Subject Sections Programme

This is the programme for the Society of Legal Scholars Subject Sections Programme at the Society’s Annual Conference in Preston, 3rd to 6th September 2019. It represents the state of play on 30th May 2019. A dynamic version of the programme, linked to the paperbank, can be found here https://www.slsconference.com/programme/ and is the most up-to-date version.

The Society reserves the right to amend the programme: at this stage, however, the only changes that would be made are as the result of individual speaker availability. Therefore any speakers in the programme can book with confidence that, providing they do not request a change, they will speak in their allocated slot.

This programme will be updated at the end of June.

If you have any questions about the programme, please contact either the relevant subject section convenor, or SLSconference@mosaicevents.co.uk
Part A

Banking

Session 1: 3 September 2019, 2.00 – 3.30 pm

1. Iris Chiu, University College London
   **Keynote:** A new agenda for regulatory policy regarding the crypto economy
2. Ilias Kapsis, University of Bradford
   Cryptocurrencies: the quest for legitimacy
3. Vincenzo Bavoso, University of Manchester
   Regulating Securitised Banking in the Age of Market-Based Finance – The Unfinished Reform

Session 2: 3 September 2019, 4.00 – 5.30 pm

4. Holly Powley, University of Bristol
   Banking culture and misconduct: a comparative analysis
5. Dimitrios Kafteranis, University of Luxembourg
   Rethinking financial rewards for whistle-blowers under the proposal for a Directive on the protection of whistle-blowers reporting breaches of EU law
6. Steven Montagu-Cairns, University of Leeds
   Corporate criminal liability and the failure to prevent offence: an argument for the adoption of an omissions based offence in Money Laundering

Session 3: 4 September 2019, 9.00 – 10.30 am

7. Nelson Enonchong, Birmingham Law School
   **Keynote:** Unauthorised Bank Payment in the Electronic Age
8. Sandra Booysen, National University of Singapore
   The Legal Dichotomy between Authorised (but Unintended) and Unauthorised Payments
9. Kwan Ho Lau, Singapore Management University
   The Curious Case of the Commercial Loan and the Law of Novation

Session 4: 4 September 2019, 11.00 am – 12.30 pm

10. Gerard McMeel, University of Manchester
    Lessons from the Interest Rate Swaps Mis-selling Saga
11. Ebenezer Adodo, University of Leicester and Chumah Amaefule, University of the West Indies, St Augustine, Trinidad & Tobago
    Injunctive applications pertaining to letters of credit and performance guarantees: Is a cause of action required in current practice?
12. Andreas Kokkinis, University of Warwick and Andrea Miglionico, University of Reading
    Asset Quality and Resolving Mechanisms: The Implications of Banks’ Corporate Governance on NPL Management
Civil Liberties and Human Rights

Session 1: Focus on The European Convention on Human Rights
262 Zoe Bryanston-Cross Concepts of State responsibility in international law and their application in the supervision mechanisms established under the European Convention on Human Rights
86 Kris Gledhill The European Court of Human Rights and the Convention on the Rights of Persons with Disabilities.
272 Rachael Ita Mind the Gap: The Impact of Margin of Appreciation and Living Instrument Arguments on the Scope of Applicability of the European Convention on Human Rights

Session 2: The Judicial Protection of Human Rights in Common Law Systems
No 42 Nicola Barker From the Human Rights Act to the British Bill of Rights? A Feminist Perspective
No 179 Carmen Draghici The Persistent British Ban on Assisted Suicide and Constitutional Lessons from Canada
No 143 James Rooney The Contingency of Rights Protection upon Judicial Culture in Common Law Systems

Session 3: Keynote Session: Human Right and Security
Helen Fenwick Keynote: Abusive, harmful and offensive cyber-speech: critiquing the UK criminal law response and the prospect of Ofweb regulation from a free speech perspective
314 David Mead Extending The Arm Of The State: The Policing Of Railway Stations And Withdrawal Of Implied Permission
25 Anne-Marie Greenslade How effective is UK Modern Slavery legislation and policy at a frontline level?

Session 4: Comparative Constitutional Perspectives on LGBT Rights
153 Keisuke Abe Towards a More Inclusive Society: The Future of LGBT Rights in Japan
299 Zanele Nyoni The Struggle for Equality: LGBT Rights Activism in Sub-Saharan Africa
204 Sujitha Subramanian Use of ‘Constitutional Morality’ in the Pursuit of Equality and Human Rights in India
Comparative

Panel 1 (Joint with Tort):

Creating a 21st century law of tort – Proposals to reform the tort provisions of the French Civil Code
Paula Giliker (Keynote)

Thomas Verheyen

How to deal with autonomous AI – A Comparative Investigation
Mitja Kovac & Ann-Sophie Vandenberghe

Panel 2 - How far apart are we?

Methods of Distinguishing Between Private and Public Law
Václav Janeček

The Common Law and Equity: Are England and Australia a world apart?
Tony Meacham

The Reception of Trusts in Italian Law: the Role of Notaries and Judges in a (difficult) Legal Transplant
Lorenzo Cavalaglio & Adèle Julia Chenaux

Panel 3 - Legal Responses

If laws therefore were made for facts…‘: Legal Responses to Factual Uncertainties
Andrew Bell & Joanna McCunn

A comparison of E.U’s General Data Protection Regulation and U.S. Data privacy protection laws
Cliff Fisher, Alexis Martinez, Matthew Spegele, Katherine Gonzalez, Kenna Garman & John Pairitz

Terminating Partnerships by Accepted Repudiation: the differing UK and Australian Approaches
Stephen Graw

Panel 4- Impact of Externalities

Wigmore’s PowerPoint and the Pre-Digital Era
Morad El Kadmiri

Central questions about Comparative Law in light of Brexit
Olivier Beddeleem
Democratic Experimentalism in Socio-economic Rights Adjudication: Developing a Model for Participatory, Democratic, Dignitarian Jurisprudence
Gaurav Mukherjee
Conflict of Laws

Panel 1 Choice of Law

Lauren Clayton-Helm (Northumbria University), Habitual Residence and Marriage, do they go Together Like a Horse and Carriage?

Jayne Holliday (University of Aberdeen/University of Stirling), Characterisation in the Context of Clawback Claims.

Emma Roberts and Giles Orton (University of Chester), Cross-border Unjust Enrichment and Brexit: An Opportunity for Reform?

Panel 2 Expanding Horizons

Paul Beaumont (University of Aberdeen/University of Stirling), The Hague Convention on Recognition and Enforcement of Judgments in Civil or Commercial Matters 2019: The Perspective of an EU Negotiator (Keynote Speaker)

Sören Segger-Piening (University of Würzburg), The Internet of Things as a Challenge (?) – Contractual Fragmentation and Protection of Privacy from a (European) Conflicts of Law Perspective

Eduardo Alvarez-Armas (Brunel University/Université Catholique de Louvain), Private International Climate-Change Litigation to the Test: Lluiya v. RWE, or how Article 17 of Rome II is a GHG Emitter’s Ace up the Sleeve

Panel 3 – Early Career Panel

Michiel Poesen (KU Leuven), Jurisdiction and Privity of Contract in European Private International Law

Shahar Giller-Avraham (Hebrew University, Jerusalem), The Court’s Discretionary Power to Enforce A Choice-of-Court Clause: Is it Time for a Change?

Līga Stikāne (University of Latvia), Rome III Regulation: the Problematic Issues and Possible Solutions

Erlis Themeli (Erasmus University, Rotterdam), Limits to Consumer Protection in the Brussels Ibis Regulation: No to Domicile Hide-and-Seek-Game

Panel 4 – Reshaping the Law

Zheng Tang (Newcastle University), Remapping Research in Private International Law
Louise Merrett (University of Cambridge), When is Forum Shopping an Abuse of Rights? (Keynote Speaker)

Mukarrum Ahmed (Lancaster University), Brexit and the Future of Private International Law in English Courts: Comparing the Hague Choice of Court Convention and the Brussels Ia Regulation
Contract, Commercial & Consumer

Tuesday 3rd September

2.00 - 3.30 A1 Subject Section Sessions

**Keynote:** Dr Catherine Mitchell, Central Questions about Contract Law: What future for the common law?

John Eldridge, Champertous Contracts

Yihan Goh, Reconceptualising ‘Legitimate Interest’ in the Law of Remedies for Breach of Contract: Looking Inside and Outside of Contract Law

4.00 - 5.30 A2 Subject Section Sessions

Nicholas Sage, Relational Objectivity

Tey Guan Khoo, Interpreting Errors in the ICS Paradigm

Keren Wu, Interpretation of Aggregation Clauses in Insurance Contracts

Wednesday 4th September

9.00 - 10.30 A3 Subject Section Sessions

**Keynote:** Professor Christopher Willett (TBC)

Nwanneka Ezechukwu, ‘It ranked high, so I purchased!’ Are consumer-generated reviews an effective tool for bridging information gaps?

Timothy Dodsworth, Exploring the potential of AI as a legal tool

11.00 – 12.30 A4 Subject Section Sessions

Samet Caliskan, Managing Risk: Neutering Insurance in the Face of Individuals’ Undesirable Behaviour

Simon Crabtree, The future of good faith

Criminal Justice

Session 1

Ronnie Mackay - Keynote
Kim McGuire – 44 - ‘Extending the concept, or extending the category, of hate crime? Perceptions of misogyny as a potential ‘hate crime.’

Session 2

Susan Stokeld – 334 - Evidential issue and challenges arising from the Domestic Abuse (Scotland) Act 2018.

Kyle Murray & Tara Beattie - 338 - “Terms and Conditions Apply”? Reforming Consent in Sexual Offences

Jesse Elvin & Claire de Than – 184 - Autonomy versus vulnerability: does English law need a general endangerment offence?

Session 3

Robin Palmer – 124 An overview of the current status of new forensic neuro-technologies, and an assessment of the major legal and ethical implications of the use of new forensic neuro-technologies in the Criminal Justice System.

Michelle Coleman – 238 - #MeToo and the Presumption of Innocence: the rights of victims and the accused

Amelia Shooter – 281 - Judicial Engagement with Challenges to Forensic Science Evidence from the National Academy of Sciences: The Importance of Legal Actors

Session 4

David Hayes – 102 - Retributivism and Penal Minimalism: Notes on a Penal Theory of Political Action


Richard Glover – 150 - A damaging business: protest and the civil courts
Cyberlaw

Session 1, 2pm 3rd September – Public and private...
Jessica Bell – “What is the meaning and role of a concept of ‘public benefit’ in law in the digital era? Insights from charity law.”

Session 2, 4pm 3rd September – Algorithms and AI
Guido Noto La Diega, “Artificial Intelligence and database rights in the age of big machine data”
Tomasz Braun, Dominika Harasimiuk, “Regulating the unknown: how to address algorithmic reality of society

Session 3, 9am 4th September – Data Protection
Sam Wrigley, “Rights and interests under the GDPR: Finding “fairness” for both sides?
Jessica Shurson, “Data Protection and Law Enforcement Access to Data Across Borders: Resolving the Conflict Between the GDPR and the US Cloud Act”

Session 4, 11am 4th September – Privacy and more...
Neil Richards, “Why privacy matters”?
Joseph Savirimuthu, “Data Protection, Standards and Conceptions of Risk: A case study of the problem of conflicts of interests in the Smart City
Environmental

Tuesday 3 September

2.00 – 3.30
**Keynote** – Carolyn Abbott, University of Manchester
‘Losing the Local? – Public Participation and Legal Expertise in Planning Law’

Colin Reid and Sean Whittaker, University of Dundee
‘Uncovering the Environment: The Use of Public Access to Environmental Information’

Bob Lee and Naomi Luhde-Thompson, University of Birmingham
‘All quiet on the Preston front?’

4.00 – 5.30
Alice Venn, University of Exeter
‘Litigating climate change in the UK: Rising future prospects’

Petra Minnerop, University of Dundee
‘The ‘European Consensus’ – providing a safety net of climate action under the European Convention on Human Rights?’

Joana Setzer, LSE
‘Climate change in the courts: Governance through legal mobilisation’

Wednesday 4 September

9.00 – 10.30
Colin Mackie, University of Leeds
‘The trade distorting effects of inefficacious financial provision for permit obligations’

Ioanna Hadjiyianni, University of Cyprus
‘The Court of Justice of the European Union as a Transnational Actor through Judicial Review of the Territorial Scope of EU Environmental Law’

Aleksandra Cavoski, University of Birmingham
‘The ICJ’s work on developing sources of IEL’

11.00 – 12.30
Osahon Omoregie, Ambrose Alli University, Nigeria
‘Environmental Protection and Sustainable Development of Natural Resources in Nigeria: A Case for Constitutional Environmental Rights’

Paul Abba, Sheffield Hallam University
‘Implementing Constitutional Environmental Rights for Nature: “Coalesce Anthropocentrism”’ as an environmental rights’ approach for 21st Century Environmental Protection’
Family

SESSION 1 (2 pm – 3.30 pm, 3 September)

Jens Scherpe

Keynote

Sheila Donovan-Hurley
“Sharenting” - Parental Autonomy versus The Right of The Child to a Private Identity

Jill Marshall
Anna Davies
Autonomy and Privacy Rights in Secret Births

SESSION 2 (4 pm – 5.30 pm, 3 September)

Ursula Kilkelly

Keynote

Rhonda Hammond-Sharlot
Why Marriage needs a Divorce from the Church of England

Ellen Gordon-Bouvier
Questions of vulnerability and temporality in family law

Jo Harwood
“We Don’t Know What It Is We Don’t Know” – Child Contact, Domestic Abuse and the Gaps Left by Legal Aid Reform and the Restrictions on Access to Expert Evidence

SESSION 3 (9 am – 10.30 am, 4 September)

Frances Burton
Access to Justice in England and Wales: What Modernisation Does the Family Court Actually Need?

Gillian Douglas
Stephen Gilmore
The (il)legitimacy of the common law in helping to shape Family Law reform

Alan Brown (Presenting)
The Ambiguous Position of Commercial Surrogacy Within UK Surrogacy Regulation

SESSION 4 (11 am – 12.30 pm, 4 September)
Catriona Moloney
Children, Deprivation of Liberty and the Zone of Parental Responsibility.

Rachel Pimm-Smith
Level playing fields matter: A review of the access arrangements for care leavers to higher education in the UK

Georgina Dimopoulos
A children’s rights approach to decisional privacy in Australian family law: re-conceptualising the relationship between children, parents and the State in decision-making about children’s medical treatment
Jurisprudence

Session 1 (Private law theory)

• Matteo Nicolini, ‘Inequality of Goods and Lands; or, the Iniquitous Effects of Global Comparative Law’
• Steve Hedley, ‘Private Law Theory – An Emerging Field?’
• John Prebble, ‘Kelsenian Analysis Reveals a Central Flaw in Income Tax Law, Namely a Confusion of “Is” and “Ought”’
• Chris Mills, ‘Contractual Complicity’

Session 2 (Theory of regulation; institutions)

• T. T. Arvind, ‘A Legal Theory for the Age of Regulation’
• Noam Gur, ‘Legal Directives and Practical Reasons’
• James Gould, ‘Natural law or natural rights? The ‘modern humanist tradition’ – transforming natural law reasoning into natural rights jurisprudence’

Session 3 (Theorising adjudication; interpretivism)

• Alexandra Wawrzyszczuk, ‘Constitutionalising Politics, Politicising Constitutions: Why Judicial Impartiality is More than a Convenient Social Myth’
• Dimitrios Tsarapatsanis, ‘An Interpretivist Theory of Adjudication’

Session 4 (Theorising international law; human rights theory)

• Jen Hendry (Keynote), ‘Indigenous Communities, Collective Rights, and the Collective Voice’
• Thom Brooks, ‘Against Just War’
• Alexander Green, ‘Political Obligation as the Duty to Participate’
• Karamvir Chadha, ‘Sexual Consent and Having Sex Together’
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<td>Royal Holloway, University of London</td>
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<td>Kay Wheat</td>
<td>Nottingham Trent University</td>
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Migration

Day 1:

Session 1
- **Keynote** Speaker 1 Professor Marie-Benedicte Dembour
  - Sheona York (University of Kent) Retrospective measures, privatisation and 'mission creep' - how the Home Office online application regime is further distancing migrants from transparent and accessible remedies under the law
  - Emma Marshall (University of Exeter) Access to asylum and immigration advice after LASPO: Legal aid cuts and experiences of advice-seeking

Session 2
- Elena Gualco (University of Bedfordshire) Unaccompanied minors’ quest for asylum in Europe: from age assessment to age discrimination
- Amanda Spalding (Canterbury Christ Church University) Reconceptualising Immigration Measures as Punitive
- Andrew Pitt (Queen Mary University of London) Less Law and Lawless – Detained Fast Track and Legality

Day 2

Session 3
- Arwen Joyce (University of Leicester) The limits of labour law and low-wage temporary migrantworkers in Asia
- Nicolette Busuttil (Queen Mary University of London) Non-refoulement for migrants with psychosocial disabilities: towards a disability-sensitive interpretation
- Anna Liguori (University of Naples) Overlap between complicity and positive obligations: Italy’s responsibility before the ECtHR as a consequence of outsourcing border controls to Libya

Session 4
- Jean-Pierre Gauci (British Institute of International and Comparative Law) Boat Migration: What Implications for Commercial Vessels?
  - **Keynote** Speaker 2 (Vincent Chetail)
Open A

Panel 1 - Judges

Alan Paterson ‘Presidency and the Supreme Court: David Neuberger’s Legacy’

Sophie Gallop ‘The Use of Torture and Judicial Impunity in ex Soviet States’

Sapna Reheem Shaila, ‘Building an independent judiciary in transitional states: Lessons from Timor-Leste’

Panel 2 – Medical Panel

Caoimhín MacMaoláin, An Unhealthy State: Using legislation to address public heath issues in Ireland

Gary Chan Assessing Mental (In)Capacity and Best Interests under the Mental Capacity Act: A View From Singapore

Kartina Choong E-professionalism: A Comparative Study of How Doctors and Dentists are Regulated in the UK

Panel 3 - Property

Abigail Jackson The Blame Game? Examining Emotions in Residential Evictions

Emma Laurie Interrogating the meaning of ‘homeless’ in English homelessness law

Panel 4 – Different Dimensions

Shazny Ramlan ‘God in Indonesia’s Environmental Constitutionalism: An Untapped Resource in Times of Environmental Crisis?’

Max Weaver ‘Climb Every Montaigne! Musical Metaphors for Law’,
Public

3 September 2019

A1 Session (2:00 - 3:30 pm):

• Conor Casey - The Gate-Keeprs: Lawyers and Executive Power

• John McGarry & Amy Cowen - The Attorney General and Contempt of Court – Some political and constitutional questions

• Mike Gordon – Keynote

A2 Session (4:00 - 5:30 pm):

• Ben Stanford - Power to the People? Public Spaces Protection Orders, Hybrid Law and Human Rights

• Katy Sowery - ‘Unconstitutional constitutional amendments’ and the European Union legal order

• Tarik Olcay - Unseating the Guardians: Judicial Tenure under Attack in Illiberal Europe

4 September 2019

A3 Session (9:00 - 10:30 am):

• Dean Knight - Contextual review: the instinctive impulse and unstructured normativism in judicial review

• Kenny Chng - A Theory of Precedent in Singapore Constitutional Law

• Farrah Ahmed - The Delegation Theory of Judicial Review

A4 Session (11:00 am - 12:30 pm):

• Hanna Wilberg - Re-evaluating Mistake of Fact as a Ground of Judicial Review

• Tim Sayer - Substantive Review and Bifurcation in the UK Supreme Court

• Martin Brenncke - Statutory interpretation and the role of the courts after Brexit
Torts
Panel 1 (Joint with Comparative):

Paula Giliker (Keynote)
Creating a 21st century law of tort – Proposals to reform the tort provisions of the French Civil Code.

Thomas Verheyen

Mitja Kovac & Ann-Sophie Vandenberghe
How to deal with autonomous AI – A Comparative Investigation

Panel 2:

Annette Morris
Changing the Way We ‘Do’ Tort Law: The Commoditisation of the Personal Injury Claims Process

Aoife Finnerty
The Sale of "Liquid Gold" in Ireland and England & Wales; Some thoughts from Tort Law

Roderick Bagshaw
Best Intentions for the Economic Torts

Panel 3:

Matthew Dyson
The Centre of Tort

Arantxa Gutierrez
Comparing apples and oranges: Normative losses and consequential losses in the context of compensation of non-pecuniary losses in English tort law

Václav Janeček
Damages and the Distinctive Threshold for Legally Protected Public Interests

Panel 4:

David Pearce
The Rise and Demise of Strict Liability for the Escape of Fire

Eoin Quill
The Duty of Care and the Merits of a Fifth Wheel
Sarah Fulham-McQuillan
Part B

Company

5 September:

Session 1 (11:00-12:30)

1. **Keynote**: Laura Macgregor (Edinburgh University): Shaping fiduciary duties around partnership relationships: LPs and LLPs

2. John Wood (University of Central Lancashire, Preston): Creative destruction and the need to rethink the value within corporate rescue

3. Michelle Welsh (Monash University, Melbourne): Phoenix Companies: Creative Use or Abuse of the Corporate Form (Helen Anderson, co-author)

Session 2 (16:00-17:30)

4. Katarzyna Chalaczkiewicz-Ladna (Glasgow University): Hunting for content and scope: Long-term interests in the company directors' decision-making processes

5. Tronel Joubert (University of Pretoria): Employees as stakeholders in a company: Long overdue employee participation acknowledged in South African company law, and climax during business rescue proceedings.

6. Sarah Morley (Newcastle University): Takeover Regulation: From Shareholder Primacy to Stakeholder Values

6 September:

Session 3 (09:00-10:30): Panel Session

7. Panel: The role and impact of “say on pay” on executive remuneration in the UK.

Iain MacNeil (Glasgow University) presenting:


Carsten Gerner-Beurle (UCL) presenting:

Joan Loughrey (Leeds University) - commentator on both papers.

Open discussion moderated by the Section Chair.

Session 4 (11:00-12:30)

8. Jason Harris (University of Sydney): Return to Officialism? The re-regulation of Australia’s corporate insolvency laws

9. Suren Gomtsian (Leeds University): The Stewardship Role of Large Institutional Investors and Activist Shareholders: Friends or Foes?

10. Leyanda Purchase (University of Law, London): Disruptive Technology and Corporate Governance: The Impact of Blockchain and Artificial Intelligence
Energy

Session 1: **Keynote Session**
Professor Tina Soliman Hunter, University of Aberdeen

Professor Gavin MacLeod Little, University of Stirling - UK energy governance and low-carbon transition: keeping the flag flying

Session 2: International Energy Law
1 A bottom-up approach to energy justice?: Exploring the role of “Informal Conflict Resolution” mechanisms
Belen Olmos Giupponi (Presenting) belen_olmos_giupponi@biari.brown.edu
Affiliation: Kingston University, London, United Kingdom

2 Energy Law and Policy in Nigeria: Any role for the International Energy Charter?
Eghosa Ekhator - University of Chester, Chester, United Kingdom
Godswill Agbaitoro - University of Essex, Essex, United Kingdom

3 Enforcing Forfeiture Clauses in Oil and Gas Joint Operating Agreements
Scott Crichton Styles, University of Aberdeen

Session 3: Current Energy Law Issues in the UK
1 Prosumers in Great Britain: Regulatory Challenges in the Energy Revolution
Angelica Rutherford (Presenting), a.p.rutherford@liverpool.ac.uk
Affiliation: University of Liverpool, Liverpool Law School, LIVERPOOL, United Kingdom

2 Developing Countries and Corporate Regulation in Climate Change: ‘Dilute Interventionism’ as a Legal and Regulatory Paradigm
Kikelomo Kila
University of Exeter, Exeter, United Kingdom

3 Energy and the Transition to Sustainability: Exploring Fuel Poverty through the Lens of the ‘Energy Constitution’
Thomas Muinzer
CEPMLP, University of Dundee, Dundee, United Kingdom

Session 4: Panel Date – Energy Law &amp; Brexit, The Next Steps (Panel with Raphael Heffron, Session Chair)

All to Attend
Legal Practitioner to be Invited
EU and Competition

A1 – 358 Stephen Dnes, ‘Efficiency modelling in competition law: whether to do it, and if so, how?’

A2 – 175 Marek Martyniszyn, ‘Competitive Harm Crossing Borders: Regulatory Gaps and a Way Forward’

A3 – 199 Liran Pang, ‘Antitrust Actions Against Big Tech: Suppressing or Preserving Digital Innovation?’

B1 – 193 Martina Anzini, ‘Granting Access to Essential Drugs through Competition Law’

B2 – 169 Ernest Enobun, ‘Re-evaluating the relevance of the ‘essential facilities’ doctrine to gas capacity market access in the third energy package’


C1 – 180 Mary Guy, ‘Interdisciplinarity in EU and health research – Law and political science approaches to EU health law and policy’

C2 – 120 Tamara Hervey ‘Health Governance after Brexit: law, language and legitimacy’


D1 – 312 Elena Gualco, ‘From enfants prodiges to enfants terribles – Shaping and dismantling equality through EU general principles’

D2 – 264 Georgia Kelepouri, ‘Unity and disunity in the EU: Is the ECJ running towards disintegration?’

D3 – 241 Andrew Woodhouse, ““Careful What You Wish For...” - Judicial Review of the Legislative Process’
**Intellectual Property**

**Session 1: Copyright in Context**

Ruth Flaherty (University of East Anglia): Pastiche and Article 13: How the Proposed Copyright Directive Undervalues Unauthorised Derivative Works
Shane Burke (Cardiff University): Dematerialisation, Dissonance and Performance: Conceptual Art and Copyright Law
Bukola Faturoti (Robert Gordon University): Copyright Balance in Renckhoff: What happened to the Scale?

**Session 2: Lessons from CJEU Case Law – Trade Mark, Designs and Others**

Jane Cornwell (Edinburgh): Lessons from the CJEU’s case law on trade marks and designs: Re-evaluating the Use (and usefulness) of Travaux Préparatoires in the interpretation of EU IP laws
Mark Hyland (Bangor University): A critical evaluation of website-blocking injunctions in an IP context

**Keynote**: Alison Firth

**Session 3: Patents – Insights from UK and from Around the World**

Olga Gurgula (Brunel University): Strategic patenting in the pharmaceutical industry: a competition law perspective
Emmanuel Oke (University of Edinburgh): When is Intellectual Property an Investment?
Patricia Covarrubia (University of Exeter): Compulsory patent licences: afraid or defying? – Brazil and the Andean countries practices
Riccardo Vecellio Segate (University of Macau, Macao, China): Brexit and the Unified Patent Court before investment tribunals

**Session 4: IP and New Technologies: What Does the Future Hold?**

Angela Daly (Chinese University of Hong Kong, Hong Kong): 3D Printing and Intellectual Property Future
Cesar Ramirez-Montes (Leeds University): Branding and Artificial Intelligence
Hannibal Travis (Florida International University College of Law, Miami, USA): “Idea Theft” Hollywood, and the New Digital Copyright Directive
International

PANEL 1 - Practices of Recognition (plus Keynote)

Keynote 1

Surabhi Ranganathan

Ralph Wilde - Organized hypocrisy? Recognition of states and governments, and international human rights obligations

Niko Pavlopoulos - The International Legal Framework for Identifying the Government of a State

PANEL 2 - Transitional Justice and International Criminal Law

Marion Vironda Dubray - Reversing the Law or Ensuring Impunity: The Improper Gathering of Forensic Evidence in Transitional Criminal Investigations.

Caleb Wheeler - Can International Criminal Trials Achieve Their Goals?

Benjamin Thorne - Legal Witnessing and Mass Human Rights Violations: Remembering Atrocities

PANEL 3 - Human rights and International Justice

Rossana Deplano - Is the Universal Declaration of Human Rights Customary International Law? Rethinking the Relationship between National and International Law

Anna Marie Brennan - Utilising the International Criminal Court as a Mechanism to Prosecute Collective Entities: Perspectives from Complexity Theory


PANEL 4 - Frameworks of Justice and the Rule of Law

Oisin Suttle - Authority and Interpretation in Investment Protection: Reasons, Rationality and Social Justice

Esmé Shirlow - International Articulations of the Rule of Law: Deference to Domestic Decision-Making in International Adjudication
Keynote 2

Akbar Rasulov
Labour

Thursday 5th September
11.00-12.30
**Keynote** speaker: Aaron Baker (Durham University), What’s mutuality got to do with it?

Stephen Hardy (Coventry University), Demise of the high street and the reframing labour law fit for the gig economy

Desmond Ryan (Trinity College Dublin), The Uber worker status litigation in the Court of Appeal and the introduction of “broader considerations”: A critical analysis

14.00-15.30
Amanda Viriri (Kingston University), Balancing work and life: The advantages and disadvantages of modern flexible working

Alex Patrick (University of Southampton), The potential and the missed opportunity of mandatory equal pay auditing

Eddie Keane (University of Limerick), De-Politicising Industrial Relations in the Irish Public Service

Friday 6th September
9.00-10.30
Rebecca Jiggens (University of Leeds), Disability, Justice and the Gig Economy

Hannah Saunders (Durham University), Disfigurement: A visibly different approach to equality?

Katja Karjalainen and Marjo Ylhäinen (University of Eastern Finland), On the Obligation to Provide Reasonable Accommodations

11.00-12.30
Joe Atkinson (University of Sheffield), Human Rights and the Personal Scope of Labour Law

Natalie Sedacca (UCL), Migrant domestic workers and the right to work

James Murphie (Faculty of Advocates), Having Your Cake and Eating It!
Legal History

Session 1
Submission: 360 Cerian Griffiths, Lancaster University, ‘The Royal Navy and Eighteenth-Century Fraud Prosecution’
Submission: 237 Ruth Lamont, University of Manchester, ‘The Changing Status of the Victim in the Criminal Trial: Autonomy or Authority?’

320 (from Open) Louise Kennefick, Mercy, murder and madness in the Republic of Ireland: an evaluation of responsibility attribution in capital cases from 1920 - 1960s

Session 2
Maebh Harding (Keynote) University of Warwick (title tbc – Victorian family law/modern Irish implications)

Submission: 19 Geoffrey Samuel Kent Law School, Canterbury, ‘Historiography and Legal History: What Has Legal History Been?’

Session 3
Submission: 174 Kate Leader, University of York, ‘From the Beargardens to the County Court: Inventing the Litigant in Person’
Submission: 167 John Picton, University of Liverpool, ‘Donor Intention and Shifting Policy Frames’

Session 4
Submission: 46 Jonathan Brown, Robert Gordon University, Aberdeen, United Kingdom ‘Historical Perspectives on Slavery in 21st Century Scotland’
Submission: 69 Rebecca Shaw, University of Bristol, University of Exeter, ‘The leges Iuliae and its narratological blueprint’
Media & Communication

Session 1: The Chilling Effect Returns...

*Or did it never go away? As technology and social response to and use of technology continues to evolve, we continue to experience new threats to free expression, most often in the form of the law of unintended consequences. Our first paper explores this from the perspective of the imitations placed upon investigative journalists by the Computer Misuse Act 1990, considering, inter alia, the conflict between public interest journalism and the legal niceties of unauthorised access. The second paper in this session will explore the ever-present chilling effect of damages for defamation, when an individual who loses their temper on social media can potentially be held to the same standard of liability as a seasoned and wealthy media company.*

Audrey Guinchard
University of Essex

Information leaks in light of the Computer Misuse Act 1990 and Article 10 ECHR: proposal for a public interest defence for journalists and whistle-blowers to protect established newsgathering practices.

David Acheson
University of Kent

Session 2: The Rise of the News-generating Machines

*Ever since the onset of the twenty-four seven news media era, the demand for more content has been insatiable. In particular, the bulk of the media, including online news platforms, being free of any obligation to be non-partisan, is significantly affected by the ‘news as entertainment’ trend. This has led to a number of distinct challenges to the traditional notion of news media as having a watchdog role over society, government, and challenging official spin. The content-thirsty, twenty-four seven news model also presents ever increasing demands that content be provided, whether there is ‘real’ news to report or no. In this context, recent years have seen the rise of ‘fake news’ – a notable challenge to freedom of expression, given that there is no public interest in being fed misinformation. How can this be regulated in a manner which permits news outlets’ right to choose that which they express, and how they do so? And what happens when such choices are made not by human journalists, but by AI? How do we enforce laws, or even apportion liability, in the instance that HAL9000 no longer gives us access to the news, but also decides what it is and how it should be reported? These are issues grappled with by our papers in this session.*

Paolo Cavaliere
University of Edinburgh
Reframing Truth and Harm in the Era of Disinformation – fake news

Anette Alén-Savikko
University of Helsinki

“The Emperor’s New Clothes” –Notes on Transparency in News Automation

Friday 6th September

Since the advent of the world wide web, states have, by and large, sought to co-opt private online platform providers to assist in the regulation of harmful online content. Traditionally in liberal democracies, this has most commonly been done by encouraging online providers of social media and other such platforms to work with the authorities in voluntarily dealing with content uploaded by users and made available via these networks. However, latterly this trend has begun to be questioned. For instance, incidents such as the tragic Molly Rose suicide, linked to social media, and the Momo moral panic of early 2019, led to the Spring 2019 publication by the British government of the Online Harms white paper, with the Prime Minister at time of release stating “We are leading the way on making the internet safer.” Government policy has now joined the call for the providers of online social networks and other such platforms to be held to a much higher standard of legal liability than previously, with talk of reclassifying the likes of Facebook or Twitter as a publisher. Our speakers in this session will take on these challenging issues, offering their views on the appropriate level of legal liability for such companies, and the requirements which they should face in relation to dealing with all sorts of harmful content, from hatespeech to cyberbullying, suicide tips and more.

This session will include our Keynote speaker, Irini Katsirea, Reader in International Media Law at the University of Sheffield.

Session 3: Renationalising Management of Cyberspace?

Keynote:
Irini Katsirea
University of Sheffield

From the ‘right to be forgotten’ to the German Network Enforcement Act: Are private platforms fit to act as the guardians of free speech?

Päivi Korpisaari
University of Helsinki

Freedom of Expression and Web site Administrator´s Liability for Offensive Content in Social Media

Session 4: Roundtable Discussion
Regulating Media in the Online Context
As the world wide web continues to dominate the media, rapidly pushing out television as the most popular medium for news, entertainment and other content, how should law respond? The government white paper on Online Harms, published in April 2019 suggests a duty of care be imposed upon providers of social media. Various government figures have, in recent months, suggested that such service providers should be reclassified as publishers. But can such relatively traditional regulatory approaches solve the problem with unacceptable online content, or must we look elsewhere?

This discussion, open to all participants in the stream, will build on many of the ideas put forward during the previous sessions, with more time to discuss in depth.
Medical

1. Younger subjects and objects of health law

1. Emma Cave (Durham), Craig Purshouse (Leeds)
   ‘Information disclosure post-Montgomery: What about the children?’

2. Semande Ayihongbe (Newcastle)
   ‘The Juvenile Cyborg: Who owns a medical implant in the body of a child?’

2. Practical ethics

3. Caterina Milo (Durham)
   ‘Abortion: a question of choice? Proposing a model of authentic autonomy in the UK abortion context’

4. Clayton Ó Néill (NTU)
   ‘Dementia and Patient safety: A Gewirthian Analysis’

5. Shaun Pattinson (Durham)
   ‘Bioethics by Committee’

3. Health law and technology

6. Yuanqiong Hu (Durham)
   ‘Common Heritage, Intergenerational Justice or Others? Revisiting Legal Principles in the era of Human Genome Editing’

7. Robin Pierce (Tilburg)
   ‘Healthcare Robotics: Surveillance as a necessary cost of healthcare?’

8. Morgan Shimwell (NTU)
   ‘“Virtual Legality”: How Medicines Online Disrupt the Law’

4. The MCA 2005: doctrine, concepts, norms

9. Suzanne Doyle Guilloud (Bristol), Judy Laing (Bristol), Sheelagh McGuinness (Bristol)
   ‘The development of the concept of “best interests” in adult healthcare decision-making in England and Wales’.

10 Camilla Kong (ICPR), Penny Cooper (ICPR)
11 John Coggon (Bristol), Mikey Dunn (Oxford)
‘From Best Interests to Better Interests? Values, Unwisdom, and Objectivity in Mental Capacity Law’
Open B

Panel 5 - Jurisprudence

Daniel Weston ‘Hate Speech as Action in Free Speech Theory: A Critique of the Application of Speech Acts to Hate Speech’

John Magyar ‘An Epistemological Justification of Doctrinal Legal Research Methodology’

Panel 6 – Civil Liberties

Benedict Douglas ‘What has love got to do with it?’

Naomi Lott ‘Justiciability and Enforceability of Complicated Rights: The Right to Play’

Lovleen Bhullar ‘Realising rights, ensuring human dignity: the Indian experience in water pollution cases’
Practice, Profession & Ethics

Session 1
**Keynote** speech – Andrew Francis: “Arenas of Professionalism Revised: Legal Education and Professional Practice”
Joanne Urmston: “SQE: Where are the ethics?”

Session 2
Craig Collins: “Grasping Metis: the hidden quality of exceptionally good lawyers”
Karen Richmond: “Measuring Justice: neo-Wigmorean quantitative analysis of evidential narratives”

Session 3
Michael Webster: “Challenging Rationalistic Models of Lawyer Decision Making – the Role of Self-view, Parallel Influences and Post-Rationalisation of behaviour”
Elspeth Berry: “Partnership structures: used or abused?”

Session 4
Natalie Wortley: “Unfitness to plead and the court appointed advocate”
Eleanor Rowan: “How Independent is Independent Legal Advice?”
Kieran Lee Marshall: “Making Regulation and liability Matter: Rethinking the Qualifying and Professional Education Reforms in law”
Property & Trusts

Session 1

Duncan Sheehan (Leeds) - Fiduciary Relations: Their Scope and Remedies

Joyman Lee (UCL) - The Irreducible Core of Trustee Duties in English and Asian Civil Law Trusts

Rachel Leow (NUS) - Proper Purposes

Session 2

Man Yip (SMU) - The Many Different Types of Family Home Disputes: A Comparative Review

Victoria Ball (Leicester) - 'Loss as a necessary and sufficient criterion of eligibility to sue' in the Property Torts

Louise Glover (Sheffield) - The limits of private (property) law: when, why and how to regulate? A comparative study of the real and virtual spaces that we occupy: mortgages, leases and data.

Session 3

Martin Dixon (Cambridge) - Keynote

Hamish Dempster (Victoria) - Options to purchase real estate and equitable interests

Peter Devonshire (Auckland) - Re-Examining The Siskina Doctrine: Recent Developments

Session 4

Neil Maddox (Maynooth) - The Homicidal Joint Tenant

Sue Farran (Northumbria) - Are environmental charities getting their feet wet when they lobby for marine protected areas?

Richard Hedlund (Lincoln) - The end to testamentary freedom – a critical reassessment of the Inheritance (Family Provision) Act 1938
Restitution

Session 1
Matthew Harrington

Good Conscience and the Constructive Trust

Aisha Shah

The Ex Parte James Principle and Insolvency Priority

Session 2
Craig Rotherham

Understanding Negotiating Damages: Restitution for Wrongs after One-Step (Support) v Morris-Garner

Catherine de Contreras

Restitutionary remedies: what does Equity add?

Session 3
Timothy Liau

Revisiting Re Diplock in ITC’s aftermath: Rights, Standing, and ‘at the expense of’

Adam Reilly

Categorising Equitable Rescission: Rights, Remedies and Unjust Enrichment

Manuel González

The law of restitution, illegality and confiscation of proceeds of crime

Session 4
Martin Fischer

Mistake as a Failure of Rationality

Eoin O’Dell

The Protean Nature of Quantum Meruit
Session 1
Stephen Daly  Priority-setting in tax administration
Tu Tran  Tax Evasion of Micro, Small, and Medium-Sized Enterprises in Developing Countries: A Behavioural Law and Economics Approach
Ranjana Gupta  The Case for Tax in Democracy

Session 2
Katherine Cousins  The Reintroduction of the Income Tax Revisited: Business interests and the importance of acquiescence
John McLaren  The US and Australia now have a low-income tax clinic program: Should the UK consider the merits of adopting a similar scheme?
Melissa Elechiguerra  A multidisciplinary approach to the Protection of Taxpayers’ Rights in Europe: Under the exchange of information perspective

Session 3
Guilherme Navarro  Brazil’s Entrance in the OECD and the Consequences at the Level of Brazilian Indirect Taxation
Bronwyn McCredie, Kerrie Sadiq  Redistributing Tax to Address Inequality Propagated by Automation
Vincent Ooi  The Definition of Employment in the “Gig” and “Platform” Economy: Tax Law and Labour Law Perspectives

Session 4
Michelle Markham  Are Advance Pricing Agreements the optimal controversy management tool in the post-BEPS era?
Amy Lawton  Tax with a Capital 'T': Understanding the Concept of a Tax