

# **SOCIETY OF LEGAL SCHOLARS**

**ANNUAL CONFERENCE 2003**

**17-20 SEPTEMBER**

## **PROGRAMME**

The Society gratefully acknowledges the support of:

LexisNexis

Sweet & Maxwell

Oxford University Press

Cavendish Publishing



[Oxford logo]

Faculty of Law

[St Catherine's logo –  
plain lines]

St Catherine's College



# SLS OXFORD SEPTEMBER 2003

## PROGRAMME SUMMARY

|         | Wednesday 17 <sup>th</sup><br>September  | Thursday 18 <sup>th</sup><br>September  | Friday 19 <sup>th</sup><br>September  | Saturday 20 <sup>th</sup><br>September |
|---------|--|---|---|--|
| 8.00am  |  | Breakfast   | Breakfast   | Breakfast                              |
| 9.15am  |  | <b>A3</b>   | <b>B1</b>   | 9.30 <b>B4</b>                         |
| 10.45am |  | Coffee  | Coffee  | 11.00 Coffee                           |
| 11.15am |  | <b>1<sup>st</sup> OUP SLS LECTURE</b><br>Vernon Bogdanor<br><i>The Reform of the Constitution</i>   | <b>3rd OUP SLS LECTURE</b><br>David Ibbetson FBA<br><i>How the Romans Did for Us: The Breakdown of the Common Law of Tort</i> | 11.45 <b>AGM</b>                       |
|         | 12.00 Registration desk opens  |   |   |  |
| 12.30pm |  | Wine  | Wine  | Closure                                |
| 1.00pm  |  | Lunch   | Lunch   |  |
| 2.00pm  |  | <b>2<sup>nd</sup> OUP SLS LECTURE</b><br>James Harris FBA<br><i>Human Rights and Mythical Beasts</i>  | <b>FORUM</b><br>Matthias Kelly QC<br>Chair of the Bar Council.<br><i>Constitutional Reform</i>                                |  |
| 3.00pm  | <b>A1</b>  | <b>A4</b>   | <b>B2</b>   |  |
| 4.30pm  | Tea  | Tea   | Tea   |  |
| 5.00pm  | <b>A2</b>  | <b>A5 (or FREE)</b>   | <b>B3</b>   |  |
| 6.30pm  | Reception<br><b>President(6.40)</b>  | Reception   | Reception and book launch by OUP  |  |
| 7.30pm  | <b>DINNER</b><br>generously sponsored by LexisNexis.<br>Presentation of SLS Prize.<br>Post-prandial drinks by Cavendish. | <b>SLS ANNUAL DINNER</b><br>generously sponsored by Sweet & Maxwell. The Society's guest will be <b>The Rt Hon the Lord Bingham of Cornhill, Senior</b> | <b>DINNER</b><br>generously sponsored by OUP. We are obliged not to publish the name of the Society's guest at this occasion. |  |

|  |  |                  |  |  |
|--|--|------------------|--|--|
|  |  | <b>Law Lord.</b> |  |  |
|--|--|------------------|--|--|

Please see the notes overleaf

## **REGISTRATION**

The Conference begins at 3.00 on Wednesday 17<sup>th</sup> with the first subject section meetings. The registration desk will open in the main entrance of St Catherine's College at noon.

## **CHULS and COUNCIL**

Before the beginning of the Conference there will be meetings of the Committee of Heads of University Law Schools and the Council of the Society, both in All Souls College. Members of Council may not get away in time to be at the first sectional sessions.

## **A1 to B4, and PLENARY SESSIONS**

'A1' signifies the first sessions of the A sections, and so on. The conference pack includes printed programmes for each section and also, separately, the location of every meeting. All sectional meetings are either in St Catherine's or in the St Cross Building, which is almost next door. All plenary sessions are in the Bernard Sunley Lecture Theatre in St Catherine's.

## **LOCATIONS OF EXHIBITIONS AND MEALS AND BREAKS**

The publishers' exhibitions are in the area adjacent to the bar area. Afternoon tea, morning coffee, pre-lunch wine, and pre-dinner receptions are all in the area of the publishers' exhibitions. Breakfast, lunch, and dinner are in the Hall. It will be very helpful, especially to those serving, if you could come to lunch and dinner punctually.

## **DRESS CODE FOR DINNERS**

The dress code for all three dinners is lounge suit, **not** black tie.

## Contents

|                                  |    |
|----------------------------------|----|
| <b>Sheffield 2004</b> .....      | 7  |
| <b>Group A</b>                   |    |
| Civil Liberties.....             | 8  |
| Company.....                     | 9  |
| Comparative Law.....             | 10 |
| Family.....                      | 11 |
| Immigration and Refugee Law..... | 12 |
| International.....               | 13 |
| Jurisprudence.....               | 14 |
| Legal Education.....             | 15 |
| Legal History.....               | 16 |
| Maritime Law.....                | 17 |
| Media and Communications.....    | 18 |
| Restitution A.....               | 19 |
| Torts.....                       | 20 |
| <b>Group B</b>                   |    |
| Consumer.....                    | 21 |
| Contract & Commercial.....       | 22 |
| Criminal Justice.....            | 23 |

|  |    |
|--|----|
| Environmental.....                       | 24 |
| EU and Competition Law.....              | 25 |
| Intellectual Property.....               | 26 |
| Labour.....                              | 27 |
| Medical.....                             | 28 |
| Practice, the Profession and Ethics..... | 29 |
| Pro Bono Group.....                      | 30 |
| Property and Trusts.....                 | 31 |
| Public.....                              | 32 |
| Restitution B.....                       | 33 |
| Tax.....                                 | 34 |

## Sheffield 2004

The 2004 Annual Conference will take place at the University of Sheffield, commencing in the afternoon of Monday 13<sup>th</sup> September and concluding after lunch on Thursday 16<sup>th</sup> September. Accommodation will be in Tapton Hall of Residence, which is a short distance from the location of the Law School in the Crookesmoor Building. Conference sessions will take place in both Tapton and Crookesmoor. The setting for the Annual Dinner will be the magnificent Cutlers' Hall in the City Centre.

### President

Professor John Birds

Head of Department, Department of Law, University of Sheffield

Tel: 0114 222 6774

Fax: 0114 222 6832

[j.birds@shef.ac.uk](mailto:j.birds@shef.ac.uk)

### Bookings

Booking forms will be sent out via Constituencies around May 2004.

### Call for papers

Convenors of subject sections will be sending out a call for papers in February 2004. Contact details will be available on the Sections website [www.legalscholars.ac.uk/sections/](http://www.legalscholars.ac.uk/sections/) and members are invited to register their interest in providing a paper with the relevant convenor.

### Subject Sections

The division of sections into A and B groups will be available on the website by mid October and members will then be able to check the exact days that their section will be running at Sheffield.

General enquiries may be directed to the Subject Sections Secretary:

Professor Peter Sparkes

Deputy Head, School of Law, University of Southampton

ps1@soton.ac.uk

## Civil Liberties

|               |   |
|---------------|---|
| Convenor      | PROF HELEN FENWICK<br>Faculty of Law, University of Durham, 50 North Bailey, Durham, DH1 3ET<br>Tel: 0191 374 2031 Fax: 0191 374 2044   |
| Email Contact | H.M.Fenwick@durham.ac.uk  |
|               |   |
| Group A       | Room D, Bernard Sunley Building, St Catherine's College   |
| Session 1     | September 17th 2003, 15.00-16.30  |
|               | 1A Steven Greer (Bristol)<br>"Constitutionalising the European Convention on Human Rights"<br>1B Colm O'Cinneide (UCL)<br>"In Through the Back Door? Administrative Law, Article 3 of the ECHR and Socio-Economic Rights" |
| Session 2     | September 17th 2003, 17.00-18.30  |
|               | 2A Ellie Palmer (Essex) and Aileen Kavanagh (Liecester)<br>"Deference under the Human Rights Act"<br>2B Philip Plowden and K Kerrigan (Northumbria)<br>"Public Authority Status under the Human Rights Act"               |
| Session 3     | September 18th 2003, 09.15-10.45  |
|               | 3A G Phillipson (Durham)<br>"The Communications Act 2003 and the Protection of Privacy"<br>3B Prof Helen Fenwick (Durham)<br>"'Taste and Decency', the Communications Act 2003 and Article 10"                            |
| Session 4     | September 18th 2003, 15.00-16.30  |
|               | Jo Miles (Cambridge) and Alison Young (Oxford)<br>"Possibility, Deference and section 3(1) of the Human Rights Act 1998"  |

## Company Law

|               |  |
|---------------|--|
| Convenor      | PROF TOM BURNS,<br>Department of Law, Robert Gordon University, Garthdee Road, Aberdeen<br>AB10 7QE<br>Tel 01 224 263414   |
| Email Contact | t.burns@rgu.ac.uk  |
|               |  |
| Group A       | Room A, Bernard Sunley Building, St Catherine's College  |
| Session 1     | September 17th 2003, 15.00-16.30   |
|               | 1A. Dr Charles Mitchell (KCL)<br>"Barring Shareholders' Claims to Reflective Loss"<br>1B. Dr Alan Dignam (Queen Mary London)<br>"Australia Inside/out: Corporate Governance Determinants in Australian<br>Listed Companies"                  |
| Session 2     | September 17th 2003, 17.00-18.30   |
|               | 2A. Dr Ben Pontin and Claire Howell (UWE)<br>"The environmental dimension of company law reform"<br>2B. Paul Eden (Sussex)<br>"The legal effect of transfers of shares in breach of transfer restrictions in the<br>articles of association" |
| Session 3     | September 18th 2003, 09.15-10.45   |
|               | 3A. Paddy Ireland (Kent)<br>"Property and Contract in Contemporary Corporate Theory"<br>3B. Professor Irene Lynch Fannon (UC Cork)<br>"The Derivative Action as a Corporate Governance Tool: A Transatlantic<br>Case"                        |
| Session 4     | September 18th 2003, 15.00-16.30   |
|               | Professor Alice Belcher (Dundee)<br>"The evolution of business knowledge in the context of unitary and two-tier<br>board structures."  |

## Comparative Law

|               |   |
|---------------|---|
| Convenor      | PROFESSOR ESIN ORUCU<br>School of Law, University of Glasgow, The Stair Building, Glasgow, G12 8QQ<br>Phone: 0141 3398855/4175<br>Fax: 0141 330 5240  |
| Email Contact | e.orucu@law.gla.ac.uk   |
|               |   |
| Group A       | Seminar Room, Library, St Catherine's College   |
| Session 1     | September 17th 2003, 15.00-16.30  |
|               | Jane Ball (Sheffield)<br>"Protective structuralisation and the black art of making French company and tenancy law sound English"  |
| Session 2     | September 17th 2003, 17.00-18.30  |
|               | Dr Guido Westkamp (Queen Mary, London)<br>"Copyright as Unfair Competition Control - Functional equality and statutory restriction in civil and common law copyright systems"   |
| Session 3     | September 18th 2003, 09.15-10.45  |
|               | Mr A. Bari (Malaysia)<br>"Teaching Comparative Constitutional law in Malaysia - Issues and problems"  |
| Session 4     | September 18th 2003, 15.00-16.30  |
|               | 4A ROUND TABLE: Myth and reality in comparisons<br>4B. Camilla Baasch Andersen (Queen Mary, London)<br>"Comparing the incomparable: An Analysis of Comparative Research Methodology where 'stateless' rules of law are involved"<br>4C. Nick Foster (SOAS)<br>"The lex mercatoria: mythical history as legal formant" |
| Other         | Section conference theme: The Strange Problems of Comparative Research and Teaching   |

## Family Law

|               |   |
|---------------|---|
| Convenor      | FRANCES BURTON<br>Faculty of Law, University of the West of England,<br>Coldharbour Lane, Frenchay, Bristol BS16 1QY<br>Tel 0117 965 6261   |
| Email Contact | Frances.Burton@uwe.ac.uk  |
|               |   |
| Group A       | Room C, Bernard Sunley Building, St Catherine's College   |
| Session 1     | September 17th 2003, 15.00-16.30,   |
|               | PARENTHOOD<br>Chair: Prof Chris Barton (Staffs)<br>1A Frank Martin (NUI, Cork)<br>"The Commissioner for Children"<br>1B Catherine Williams (Sheffield)<br>"Attitudes to Trans-Racial Adoption"<br>1C Raymond Arthur (Birmingham)<br>"Preventing Youth Crime: The Role of Parents"<br>1D Joan Small (City)<br>"Exclusion, Truancy and the Role of Parents" |
| Session 2     | September 17th 2003, 17.00-18.30,   |
|               | MARRIAGE<br>Chair: Rebecca Probert (Warwick)<br>2A Professor Henry Finlay (Hobart)<br>"From Corbett to Kevin: Legal Recognition of Transsexual Marriage in Australia"<br>2B Susan Jenkinson (Staffordshire)<br>"The Influential Role of the Co-Respondent in Divorce Reform in the 20th Century"  |
| Session 3     | September 18th 2003, 09.15-10.45  |
|               | COHABITATION<br>Chair: Jo Miles (Trinity College, Cambridge)<br>3A Anne Barlow (Aberystwyth) and Dr Matthew Weait (Open)<br>"A Same-Sex Only Civil Partnerships Register? Some Implications for Family Law"<br>3B Rebecca Probert (Warwick)<br>"From Fornication to Family: The Changing Perception of Cohabitants in English Law"                        |
| Session 4     | September 18th 2003, 15.00-16.30  |
|               | PUBLISHERS AND PUBLICATIONS<br>Chair: Catherine Williams (Sheffield and CFLQ)<br>4A Open Discussion of Influential Writing<br>4B Getting Published in the Child and Family Law Quarterly  |

## Immigration and Refugee Law

|               |  |
|---------------|--|
| Convenor      | MS DALLAL STEVENS<br>School of Law, University of Warwick, Coventry, CV4 7AL<br>Phone: 024 765 23289<br>Fax: 0254765 24105   |
| Email Contact | Dallal.Stevens@warwick.ac.uk   |
|               |  |
| Group A       | Owen Room, St Cross Building   |
| Session 1     | September 17th 2003, 15.00-16.30   |
|               | Rhiannon Talbot (Newcastle)<br>"Recognition of Terrorists in UK Counter-Terrorism Law"   |
| Session 2     | September 17th 2003, 17.00-18.30   |
|               | 2A. Robin White (Dundee)<br>"What difference nationality makes"<br>2B. Caroline Sawyer (Oxford Brookes)<br>"Blood and earth: citizenship, identity and the nation-state"   |
| Session 3     | September 18th 2003, 09.15-10.45   |
|               | 3A. Gina Clayton (Huddersfield)<br>"Reversing Human Rights? Judicial attitudes to detaining foreign." nationals"<br>3B. Penny English & Helena Wray (Middlesex)<br>"Doubt, Suspicion and Disbelief: Official Discretion and the Immigrant" |
| Session 4     | September 18th 2003, 15.00-16.30   |
|               | Will probably not be used.   |

## International Law

|               |   |
|---------------|---|
| Convenor      | PROF DOMINIC MCGOLDRICK<br>Liverpool Law School, University of Liverpool, Chatham Street, Liverpool<br>L69 7ZS<br>Tel 0151 794 2812   |
| Email Contact | <a href="mailto:dmcg@liverpool.ac.uk">dmcg@liverpool.ac.uk</a>  |
|               |   |
| Group A       | Meyerstein Room, St Cross Building  |
| Session 1     | September 17th 2003, 15.00-16.30  |
|               | 1A. Professor Dominic McGoldrick (Liverpool)<br>Round table on the Iraq War 2003 "From '9-11' to the 'Iraq War 2003' - the<br>International Order in an Age of Complexity?"<br>1B. Alex Conte (Canterbury, New Zealand)<br>"The interface between Counter-terrorism and Human Rights" |
| Session 2     | September 17th 2003, 17.00-18.30  |
|               | Professor Robert McCorquodale (Nottingham)<br>"An Inclusive International Legal System"<br>Plus reponse (TBC)   |
| Session 3     | September 18th 2003, 09.15-10.45  |
|               | 3A. Ralph Wilde (UCL)<br>"The relationship between human rights and humanitarian law"<br>3B. Dr Yutaka Arai (Kent) "The Evolving Concept of Ill-Treatment under<br>International Criminal Law"  |
| Session 4     | September 18th 2003, 15.00-16.30  |
|               | 4A. Karen Hulme (Essex)<br>"British Use of Cluster Bombs in Iraq 2003: A Violation of International<br>Law?"<br>4B. Dapo Akande (Durham)<br>"The International Criminal Court and the Exercise of Personal Jurisdiction"  |

## Jurisprudence

|           |  |
|-----------|--|
| Convenor  | DR STUART WARREN TODDINGTON<br>Lancashire Law School,<br>University of Central Lancashire,<br>Preston PR1 2TQ<br>Tel 01772 893062<br>swtoddington@uclan.ac.uk<br>PROF JOHN GARDNER<br>University College, Oxford OX1 4BH<br>Tel 01865 276638<br>E-mail john.gardner@law.ox.ac.uk |
| Group A   | Music House, St Catherine's College  |
| Session 1 | September 17th 2003, 15.00-16.30   |
|           | Richard Tur (Oxford)<br>"The Lasting Value of American Realism"  |
| Session 2 | September 17th 2003, 17.00-18.30   |
|           | Scott Styles (Aberdeen)<br>"Legal Reasoning and Political Reasoning"   |
| Session 3 | September 18th 2003, 09.15-10.45   |
|           | Symposium Led by Adam Gearey (Birkbeck), with others<br>"The Politics of Reason(s) - part 1"   |
| Session 4 | September 18th 2003, 15.00-16.30   |
|           | Symposium led by John Gardner (Oxford), with others<br>"The Politics of Reason(s)- part 2"   |

## Legal Education

|               |   |
|---------------|---|
| Convenor      | PROF RUTH SOETENDORP<br>School of Finance and Law, Bournemouth University, Fern Barrow, Poole,<br>Dorset BH12 5BB<br>Tel 01202 595212   |
| Email Contact | rsoetend@bournemouth.ac.uk  |
|               |   |
| Group A       | JCR Seminar Room, St Catherine's College  |
| Session 1     | Wednesday 17th 15.00-16.30  |
|               | A. Chris Ashford (Legal Education Officer, Irwin Mitchell, Sheffield)<br>"Future of Legal Education within private practice - implications for HE & FE"<br>B. Dr Maureen Spencer (Middlesex)<br>"Sabbaticals - their impact on legal education" |
| Session 2     | Wednesday 17th 1700-18.30   |
|               | A. Professor Ruth Soetendorp (Bournemouth)<br>"'just for fun' - enriching the postgraduate law student online learning experience"<br>B. Mike Cuthbert and Dinesh Parmar (Northampton)<br>"Law Student 2000 project - conclusions"              |
| Session 3     | Thursday 18th, 09.15-10.45  |
|               | A. Philip Plowden (Northumbria)<br>"Clinical law teaching"<br>B. Philippa England (Griffin University, Australia)<br>"Flexible teaching and learning of trust law"  |
| Session 4     | Thursday 18th 15.00-16.30   |
|               | A. Alison Bone<br>"Plagiarism"<br>B. Dr E Mytton (Bournemouth)<br>"The context of legal education as ideology"  |

## Legal History

|               |   |
|---------------|---|
| Convenor      | PROFESSOR DAVID J IBBETSON<br>Corpus Christi College,<br>Cambridge<br>CB2 1RH<br>Tel: 01223 366698  |
| Email Contact | dji22@cam.ac.uk   |
|               |   |
| Group A       | Room B, Bernard Sunley Building, St Catherine's College   |
| Session 1     | September 17th 2003, 15.00-16.30  |
|               | 1A. Danuta Mendelsohn (Melbourne)<br>"The Duchess of Kingston's case and the evidentiary privilege of patients"<br>1B. Warren Swain (Oxford)<br>"The changing nature of the doctrine of consideration circa 1750-1850"<br>1C. Melanie Williams (Aberystwyth)<br>"Post-war legal theory: a retrospect on the Hart - Fuller debate" |
| Session 2     | September 17th 2003, 17.00-18.30  |
|               | 2A. Charlotte Louise Smith (Reading)<br><i>Allcard v Skinner</i><br>2B. Ross Macdonald (Dundee)<br><i>Countess of Dunmore v Alexander</i><br>Andrea Loux (Centre for Socio-legal Studies Oxford)<br>'Customary rights in Scots law'   |
| Session 3     | September 18th 2003, 09.15-10.45  |
|               | 3A. Tony Ward (De Montfort)<br>"Murder, Madness and Maternal Instinct: the Case of Dora Sadler"<br>3B. Peter Robson (Strathclyde)<br><i>Hall v. Incorporated Society of Law Agents in Scotland</i>  |

## Maritime Law

|               |  |
|---------------|--|
| Convenor      | RICHARD A BARNES<br>Sir QW Lee and Dr Peter Thompson Lecturer in Maritime Law<br>The Law School, The University of Hull, Hull HU6 7RX<br>Tel: (+44) 01482 466320   |
| Email Contact | R.A.Barnes@hull.ac.uk  |
|               |  |
| Group A       | Law Board Room, St Cross Building  |
| Session 1     | September 17th, 15:00 - 16:30  |
|               | A. S Hawker (London Guildhall)<br>"The politics of the supression of piracy"<br>B. R Barnes (Hull)<br>"Recent developments on ports of refuge for vessels in distress"   |
| Session 2     | September 17-18, 17:00 - 18:30   |
|               | 2A. J Chuah (Westminster)<br>"Developments in EU Shipping"<br>2B. Peter M. Flanagan (JD Candidate, Notre Dame)<br>"The Superfluous Appendage of International Commercial Contracts' (Or, How I Learned to Stop Worrying About the Lex Mercatoria and Love National Law)"   |
| Session 3     | September 18th, 09.15 - 10.45  |
|               | <b>Postgraduate Session</b><br>A. Despina Aspragkathou (Birmingham)<br>"Tests for the 'Arrived Ship': Evaluation and Suggestions"<br>2B. Ese Owie (Hull)<br>"abotage Laws and Trade Liberalisation Policies: Striking a Compromise in the Maritime Services Negotiations of the GATS"<br>3C. Richard Ezeife (Hull)<br>"Title to Sue Revisited" |
| Session 4     | September 18th, 15.00 - 16.30  |
|               | A. Prof Angelo Forte (Aberdeen)<br>"Scottish Prize Law in the Third Anglo-Dutch War 1672-1674"<br>B. Dr Sarah Dromgoole (Leicester)<br>"The UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 and the use of inter-state agreements for the protection of specific wreck sites"                                     |

## Media and Communications

|               |  |
|---------------|--|
| Convenor      | PROFESSOR TOM GIBBONS<br>School of Law, The University Manchester, Manchester M13 9PL<br>Telephone: 0161 275 3585<br>Fax: 0161 275 3579  |
| Email Contact | tom.gibbons@man.ac.uk  |
|               |  |
| Group A       | History of the Book Room, St Cross Building  |
| Session 1     | September 17th 2003, 15.00-16.30   |
|               | Gavin Phillipson (Durham)<br>"Troubling questions about a right to privacy: 'waiver' by prior publicity, the relevance of the private lives of politicians, and the value in knowing the truth about celebrities."                               |
| Session 2     | September 17th 2003, 17.00-18.30   |
|               | Mike Varney (Hull)<br>"Private Property in the Digital Media: A Case for Curtailment."   |
| Session 3     | September 18th 2003, 09.15-10.45   |
|               | Clive Walker & Yaman Akdeniz (Leeds)<br>"The Retention of Communications Data."  |
| Session 4     | September 18th 2003, 15.00-16.30   |
|               | 4A. Kelbinder Kaur (De Montfort)<br>"In Public In Private - The Good, The Beautiful, and The Infamous."<br>4B. Tom Gibbons (Manchester)<br>Commentary: "A comment - in the light of the best paper on privacy published in the past five years." |

## Restitution A

|               |   |
|---------------|---|
| Convenor      | PROFESSOR FRANCIS D ROSE<br>Faculty of Law, University of Bristol, Wills Memorial Building, Queen's Road, Bristol BS8 1RJ<br>Tel: 0117-954-5318                                     |
| Email Contact | Francis.Rose@bristol.ac.uk  |
|               |   |
| Group A       | Room 1, Mary Sunley Building, St Catherine's College  |
| Session 1     | September 17th 2003, 15.00-16.30  |
|               | Professor Daniel Friedmann (Tel-Aviv)<br>"Reversible Transfers - The Two Categories"  |
| Session 2     | September 17th 2003, 17.00-18.30  |
|               | Robert Stevens (Lady Margaret Hall, Oxford)<br>"Why agents drop out"  |
| Session 3     | September 18th 2003, 09.15-10.45  |
|               | Dr Duncan Sheehan (East Anglia)<br>"The Instance and Effect of Natural Obligations"   |
| Session 4     | September 18th 2003, 15.00-16.30  |
|               | A. Dr Simone Degeling (New South Wales)<br>"Consumers and Unjust Enrichment: Roxborough and related examples"<br>B. Ralph Cunnington (Durham)<br>"Partial failure of consideration" |
| Other         | See also Restitution B  |

## Torts

|               |  |
|---------------|--|
| Convenor      | RODERICK BAGSHAW<br>Fellow in Law, Magdalen College, Oxford, OX1 4AU<br>Tel (01865) (2)76 054  |
| Email Contact | roderick.bagshaw@law.oxford.ac.uk  |
|               |  |
| Group A       | Room 2, Mary Sunley Building, St Catherine's College   |
| Session 1     | September 17th 2003, 15.00-16.30   |
|               | A. Richard Mullender (Newcastle)<br>"Proper Tort Thinking': Between Muddle and Dogmatism"<br>B. Nick McBride (Cambridge)<br>"Zipursky's Theory of Tort Liability"  |
| Session 2     | September 17th 2003, 17.00-18.30   |
|               | A. Jane Stapleton (Australian National University)<br>"Lessons from Comparative Pure Economic Loss"<br>B. Alice Christudason (Singapore)<br>"Pure Economic Loss and Strata-Titled Property in Singapore"   |
| Session 3     | September 18th 2003, 09.15-10.45   |
|               | A. Prof Keith Stanton (Bristol)<br>"The return (or resurrection) of Breach of Statutory Duty"<br>B. Guy MacCrimmon (Buckingham)<br>"Common Law Liability in Negligence and Human Rights"<br>C. Julian Fulbrook (LSE)<br>"Outdoor Pursuits and Torts" |
| Session 4     | September 18th 2003, 15.00-16.30   |
|               | A. Jonathan Morgan (Cambridge)<br>"Privacy and HRA - A Missed Opportunity?"<br>B. Mayo Moran (Toronto)<br>"Why the Law of Negligence Should Abolish the Reasonable Person"   |

## Consumer Law

|               |   |
|---------------|---|
| Convenor      | DR CHRISTIAN TWIGG-FLESNER<br>Department of Law, The University, Crookesmoor Building, Conduit Road,<br>Sheffield S10 1FL<br>Tel 0114 222 6771  |
| Email Contact | christian.twigg-flesner@sheffield.ac.uk   |
|               |   |
| Group B       | Room D, Bernard Sunley Building, St Catherine's College   |
| Session 1     | September 19th 2003, 09.15-10.45  |
|               | 1A Professor Jacob Ziegel (Toronto, Canada)<br>"Consumer Insolvencies: A Neglected Area of Study in English Insolvency<br>Law"<br>2B. Professor Eva Lomnicka (Kings' College London)<br>"Reform of Consumer Credit in the UK and EC"                                |
| Session 2     | September 19th 2003, 15.00-16.30  |
|               | 2A. Natasha Semmens (Sheffield)<br>"Plastic card fraud and identity theft: The implications of fear and<br>victimisation for the future of society, business and crime control"<br>2B Richard Bragg (Manchester)<br>"The Enterprise Act 2002 and Consumers"         |
| Session 3     | September 19th 2003, 17.00-18.30  |
|               | 3A. Martin Morgan-Taylor (De Montfort)<br>"EC Proposals on a duty to trade fairly"<br>3B. Dr Christian Twigg-Flesner (Sheffield, Section Convenor)<br>General discussion on the EC proposals on a Framework Directive and<br>Regulation on enforcement co-operation |
| Session 4     | September 20th 2003, 09.30-10.45  |
|               | 4A. Andrew Campbell (Aberystwyth)<br>"Protecting Bank Depositors: An International Comparison"<br>4B. Dr Peter Cartwright (Nottingham)<br>"Access to Banking Services"  |

## Contract & Commercial Law

|               |  |
|---------------|--|
| Convenor      | PROFESSOR ROBERT BRADGATE<br>Department of Law, University of Sheffield, Crookesmoor Building, Conduit Road, Sheffield S10 1FL<br>Tel 0114 222 6791<br>Fax 0114 222 6832       |
| Email Contact | j.r.bradgate@sheffield.ac.uk   |
|               |  |
| Group B       | Room 1, Mary Sunley Building, St Catherine's College   |
| Session 1     | September 19th 2003, 09.15-10.45   |
|               | Stephen Hedley (Christ's, Cambridge)<br>"Implied Contract"<br>Joint with Restitution   |
| Session 2     | September 19th 2003, 15.00-16.30   |
|               | 2A. Prof Gerard McMeel (Bristol)<br>"Some recent cases on assignment"<br>2B. Camilla Baasch Andersen (QMU)<br>"CISG Caselaw: protecting its uniformity"                        |
| Session 3     | September 19th 2003, 17.00-18.30   |
|               | Prof Gerard McCormack (Manchester)<br>"Personal Property Security Law reform in Comparative Perspective"   |
| Session 4     | September 20th 2003, 09.30-10.45   |
|               | 4A. Ruth Cannon (Trinity College, Dublin)<br>"The correct and incorrect analysis of frustration"<br>4B. Catharine MacMillan (QMU)<br>Mistake of identity in contract formation |

## Criminal Justice

|               |   |
|---------------|---|
| Convenor      | PROFESSOR DAVID ORMEROD<br>Department of Law, University of Leeds, Leeds, LS2 9JT<br>Phone: 0113 343 5052<br>Fax: 0113 343 5056   |
| Email Contact | d.ormerod@leeds.ac.uk   |
|               |   |
| Group B       | Law Board Room, St Cross Building   |
| Session 1     | September 19th 2003, 09.15-10.45  |
|               | 1A. Fiona Leverick (Aberdeen)<br>"Victims and the ECHR"<br>1B. Chris Vallely (Wolverhampton)<br>"Pilot Schemes on Witness Care"   |
| Session 2     | September 19th 2003, 15.00-16.30  |
|               | 2A. Mandy Burton (Leicester)<br>"Integrating Civil and Criminal Law Remedies for Domestic Violence: New Opportunities and Old Dilemmas for Victims and Prosecutors"<br>2B. Louise Ellison (Manchester)<br>"Domestic Violence - Victimless Prosecutions" |
| Session 3     | September 19th 2003, 17.00-18.30  |
|               | 3A. Paul Robertshaw (Cardiff)<br>"The Victim in Sentencing Remarks 1300-1900"<br>3B Chris Gane (Aberdeen)<br>"Victim Statements in Scotland: Who's Listening?"  |
| Session 4     | September 20th 2003, 09.30-10.45  |
|               | 4A. Robin White (Dundee)<br>"UK Perspectives in Prosecution Policies and Victims"<br>4B. Professor Andrew Sanders (Manchester)<br>"Victims, Criminal Justice and Social Exclusion"  |

## Environmental Law

|               |   |
|---------------|---|
| Convenor      | PROFESSOR COLIN T REID<br>Department of Law, University of Dundee, Dundee DD1 4HN<br>Tel. 01382 344637<br>Fax. 01382 226905   |
| Email Contact | c.t.reid@dundee.ac.uk   |
|               |   |
| Group B       | Room B, Bernard Sunley Building, St Catherine's College   |
| Session 1     | September 19th 2003, 09.15-10.45  |
|               | Aine Ryall (UC Cork)<br>"Locus standi and public interest environmental litigation in Ireland"  |
| Session 2     | September 19th 2003, 15.00-16.30  |
|               | 2A. Mark Stallworthy (East Anglia)<br>"Resource Issues, the Public Interest and Human Rights in the context of Environmental Claims"<br>2B. Stephen Homewood (Middlesex)<br>"Access to Environmental Justice - A Review of Funding for Public Interest Cases" |
| Session 3     | September 19th 2003, 17.00-18.30  |
|               | Tim Jewell (DEFRA) and Sharon Turner (DoENI)<br>"From Red Pen to Red Tape: Experience as an Environmental Lawyer within Government"   |
| Session 4     | September 20th 2003, 09.30-10.45  |
|               | 4A. Robert Blomquist (Valparaiso School of Law, Indiana)<br>"The Early Development of Modern American Environmental Law, 1959-1968"<br>4B. Karen Scott (Nottingham)<br>"Marine Acoustic Pollution - Can international law hear the problem?"                  |

## EU and Competition Law

|               |   |
|---------------|---|
| Convenor      | <p>MIKE CUTHBERT<br/>University College Northampton, Moulton Park, Northampton, NN2 7AL<br/>01604 735500; Fax: 01604 721214</p> <p>ANGUS MACCULLOCH (COMPETITION)<br/>School of Law, Williamson Building, The University, Oxford Road,<br/>Manchester M13 9PL<br/>Direct Line: 0161 275 3582; Fax: 0161 275 3579</p>  |
| Email Contact | mike.cuthbert@northampton.ac.uk   |
| Group B       | Meyerstein Room, St Cross Building  |
| Session 1     | Friday Sept 19th, 09.15-10.45   |
|               | <p>1A. Eve Sariyannidou (Bristol)<br/>"Institutional Balance and Democratic Legitimacy: Can the European Parliament bridge the 'democratic deficit' gap in the EU legislative process?"</p> <p>1B. Mike Cuthbert (University College Northampton)<br/>"One President Good, Two Presidents Bad! What future for the EU problems of governance?"</p>  |
| Session 2     | Friday Sept 19th, 15.00-16.30   |
|               | <p>2A. Professor Christopher Bovis (Lancashire Law School)<br/>"New Perspectives in Public Procurement Regulation: Jurisprudential Inferences, Market Developments and the New Framework of Public Procurement Rules of the Common Market"</p> <p>2B. Professor Susan J. Marsnik (University of St Thomas, USA)<br/>"Confusion Now Hath Made His Masterpiece': A Comparative Analysis of Limitations and Exceptions to Digital Copyright Law in the United States and European Union"</p> |
| Session 3     | Friday Sept 19th, 17.00-18.30   |
|               | <p>3A. Marcela Chisholm (Glasgow Caledonian)<br/>"Some Reflections on the Judgement in <i>Carpenter v. Secretary of State for the Home Department</i> (Case C-60/00)"</p> <p>3B. Andrew Evans (Queen's, Belfast)<br/>"Evolutionary Problems of EU Law: the Case of the Union Funds"</p>   |
| Session 4     | Saturday September 20th 09.30-11.00   |
|               | <p>4A. Estelle Derclaye (Queen Mary London)<br/>"Abuses of Dominant Position and Intellectual Property Rights: an attempt to clarify the case law of the Community courts in the light of the <i>IMS Health</i> case"</p> <p>4B. Costas Kombas (Hull)<br/>"The ECJ and its Human Rights Jurisprudence: a Descriptive Exegesis of the Development Process on the Basis of the Policy Objectives of the Court"</p>  |

## Intellectual Property Law

|               |  |
|---------------|--|
| Convenor      | MS ALISON FIRTH<br>Queen Mary Intellectual Property Research Institute, John Vane Science Centre, Charterhouse Square, London EC1M 6BQ<br>Phone: 020 7882 3426.<br>Fax: 020 7882 3446  |
| Email Contact | a.m.firth@qmul.ac.uk   |
|               |  |
| Group B       | Owen Room, St Cross Building   |
| Session 1     | September 19th 2003, 09.15-10.45   |
|               | 1A. Dr Julian Hickey (Cleary, Gottlieb, Steen & Hamilton)<br>"The taxation of intellectual property"<br>1B. Ronan Deazley (Durham)<br>"Copyright in the House of Lords: Recent Cases, Academic Writing and Judicial Reasoning" |
| Session 2     | September 19th 2003, 15.00-16.30   |
|               | 2A. Jo Stanley (Anglia)<br>"Are Laws of Nature Patentable After All?"<br>2B. Duncan Matthews (QMUL)<br>"Doha, public health and policy alternatives"   |
| Session 3     | September 19th 2003, 17.00-18.30   |
|               | 3A. Dr Patricia Akester (Cambridge)<br>"Authorship and authenticity"<br>3B. Alison Firth (QMUL)<br>"Sonar, Series, and Seabirds: Claiming Registered Rights"   |
| Session 4     | September 20th 2003, 09.30-10.45   |
|               | Round table, various contributors<br>Led by Caroline Wilson (Southampton)<br>"Academic copyright"  |

## Labour Law

|               |  |
|---------------|--|
| Convenor      | DR LUCY VICKERS<br>Headington Hill Campus, Oxford Brookes University, Headington, Oxford<br>OX3 7DB<br>Phone 01865 484901 Fax 01865 484930   |
| Email Contact | E-mail lrivickers@brookes.ac.uk  |
|               |  |
| Group B       | Baker & McKenzie Seminar and Discussion Room, St Cross Building  |
| Session 1     | September 19th 2003, 09.15-10.45   |
|               | 1A. Pauline Roberts (Cardiff)<br>"Sexual Orientation Discrimination"<br>1B. Lucy Vickers (Oxford Brookes)<br>"Discrimination on grounds of religion or belief"   |
| Session 2     | September 19th 2003, 15.00-16.30   |
|               | Prof Mark Freedland (Oxford) and Prof Paul Davies (LSE)<br>"The Changing Dimensions of the Employment Relationship"  |
| Session 3     | September 19th 2003, 17.00-18.30   |
|               | 3A. Jeff Kenner (Nottingham)<br>"The Principle that 'Labour is not a Commodity' in European Union Law: A<br>Comparative Perspective"<br>3B. Sam Middlemiss (Robert Gordon)<br>"The Demise of the Common Law Tradition in Employment Law?"              |
| Session 4     | September 20th 2003, 09.30-10.45   |
|               | 4A. Grace James (Reading)<br>"Pregnancy-related unfair dismissal litigation at employment tribunals in<br>England and Wales 1996-2002: Some initial findings"<br>4B. Brenda Barrett (Middlesex)<br>"Risk management in occupational health and safety" |

## Medical Law

|               |   |
|---------------|---|
| Convenor      | KIRSTY KEYWOOD<br>School of Law, The University, Manchester, Manchester M13 9PL<br>Phone 0161 2753590 Fax 0161 2753579  |
| Email Contact | Kirsty.Keywood@man.ac.uk  |
|               |   |
| Group B       | Law Library, Bernard Sunley Building, St Catherine's College  |
| Session 1     | September 19th 2003, 09.15-10.45  |
|               | 1A Carolyn Johnston (Kingston)<br>"Genetic Discrimination"<br>1B Ian Ellis (Alder Hey)<br>"Clinical and Legal Perspectives of Storing Human DNA and Genetic Testing<br>- The Need for More Genetics and Law Study"                  |
| Session 2     | September 19th 2003, 15.00-16.30  |
|               | 2A Alison Britton (Glasgow Caledonian)<br>"Smoking and the doctor's duty of care"<br>2B John Harrington (Warwick)<br>"Towards a Rhetoric of Medical Law".   |
| Session 3     | September 19th 2003, 17.00-18.30  |
|               | 3A Dr Austen Garwood-Gowers (Nottingham Trent)<br>"The Limits to Using One's Person To Meet the Medical Needs of Others"<br>3B Melanie Latham (Manchester Metropolitan)<br>Cosmetic Surgery and its Regulation                      |
| Session 4     | September 20th 2003, 09.30-10.45  |
|               | 4A. Philip Bielby (Hull)<br>"The Significance of the Concept of Maximum Preservation of Capacity for<br>Medical Research"<br>4B Brenda Daly (Dublin City)<br>"Wrongful Birth, Wrongful Conception, Compensation and a Constitution" |

## Practice, The Profession and Ethics

|               |  |
|---------------|--|
| Convenor      | PROFESSOR JULIAN WEBB<br>School of Law, University of Westminster,<br>4-12 Little Titchfield Street, London W1P 7FW<br>Tel 020 7911 5000<br>Fax 020 7911 5152  |
| Email Contact | j.webb01@westminster.ac.uk   |
|               |  |
| Group B       | Seminar Room, Library, St Catherine's College  |
| Session 1     | September 19th 2003, 09.15-10.45   |
|               | 1A. Prof Adrian Evans (Monash)<br>"Zero Impact: Are Lawyers Affected by Law School"<br>1B. Prof Nick Johnson (Oxford ILP)<br>"Fat Cats and Fledgling Academics"<br>1C. Prof Paul Maharg (Strathclyde)<br>"The Lost Vocabulary: Curriculum Design, Professional Knowledge and Pedagogic Identities" |
| Session 2     | September 19th 2003, 15.00-16.30   |
|               | Session on Pro Bono Work to be organised by Oxford Public Interest Lawyers and the Solicitor's Pro Bono Group (see separate programme under Pro Bono Group)  |
| Session 3     | September 19th 2003, 17.00-18.30   |
|               | Session on Pro Bono Work to be organised by Oxford Public Interest Lawyers and the Solicitor's Pro Bono Group (see separate programme under Pro Bono Group)  |
| Session 4     | September 20th 2003, <b>09.15</b> -10.45   |
|               | 4A. Prof Julian Webb (Westminster)<br>"Law, Ethics and Complexity"<br>4B. Prof Bradley Wendel (Washington & Lee)<br>Title TBC<br>4C. Prof Alan Paterson (Strathclyde)<br>"The Scottish Appointments Board: New Wine in Old Bottles."   |

## Pro Bono Group

|           |   |
|-----------|---|
| Convenor  | Susan Bucknall<br>Chief Executive, Solicitors Pro Bono Group  |
| Session 1 | September 19th 2003, 09.15-10.45  |
|           | See Practice, The Profession and Ethics   |
| Session 2 | Friday September 19 <sup>th</sup> , 15.00-16.30, Music House, St Catherine's College  |
|           | Paul Newdick (Chairman, Solicitors Pro Bono Group)<br>"The Student Pro Bono Initiative including the first piece of research into pro bono in law schools (Sept 2002)"<br>Augustina Akoto (Student Project Coordinator, Solicitors Pro Bono Group)<br>"SPBG reveals the latest research findings (due Sept 03) and discusses trends and outcomes"<br>Sara Chandler (Supervising Solicitor at the College of Law Pro Bono Centre)<br>"An overview of different projects including clinics and Street Law for delegates to choose their options in Session 2" |
| Session 3 | Friday September 19th, 17.00-18.30, Music House, St Catherine's College   |
|           | Small group workshops facilitated by our speakers, to include:<br><br>Establishing a Clinical Programme<br>Establishing a Street Law Programme<br>Working with Law Firms<br>Nuts & Bolts of starting a Programme Pitfalls and Pleasures - Insurance, Finance, etc<br>How to win support from your V-C to your Students<br><br>Feedback from all the Workshops<br>Ways Forward   |
| Session 4 | September 20th 2003, 09.15-10.45  |
|           | See Practice Profession and Ethics  |

## Property and Trusts

|               |   |
|---------------|---|
| Convenor      | LIZZIE COOKE<br>School of Law, University of Reading RG6 6AH<br>Phone: 0118 987 5123 x 7528.  |
| Email Contact | e.j.cooke@reading.ac.uk   |
|               |   |
| Group B       | Room 2, Mary Sunley Building, St Catherine's College  |
| Session 1     | September 19th 2003, 09.15-10.45  |
|               | 1A Gerwyn Griffiths (Glamorgan) and Mx Ganado (Ganado and Associates, Valleta)<br>"The Malta Trusts and Trustees Bill"<br>1B. Tsun Hang Tey (AG's chambers, Singapore)<br>"The Protector and Enforcer of Trusts"                      |
| Session 2     | September 19th 2003, 15.00-16.30  |
|               | 2A Susan Bright (Oxford)<br>"Leases and landlords"<br>2B David Cowan (Bristol)<br>Commentary on Martin Partington, "Rethinking British Housing Law" in M Freeman (ed) Critical Issues in Welfare Law, 1990                            |
| Session 3     | September 19th 2003, 17.00-18.30  |
|               | 3A Roger Sexton (Nottingham Trent)<br>"Easements and the Land Registration Act 2002"<br>3B Ruth Cannon (Trinity College Dublin)<br>"The Current Status of Estoppel Licences and Rights of Residence in U.K. and Northern Ireland Law" |
| Session 4     | September 20th 2003, 09.15-10.45  |
|               | 4A James Edelman (UWA)<br>"Restitution and breach of trust"<br>4B Ben MacFarlane (Christ Church, Oxford)<br>"Constructive Trusts Arising on a Transfer of Property Sub Conditione"<br>Joint session with restitution                  |

## Public Law

|               |  |
|---------------|--|
| Convenor      | BRIAN THOMPSON<br>Liverpool Law School, The University of Liverpool, Chatham Street,<br>Liverpool L69 7ZS<br>Tel: +44 (0) 151 794 2813 Fax: +44 (0) 151 794 2829 |
| Email Contact | wbt@liverpool.ac.uk  |
|               |  |
| Group B       | Room A, Bernard Sunley Building, St Catherine's College  |
| Session 1     | Friday September 19th 09.15-10.45  |
|               | Professor Philip Joseph (Canterbury, New Zealand)<br>"Parliament, the Courts and Collaborative Enterprise - the Antithesis of<br>Sovereignty Theory"             |
| Session 2     | September 19th 2003, 15.00-16.30   |
|               | David Seymour ( Home Office)<br>"Terrorism: Derogations Under Article 15 ECHR"   |
| Session 3     | September 19th 2003, 17.00-18.30   |
|               | Dr Robert Thomas (Manchester)<br>"Asylum and Judicial Review"  |
| Session 4     | Saturday September 20th 09.30-10.45  |
|               | Camille Pommel (Bristol)<br>"Rethinking Devolution"  |

## Restitution B

|               |  |
|---------------|--|
| Convenor      | PROFESSOR FRANCIS D ROSE<br>Department of Law, University of Bristol, Wills Memorial Building, Queen's Road, Bristol BS8 1RJ<br>Tel: 0117-954-5318   |
| Email Contact | Francis.Rose@bristol.ac.uk   |
|               |  |
| Group B       | JCR Seminar Room, St Catherine's College (except where otherwise stated)   |
| Session 1     | September 19th 2003, 09.15-10.45   |
|               | Steve Hedley (Cambridge)<br>"Implied contract"<br>Joint with Contract and Commercial – in Room 1, Mary Sunley Building, St Catherine's College   |
| Session 2     | September 19th 2003, 15.00-16.30   |
|               | David Hoffman (Barrister)<br>"Restitution and Human Rights"  |
| Session 3     | September 19th 2003, 17.00-18.30   |
|               | Professor Mitchell McInnes (Western Ontario)<br>"Misnomer: The End of an Era"  |
| Session 4     | September 20th 2003, <b>09.15</b> -10.45   |
|               | 4A Ben MacFarlane (Christ Church, Oxford)<br>"Constructive Trusts Arising on a Transfer of Property Sub Conditione"<br>4B. Dr James Edelman (Western Australia)<br>"Restitution and Breach of Trust"<br>Joint with Property & Trusts – in Room 2, Mary Sunley Building, St Catherine's College |
| Other         | See also Restitution A   |

## Tax

|               |  |
|---------------|--|
| Convenor      | JOHN SNAPE<br>Department of Law, University of Leeds, Leeds, LS2 9JT<br>Phone: 0113 343 5050<br>Fax: 0113 343 5056   |
| Email Contact | e.j.snape@leeds.ac.uk  |
|               |  |
| Group B       | Room C, Bernard Sunley Building, St Catherine's College  |
| Session 1     | September 19th 2003, 09.15-10.45   |
|               | 1A Dr Julian Hickey (Cleary Gottlieb)<br>"Taxation of Intellectual Property"<br>Joint with IP<br>1B. Michael Walpole (ATAX, New South Wales)<br>"Responses to the Role of Intangibles in the Modern Taxation System"<br>separate half session        |
| Session 2     | September 19th 2003, 15.00-16.30   |
|               | 2A. Dr Philip Baker (Queen Mary London)<br>"Issues in Harmful Tax Competition"<br>2B. Cynthia Coleman (Sydney)<br>"Australia's Latest Tax Reform Measures - Yet More Lessons Not To Be Followed"   |
| Session 3     | September 19th 2003, 17.00-18.30   |
|               | 3A. Dr Debbie Butler (Staffordshire)<br>"The usefulness of the 'direct link' test as a means of defining consideration for VAT purposes"<br>3B. Dr Ian Roxan (LSE)<br>"The Institutional Role of the European Court of Justice in European Taxation" |
| Session 4     | September 20th 2003, 09.30-10.45   |
|               | Will not be used.  |

## Notes

## Notes

## Notes

## Notes

## Notes

## Notes