress in the Courtroom” pp. 108-132 in Aisha K. Gill, Carolyn Strange and Karl Roberts (eds) *‘Honour’ Killing & Violence - Theory, Policy & Practice* (Palgrave Macmillan London 2014) ISBN 9781137289544.

James Slater, “A Short Guide to the Anglo-American Debate on Criminal Responsibility” pp. 129 à 167 in *DE LA FAUTE ET DU CRIME. Natures et cultures. Sous la direction de J. Motte dit Falisse*, Editions L’Harmattan - CRIMINOLOGIE et ICES (Paris 2014).

## TEXTBOOKS

Judith Bray, *Unlocking Land Law* (Routledge 2014) pp. 448, ISBN 978-1-4441-7421-2.

Judith Bray, *Key Facts/Key cases Land Law* (Routledge 2014) ISBN 978-0-415-83333-2.

Judith Bray, *Key Facts/Key cases Equity & Trusts* (Routledge 2014) ISBN 978-0-415-833327-1.

Carol Brennan and Vera Bermingham, *Tort Law - Directions* (Oxford University Press, 2014) ISBN 978-0-19-968989-7.

## PROFESSIONAL PUBLICATIONS - EDITED PROFESSIONAL TEXTBOOKS



Alistair Alcock, (Rt Hon Lord Millett, Alistair Alcock, Michael Todd (eds)) *Gore-Browne on Companies Loose Leaf* 45th edition (Jordans 2014) ISBN 13: 9780853080282  
ISBN: 0853080283.

Adolfo Paolini, (ed) *Research Handbook on Directors' Duties* (Edward Elgar Publishing 2014) pp. 384, ISBN 978 1 78100 440 1.

Gavin Love, Consulting Editor and contributor to ThomsonReuters' *European Union Law Reporter* and Consulting Editor to ThomsonReuters' *Encyclopedia of European Community [sic] Law*.

## BOOK REVIEWS

Jocelyne Scutt review of Bates, Wells and Braithwaite, *Getting it Right Legally I - Status and Structure for Community Organisations, Playwork Partnerships*, University of Gloucestershire, in Vol. 1, No. 1 April 2014.



## ONLINE PUBLICATIONS AND APPEARANCES

### REPORTS

WHRIN and Susan Edwards (on behalf of the Bar Human Rights Group) *Witchcraft Accusations and Persecutions in Nepal 2014 Country Report* [http://www.barhumanrights.org.uk/sites/default/files/documents/biblio/witchcraft\\_accusations\\_persecution\\_nepal\\_2014.pdf](http://www.barhumanrights.org.uk/sites/default/files/documents/biblio/witchcraft_accusations_persecution_nepal_2014.pdf)

### ARTICLES IN ONLINE JOURNALS

Sarah Sargent, "Unfulfilled promises: Safeguarding the horse culture of American Indians" *Transnational Dispute Management TDM 2* (March 2014).

Jae Sundaram, "India's trade-related aspects of Intellectual Property Rights compliant pharmaceutical patent laws: what lessons for India and other developing countries?" *Information and Communication Technology Law*, Volume 23, Issue 1 (2014) pp. 1-30 published online 28 March 2014

Jae Sundaram, "Brazil's implementation of TRIPS flexibilities: ambitious missions, early implementation, and the plans for reform" *Information and Communication Technology Law*, Volume 23, Issue 2 (2014) pp. 81-116 published online 12 June 2014

### VIDEOSTREAMS

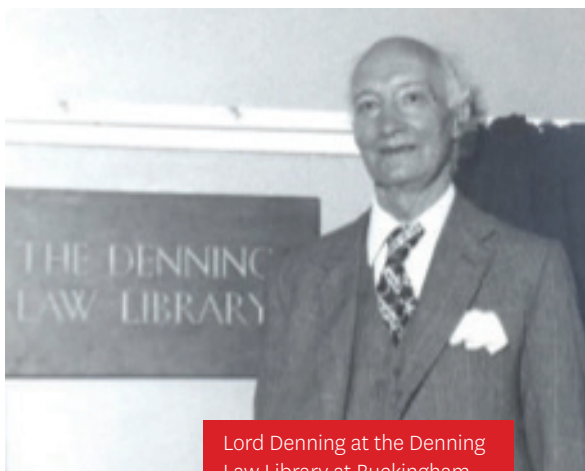
Susan Edwards speaking on "Islam and Feminism" 2014 at <http://www.maslaha.org/about/whats-happening/projects/islam-and-feminism> <http://www.maslaha.org/> See <http://vimeo.com/88340115>

### WEBLOG

Dr Patricia Covarrubia and Dr Sarah Sargent co-manage TK totem, <http://tktotem.blogspot.co.uk/> a weblog for indigenous rights.



# THE DENNING LAW JOURNAL



Lord Denning at the Denning Law Library at Buckingham

## Lord Denning generously lent his name to the University of Buckingham Denning Law Library and the Law School's journal

The Denning Law Journal ([ubplj.org/index.php/dlj](http://ubplj.org/index.php/dlj)) continues to be an important emblem of the excellence of the University and especially of the Law School. As of 1st January 2015 the whole archive is open access.

It is named after possibly the most famous and influential judicial figure of the 20th Century, Lord Denning (1899 – 1999). He was made a judge at 45 years of age and was promoted to the Court of Appeal four years later. His judgments were lucid. Simple words, clear communication and persuasion were the tools of his trade. In one of his many books, *The Discipline of Law*, he said “To succeed in the profession of the law, you must seek to cultivate command of language. Words are the lawyer’s tools of trade. When you are called upon to address a judge, it is your words which count most” (Butterworths 1979, p5). A master of evocative story telling, he had a unique style of judgment writing. “It was bluebell time in Kent,” formed part of the opening of his judgment in a case of death and personal injury witnessed by Mrs Hinz (Hinz v Berry [1970] 2 QB 40).

When he died in 1999 the then Lord Chancellor, Lord Irvine of Lairg, said: “The name Denning was a byword for the law itself. His judgments were models of simple English which ordinary people understood.” Lord Denning was an enthusiastic supporter of the fledgling university at Buckingham. It seemed natural when the Journal was founded in 1986 to name it after him. We were greatly honoured when he consented to the use of his name. When he celebrated his 100th birthday in January 1999, more than 170

lawyers and judges gathered at the University of Buckingham for the Denning Centenary Symposium convened by the then Editor of the journal, Ms Sheena McMurtrie.

The Denning Law Journal is a refereed journal. The aim is to provide a forum for the widest discussion of issues arising in the common law world and to embrace the wider global and international issues of contemporary concern, both of which Lord Denning would have approved. He also recognised the importance of developing the common law; the need for judicial and community recognition of the urgency of reform and modernisation of law; the need to preserve the traditions of judicial independence, integrity and creativity, reflecting upon the interplay between law and morality; and the role to be played by the law in the defence of the individual in the modern state.



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### CASE COMMENTARIES

P H Pettit, "Daejan Investements Ltd v Benson" [2013] UKSC 14, [2013] 1 WLR 854, [2013] 2 ALL ER 375 pp. 205-213

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Susan Edwards, "No burqas, we're French! The wide margin of appreciation and the ECtHR ruling SAS v France", (application no. 43835/11) Unreported, July 1, 2014 (ECtHR), pp. 246-260

Judith Bray, "The effect of 'fairness' on pre-nuptial agreements", Luckwell v Limata [2014] EWHC 502, pp. 261-273

Robert Pearce, "Bribes, Secret Commissions and the Monte Carlo Grand Hotel FHR", European Ventures LLP v Cedar Capital Partners LLC [2014] UKSC 45, pp. 274-280

Peter Smith, "Towards the reasonable accommodation of religious freedom", MBA v Mayor and Burgesses of the London Borough of Merton [2013] EWCA Civ 1562, pp. 281-297

### BOOK REVIEWS

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## A UNIVERSITY FELLOWSHIP FOR IRVING STEVENS

A fond Au Revoir to Irving Stevens, who joined the Law School in its earliest of days, was held on December 16th 2014. Irving Stevens, known to generations of Constitutional and Administrative Law students and students of Torts across the world is (it is difficult to say 'was') in many ways the 'main frame' of the University and of the Law school. The answer to our questions on procedures, conventions, statutes and governance are to be found in the 'main frame' of Irving's repository of experience and knowledge of Buckingham and its international student body. His was a mind to which the University Senate would defer on so many occasions and indeed we too have deferred.



Our Alumni far and wide know and love Irving. His is the face of Buckingham, its stability and continuity, always helping students and parents with warmth, good humour, charm and unique individuality and charisma. Since the announcement of his retirement eulogies have poured in: "Irving is such an important colleague whom it would be difficult to replace"; "From the awarding of the University's Royal Charter... Irving has seen it all"; "Irving was the model teacher, always well received by his students"; "Concerned to strike the right balance between a systematic exposition of the law with a more modest criticism of the law" (A former deputy Vice-Chancellor and Dean of Law, Professor Andrew Durand).

Irving was for some considerable time the mind and commitment behind marketing and admissions in the Law School, and his experience in recruiting fed into his teaching, appreciating that the students were interested most in embarking on their careers; that legal education was for most not an end in itself but a means to an end. Along with the eulogies there have also been tears. We will miss Irving, not only as an academic thinker but as a personality, his unique sense of style in everything that he did, his unique quality and his rebellious humour. A man of principle, with a sense of justice and unrivalled loyalty, we raised our glasses to the fair, the principled, the loyal, the just, and the forever enigmatic Irving - a true vintage!

Irving will continue to teach on our Part-time Law degree programme and has been made a Fellow of the University in recognition of his huge contribution over so many years.



Irving with his Marketing and Admissions team

# ALUMNI NEWS - Across the world

## NEWS FROM TORONTO

There was a get together in Toronto's Distillery District on 22nd December 2014 with one of our Academics (Senior Lecturer John Halladay, a former Dean of Buckingham Law School, resident expert in Contract Law, and Careers Adviser to our Canadian students, Law Alumni and current law students).

There was a lively discussion of Buckingham Law School, past and present. More importantly, information and advice was given concerning the route to qualifying as a lawyer in Canada and what steps needed to be taken. Other more pressing matters like the festive season were also on the agenda.



## NEWS FROM KENYA

Buckingham Law School is immensely proud of the achievement of one of our alumni, Agnes Murgor, who was appointed Court of Appeal Judge in Kenya on 30th July 2014. We send her our best wishes for every success in her new position.

Agnes graduated from Buckingham in 1987. She worked at the law firm Hamilton Harrison and Mathews, then as a State Counsel in the Attorney General's Chambers, and in 1992 she established Murgor & Murgor Advocates with her husband. She is an Advocate of the High Court of Kenya and a Member of the Law Society of Kenya and the Institute of Certified Public Secretaries of Kenya. Her father, the late Justice Mathew Guy Muli, was a distinguished Kenyan jurist.



## NEWS FROM BARBADOS

Upon a recent visit to Barbados, Dinesh Rajp LLB, LLM 2005 met with his fellow Alumni Tom Durbin and Jill St George LLB 2006. Dinesh currently runs his own consultancy but continues to lecture at Buckingham in a visiting capacity on Legal Negotiation Skills to our Legal Skills students. Tom and Jill are both academics at the University of the West Indies, Cave Hill campus in Barbados <http://www.cavehill.uwi.edu/Law/faculty-staff.aspx>. They have been teaching at UWI for the last four years and are enjoying the challenges of Caribbean law. The picture is taken at the prestigious Sandy Lane Hotel where the trio were enjoying dinner on Dinesh's last night.

## “The Treasure Act — less than Gold Standard”



The Mold Gold Cape

### PROFESSOR JUDITH BRAY DELIVERS HER PROFESSORIAL INAUGURAL LECTURE

Professor Judith Bray delivered her inaugural lecture titled ‘The Treasure Act — Less than Gold Standard’ on November 4th in the Radcliffe Centre. It was attended by staff and students and the University especially welcomed Professor Bray’s family, her children and her husband Judge Bray.

The lecture considered the protection of our cultural heritage. It covered the Treasure Act 1996, the illegal use of metal detectors, as well as the protection of sites of historical interest. Professor Bray highlighted the successes of the Treasure Act and she also considered its shortcomings.

She made a number of suggestions for reform including reform to the definition of treasure, placing a statutory limit on the level of reward paid to finders of treasure, and the introduction of compulsory reporting of all archaeological objects. She suggested that the criminal law does not give sufficient protection against ‘nighthawkers’ and further it does not sufficiently protect against damage to historical sites, so a new criminal offence should be introduced.

Professor Bray concluded that the Treasure Act was a compromise which left too many loopholes which allowed the well-informed to escape prosecution and made provision for large rewards which were not affordable. She commented that it was a missed opportunity and rather than gold standard it was gold-plated.



## A NEW LAW PRIZE FOR STUDENTS



Rachel Lawrence and Sir Ivan outside the court at the trial of Quinten Hann

### **‘The Rachel Lawrence Prize for Mooting and Legal Skills’, sponsored by Hammicks Legal Information Services**

Sir Ivan Lawrence QC is our Visiting Professor in Law since 2003 and an Honorary Graduated of the University (2013). He also presents a regular Masterclass on Advocacy to our Part 1 Legal Skills and Procedure students. In 2013 his barrister daughter Rachel Lawrence died at the age of 45 after battling with cystic fibrosis. She was well known at the criminal bar, was a member of Argent Chambers (5 Bell Yard, London WC2A 2JR) and specialised in cases of rape and violence against the person (see [www.innertemple.org.uk/yearbook-2014/files/.../page148.html](http://www.innertemple.org.uk/yearbook-2014/files/.../page148.html)).

Amongst her cases Rachel took and won the case of *R v Santana-Bermudez* to the Court of Appeal, developing a very important legal principle. The inner Temple Yearbook reported: “Prior to her death, she had been so busy defending in ‘end to end’ child abuse cases in the Midlands, that no one appreciated that she needed a lung transplant. However, she continued to live life to the full, totally undaunted and insouciant about her medical condition. After her death, her kidneys and eyes were used as transplant donations. The family have endowed a scholarship in her name at the Inner Temple.”

Hammicks Legal Information Services on Fleet Street has generously donated a subject prize to Buckingham Law School in honour of Rachel and in recognition of her contribution as a barrister, her enthusiasm for life and for the law, and her indefatigable energy and resolve to live life to the full in the face of adversity.

Buckingham Law School is proud to be the recipient of this prize. Every year at our January examination board the Rachel Lawrence Prize will be awarded to a Law finalist. This year the prize was shared between Willin Belliard and Sol Espejo. The criteria for awarding the prize will be ‘an outstanding performance in Mooting and Legal Skills’. A winner will be proposed by the Course Leader for Legal Skills and Procedure and our Master of Moots, and will take into consideration performance in mooting workshops (assessed as part of our Legal Skills and Procedure Course), moots, and other relevant mooting activities.

## VERY BRIEFS

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### NEW STAFF

#### The Hon. Dr Jocelynn Scutt

**Joined us in July 2014 - teaches Constitutional and Administrative Law and lectures in Criminal Law and Sex, Gender and Minorities.** The Hon. Dr Jocelynn Scutt holds degrees in law and arts (including film, video and new screen media) from Universities in Australia, the US and the UK. Her SJD was awarded by the University of Michigan in 1979, PhD by the University of New South Wales, and LL.D (Honoris Causa) by Macquarie University. She has published widely in international law journals and reviews, and her books include *Women and the Law – Cases & Materials*, *The Sexual Gerrymander – Women & The Economics of Power*, *The Incredible Woman – Power & Sexual Politics* (2 vols) and *Even in the Best of Homes – Violence in the Family*. She is a barrister and Human Rights lawyer, admitted to practise in all Australian states/territories, and was called to the English Bar in 2014. From 2007-2009 she was a Judge of the High Court and Court of Appeal, Chief Judge of the Family Court and Employment Judge of the Employment Court of Fiji.

#### Carolyn Naughton

**Joined us in January 2015 - teaches Land Law and is our Solicitors Advisor.** In her previous institution Carolyn taught a wide variety of subjects including Property and Family Law and was instrumental in introducing a flexible part-time law pathway. Her current research interests are adult relationships. Away from the University she is a member of a book club and enjoys walking the dog.

### LEGAL CONSULTANCY

Dr Adolfo Paolini is a foreign expert in Banking and Finance, and is a consultant with DAC Beachcroft LLP on insurance banking and commercial law matters.

### GUEST LECTURES GIVEN BY OUR STAFF

Dr James Slater delivered a guest lecture on 'Breach of trust and the criminalization of non-disclosure of HIV-positive status' in Manchester on Friday 26th September 2014, at a conference on Criminalizing Contagion: Legal and Ethical Challenges of Disease Transmission and the Criminal Law.

Dr Jocelynn Scutt was a speaker at the Women's History Network National Conference at Worcester University 2014. The subject was "Women as Renegades - Fighting for Peace During War" (<http://womenshistorynetwork.org/blog/?tag=womens-peace-army>)

### EXPERT WITNESS

Professor Susan Edwards acted as the expert witness in an appeal against a refusal to award criminal injuries compensation to the victim of rape (the case of R v A [2012] EWCA Crim 434), both at first instance and on a subsequent review. The case for compensation was heard before the First Tier Tribunal, Criminal Injuries Compensation (FTT) 12/314965 RT - Hearing June 2014. Professor Edwards' 24 page report was cited at pages 2 and 3 of the judgment in which the refusal to award was successfully overturned.

# STRICTLY PERSONAL AND ABSOLUTELY FABULOUS

## MARRIAGES

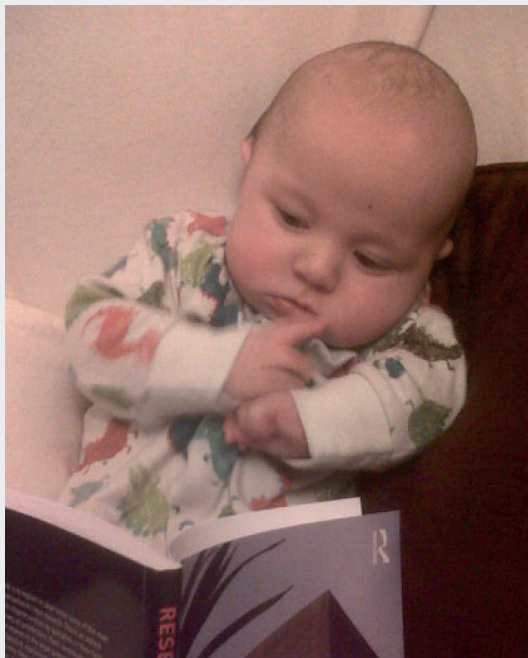
Dr James Slater (Director of the Part-time LLB) and Pearl Lewis (Quality Assurance Manager) were married in Quainton, Buckinghamshire on 5th September 2014. James and Pearl have a combined total of 17 years service to the University and were touched by the many messages of congratulations from staff and students.



## BIRTHS

### It's never too soon to start revising!

Baby Isaac engrossed in his book, born 26th September 2014 to Karen Dyer and Dr James Brown



### Welcome back Ada!

Ada has returned to Buckingham after her maternity leave. Here she is with baby Jacob



## Undergraduate

- LLB (Hons) Law
- LLB (Hons) Law with Business Finance
- LLB (Hons) Law with Economics
- LLB (Hons) Law with English Language Studies (EFL/ESL)
- LLB (Hons) Law with French
- LLB (Hons) Law with Management Studies
- LLB (Hons) Law with Spanish
- LLB (Hons) Law (part-time)

## Postgraduate

- LLM in International and Commercial Law (*Oil and Gas Specialist*)
- LLM in International and Commercial Law (*International Trade and Maritime Law Specialist*)
- LLM in International and Commercial Law (*Financial Services Specialist*)
- LLM (by research)
- Postgraduate Diploma in International and Commercial Law
- MPhil/DPhil (by research)

### Law

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