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| Module code | CCL | NQF level | 7 |
| Credit value | 20 | Study duration | 12 weeks |

Commercial Conflict of Laws

Module description

This is a 20 credit level 7 module which forms part of the core of the LLM in International Business Law. Private international law regulates disputes with a foreign element. It is a national law with an international objective. Its objective is to provide rules of jurisdiction and of the applicable law as well as regulate the recognition and enforcement of foreign judgements.

Rising international trade has significantly increased the number of cases that private international law applies to. Knowledge of private international law is key to managing insecurity and risk in international legal relations. It is important for lawyers and traders to be aware of which court has jurisdiction over their dispute and what will be the applicable law.

This module focuses on private international law and commerce. It studies both the rules of jurisdiction and the rules for choice of law. The module studies the national legislative framework in which private international law operates. This has been influenced significantly by the European Union and by international organisations.

The module concentrates on these developments. It especially analyses the applicable European legal instruments: the Brussels Regulations and the Rome Regulations.

The module will also offer a comparative analysis by looking at how private international law functions in the United States.

Students will have the opportunity to consider questions such as: in which cases can parties select the applicable law to their contract? Which laws can parties select? Which court will have jurisdiction over the case? Which mechanisms protect the parties and are these necessary?

This module aims to:

- Examine the key principles and objectives of private international law
- Examine private international law with a focus on how it relates to international commerce
- Understand the objectives and functioning of private international law
- Understand the national, European and international legal framework in which private international law operates.
- Encourage critical analysis of the development of private international law from an international and a comparative perspective

Learning outcomes

On completion of this module, students will be able to:

- develop an understanding of private international law and how this fits in with the study of international commercial law and trade law

- develop a good legal understanding of the theoretical aspects of private international law
- knowledge of the function of private international law in practice
- familiarity with current developments in private international law
- understand the European and international framework in which private international law functions

Syllabus

- Introduction to private international law
- Jurisdiction of English courts
- The Brussels Regulations
- Finding the applicable law
- The Rome I Regulation
- The Rome II Regulation
- Legal procedures
- Recognition and enforcement of foreign judgements
- Special type contracts
- Contractual rights and property interest
- A comparative perspective: private international law in the United States
- International legal mechanisms

Learning and teaching methods

The module will be delivered through the provision of specified reading materials which shall be provided on the module/ programme learning platform, which shall be supported by specified discussion forums and weekly online lectures. Weekly online lectures are normally of 30 minutes duration.

Students will be provided with indicative guidance on, and encouraged to look at, relevant websites which are appropriate to the module, and to identify and share appropriate web-based resources as learning support references with their fellow students and as indicators of their individual learning contexts with their tutors. The live lectures will include referenced use of selected case studies which will be drawn from the reading materials/web based module learning resources and the practice-based and professional/educational contexts and experience of the tutors. At pre-arranged and regularly agreed points, on specified days and times in advance of each lecture (typically two to three days prior to the lecture) there will be a 'drop in' telephone/or on line preparatory learning liaison session conducted between the student(s) and tutor, typically lasting for 20 to 30 minutes. These sessions are designed to provide students with an introductory preview of the week's work and give them an opportunity to ask specific and general questions related to that week's learning opportunities and to enable them to contextualise their learning experience. Self-managed learning will supplement lectures and students are given weekly direction on required and indicative reading.

| Description of unit of assessment | Length/Duration | Submission date | Weighting |
|------------------------------------------|-----------------|-----------------|-----------|
| Discussion activity | 2 weeks | n/a | 20% |
| Mid module assignment: oral presentation | 12-15 minutes | Mid term | 30% |
| End of module project | 4,500 words | End term | 50% |