

Course Title: **Advanced Private Law**

Course Code: **LAWS903**

Descriptor Start Date: **01/01/2021**

POINTS: **30.00**

LEVEL: **9**

PREREQUISITE/S: **None**

COREQUISITE/S: **LAWS901**

RESTRICTION/S: **None**

LEARNING HOURS

Hours may include lectures, tutorials, online forums, laboratories. Refer to your timetable and course information in Canvas for detailed information.

Total learning hours: 300

PRESCRIPTOR

Examines the justificatory idea of, and structural coherence and taxonomy of, the private law through analysis of the distinction between personal and proprietary rights, analysis of how the law of unjust enrichment has developed and how its place in the private law can be best appreciated only from its contextual fit with and relationship to other parts of the private law, and analysis of the relationships between the different parts of the private law.

LEARNING OUTCOMES

1. Approach a set of facts with a multi-layered outlook.
2. Demonstrate skill in acknowledging that in any situation there must be an openness to alternative ways of approaching a set of facts giving rise to the need for legal analysis.
3. Demonstrate movement beyond the various silos in which by necessity most doctrines of private law are taught towards a knowledge based on a seamless web of private law.
4. Work with a variety of causes of action and remedial outcomes.
5. Develop a working knowledge of the law of unjust enrichment and restitutionary and gain based remedies.

Disclaimer: Course descriptors may be amended between teaching periods/semesters

CONTENT

Elements of the law of unjust enrichment, including the principle of recovery of gains received on the Basis of unjust enrichment at the expense of another; the nature of enrichment; what at the expense of requires; the range of unjust factors recognised in law as vitiating the legitimacy of a gain received; and an introduction to the main restitutionary defences including change of position; Different views as to the value and place of taxonomy in the private law;
Taxonomy of the private law, including conceptual and historical taxonomies;
Conceptual borders between claims in obligations and claims in property (Rights in personam and rights in rem);
Conceptual borders between differing claims in personam (contract and tort; contract and unjust enrichment; tort and unjust enrichment);
The true nature of claims in rem and their vindication in private law;
Analysis of remedies using historical taxonomy (common law and equity) and conceptual taxonomy (obligations and property).

LEARNING & TEACHING STRATEGIES

An appropriate range of strategies that may include lectures, workshops & online learning.

ASSESSMENT PLAN

Assessment Event	Weighting %	Learning Outcomes
Research Paper of 10,000 words (+/- 10%) Individual	100.00	1-5

Grade Map	MAP1
	A+ A A- Pass with Distinction
	B+ B B- Pass with Merit
	C+ C C- Pass
	D Fail

Overall requirement/s to pass the course:

Students are encouraged to submit a draft for formative feedback.

LEARNING RESOURCES

Details of all learning resources (including journals, databases, websites etc) are available on Canvas. Required Text(s): If there is a required text, details are available by searching the University Bookshop's website: www.ubs.co.nz

For further information, contact: Te Ara Pakihi, Te Ohanga Me Te Ture - Faculty of Business, Economics and Law

Principal Programme: AK1044, Master of Laws

Related Programme/s: AK1050 PgCertLaw

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