



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 SLScconference@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 Booyesen, 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

On Behavioural Asymmetry in Product Liability Law: How Private Nudging Will Get European Product Liability Theory Back on Track

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: Lluïya 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

Nevi Agapiou, Across the Miles in the European Union: Aligning Consumer and Commercial Contracts for the Sale of Goods on the basis of Favor Contractus

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

Ian Weldon – 38 - A Briggs over Troubled Water: Is the Civil Courts Structure Review a Realistic Solution for Litigants in Person?

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

Cyberlaw

Session 1, 2pm 3rd September – Public and private...

Roisin Costello, “Genetic Testing and the Erosion of Privacy Rights: Towards a Theory of Herd Immunity

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'
- Amanda Warren-Jones, 'A Multi-Disciplinary Perspective of Evaluative Decision-Making: Legal Contexts Exemplify Reliability Rests on a Cross-Checking Mental Process'
- 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'
- Simon Lee, 'An ABC Guide to Jurisprudence: Bullet Points'

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'

Legal Education

Session	Submission number	Person	Affiliation	Title
1	Keynote	Caroline Strevens	University of Portsmouth	Challenging Assumptions: revisiting the Law Curriculum
	101	Jessica Guth	Leeds Beckett University	Defence Against the Dark Arts: Some Personal Reflections on the Histories and Futures of Legal Education
	94	Steven Vaughan	University College London	The Lies We Tell Ourselves: Problematising the (S)Hallow Foundations of the Core of Legal Education
4	356	Roland Fletcher	Open University	Experiential learning and experience of learning through vocational education: the trailblazer solicitor apprenticeship
	147	Christina Perry	Queen Mary University of London	Innovation in Legal Education: preliminary findings on the impact of creating a workplace-focused law degree on student skills growth, degree results and employment outcomes
2	229	Graham Ferris	Nottingham Trent University	Supporting Learners Through Legal Education
	258	Emma Jones	Open University	Autonomy, apathy and alienation: Exploring factors contributing to the mental wellbeing of distance learning law students
	90	Elyse Wakelin	Nottingham Trent University	The raising pressures on pastoral care and support for students in legal education: how to deal with this growing concern?
3	355	Rita Dalton-Harrison	Royal Holloway, University of London	The Future Professional Self: Enabling Future Advocate Leaders
	361	Kay Wheat	Nottingham Trent University	"A gap in academic legal education needs a remedy"

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 migrant workers 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 health 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-Keepers: 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

On Behavioural Asymmetry in Product Liability Law: How Private Nudging Will Get European Product Liability Theory Back on Track

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

Foreseeing Difficulties: Duty, Scope, and Causation in *Darnley v Croydon Health Services NHS Trust*
[2018] UKSC 50.

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 Chalackiewicz-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:

Wu, Betty H.T. and MacNeil, Iain and Chalackiewicz- Ladna, Katarzyna, "Say on Pay" Regulations and Director Remuneration: Evidence from the UK in the Past 15 Years (January 2019). Available at SSRN: <https://ssrn.com/abstract=3321328>

Carsten Gerner-Beurle (UCL) presenting:

Gerner-Beuerle, Carsten and Kirchmaier, Tom, Say on Pay: Do Shareholders Care? (June 25, 2018). FMG Discussion Paper DP751; European Corporate Governance Institute (ECGI) - Finance Working Paper No. 579/2018. Available at SSRN: <https://ssrn.com/abstract=2720481>

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 Ekhaton - 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 & 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'

B3 – 194 Michael Howard, 'Proprietary Digital Markets and Anti-Competitive Behaviour: How can EU Competition law respond?'

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'

C3 – 132 Neza Subic 'Taking Social Rights Seriously in the Context of the European Arrest Warrant: a Normative Argument'

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

Asil Ozcelik-Olcay - Human Rights as a Framework for Negotiated Peace: Whose Peace? Which Human Rights?

PANEL 4 - Frameworks of Justice and the Rule of Law

Oisín 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 Jiggins (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'

Submission: 7 Daniel Herron, 'Miami University, Oxford, USA, 'Hayek's Theory of Spontaneous Order and the Normative Development of the Free Market and Common Law'.

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

The Digital Defamation Damages Dilemma

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)
'An Aide Memoire for a Balancing Act? Evaluating the "Balance Sheet" Approach to Best Interests Decision-Making'

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”

Trevor Clarke: “Understanding Contextual Pressures on the Professionalism of Corporate lawyers: A Review of the Existing Empirical Literature”

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?”

David Sixsmith: “A Briggs over Troubled Water: Is the Civil Courts Structure Review a Realistic Solution for Litigants in Person?”

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 Liao

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

Tax

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