



## 4th Matriculation Dinner

**I**n only four years the annual Matriculation Dinner has gone from strength to strength. The 2014/15 academic year dinner was held in the Elphinstone Hall on Friday 24 October 2014. The success of this event is very much down to the generosity of sponsors. This year's sponsors were: Brodies, Burness Paull, CMS Cameron McKenna, Ledingham Chalmers, Raeburn Christie Clark & Wallace, Simpson & Marwick, Slaughter and May, Stronachs, The Society of Advocates in Aberdeen and The Principal's Excellence Fund.

The essential purpose of the dinner is to welcome the new first year LLB students to the University. The event brings together the existing community of students, alumni, local practitioners and staff who make up the Law School. As ever, we were delighted with the response which that community made to our invitation to attend and support the dinner. Around one hundred and twenty first year students were present. Many of them have expressed how much they enjoyed the evening, as have those who generously sponsored the event. Professor Margaret Ross gave an address after dinner in which she emphasised how proud we are of all of the students who have joined the School of Law this year.

Head of School, Anne-Michelle Slater and Sheriff Graeme Napier, right



Caitlin Hurst, DPLP student and Director of The Aberdeen Law Project (Casus Omissus) with first year students Justin Morin-Carpentier, Karis Sutcliffe and Sophie Mills



## David Lessels appointed to Honorary Chair

**In recognition of an outstanding contribution** over 40 years of service the University has appointed David Lessels to an Honorary Chair of Law. The professorial appointment took effect from 1st November 2014, but was announced – to universal acclaim – by Professor Margaret Ross at the Matriculation Dinner on 24th October. This enabled students, alumni and colleagues to congratulate David immediately. He is photographed with one of his former students Paul Dickson (class of 1999; Slaughter and May partner 2011). The appointment is in recognition of the unique contribution to teaching, student support and guidance as well as undergraduate programme development that David spearheaded for the Law School over a full 40 year academic career. (David was very much involved in the Law with French Law programme – now recognised in a major award.) It is hoped that David will be involved in future alumni events in Aberdeen and elsewhere.

Honorary Professor  
David Lessels and  
Paul Dickson



## Greg Gordon appointed General Editor of Stair Memorial Encyclopaedia

**Senior Lecturer Greg Gordon has succeeded** former Scottish Law Commissioner Niall Whitty as General Editor of The Laws of Scotland, Stair Memorial Encyclopaedia (SME). Since publication of the first volumes in the early 1990s the SME

has come to be an indispensable source in a wide range of legal work, including that of the judiciary. Not infrequently referred to by students as 'Stair!', the SME was a product of the vision, determination and leadership capacity of Sir Thomas ('T B') Smith, Professor of Scots Law at Aberdeen over the period 1949-1958. Possibly his crowning achievement, T B Smith saw the need for replacement of the ageing Encyclopaedia of the Laws of Scotland by a modern work which would draw on the scholarship of the greatly increased body of full-time academic lawyers in Scotland. The role of the Law Society of Scotland, with Butterworths as their publishers, was a significant factor in the success of the project. Philip Love (Professor of Conveyancing, 1974-1992), a former President of the Law Society of Scotland, played an important part in that collaboration. With Professor Love in the chair, Sir Thomas announced the SME project in Aberdeen at his 'While One Hundred Remain...' lecture on St Andrew's day 1989. But while there is a certain historical appropriateness in the General Editorship coming to Aberdeen this was obviously not a consideration. That said, Greg Gordon's appointment could be seen to reflect the important combination of academic and practitioner skills which has, arguably, been integral to the SME's success.



# Centre for Private International Law



Part of the PIL research team: Jayne Holiday, Paul Beaumont, Katarina Trimmings and Burcu Yüksel

<http://www.abdn.ac.uk/law/research/centre-for-privateinternational-law-70.php>

**The Centre for Private International Law engages in top quality research and publication, undergraduate and specialised masters teaching, conferences, workshops and international networking. It was praised in feedback from the UK law REF panel (see stop press p4). Two areas of current activity illustrate the vitality of the Centre's work.**

## ***Cross-Border Litigation in Europe: Private International Law Legislative Framework, National Courts and the Court of Justice of the European Union (EUPILLAR).***

On behalf of the Centre Professor Paul Beaumont and Dr Katarina Trimmings have obtained EU funding of about 750,000 Euros from the Civil Justice Programme of the European Commission. Burcu Yüksel is the research assistant for the project. The two year project involves six research partners from the Universities of Freiburg, Antwerp, Wrocław, Brunel, Milan and Complutense of Madrid, examining the case law and legal practice on the main EU private international law instruments in Germany, Belgium, Poland, the UK, Italy and Spain. The key objectives of the project are to consider whether the selected Member States' courts

and the Court of Justice of the EU can appropriately deal with the relevant cross-border issues arising in the European Union context and to propose ways to improve the effectiveness of the European PIL framework. The main results of the research on specific problems regarding the application of the Brussels I, Brussels IIa, Maintenance, Rome I and Rome II Regulations in the target countries will be published in a Hart book.

## ***Conflicts of EU Courts on Child Abduction***

Led by Professor Paul Beaumont with Jayne Holiday as research assistant, in collaboration with Dr Lara Walker of the University of Sussex, the Centre on 1st April 2014 began a project to carry out research on Child Abduction in the European Union. Funded by the Nuffield Foundation (£88,000), the project aims to assess how the Brussels IIa Regulation is being interpreted in cases in the EU where the courts of the habitual residence of an abducted child override a Hague Abduction Convention non-return order. The project aims to consider what changes to recommend to the Brussels IIa Regulation and/or the Commission's Practice Guide in the light of the impending review of Brussels IIa.

# Emeritus Professor Francis Lyall

**F**ranc Lyall, now Emeritus, was Professor of Public Law 1974-2010. We asked him about his interest in Space Law. He writes:

Space is now integral to society, satellites providing many services including telecommunications and TV, remote sensing and GPS. I fell over Space Law in 1963 at the Institute of Air and Space Law of McGill University, Montreal, following my M.A. and LL.B. at Aberdeen. 'Space' was just starting and rules were going to be needed. It was exciting. My LL.M. thesis was on satellite telecommunications. Later the five UN space treaties and 'principles' were to flesh things out. Space law was to develop during my entire academic career.

Back in Aberdeen from 1964 my interest in space continued, though there were other Public Law areas to be coped with. In the later 80s, to the confusion of many, I introduced a course on Space Law. Some profited. I became involved in the European Centre for Space Law and the International Institute of Space Law, and was elected a member of the International Academy of Astronautics. Now, with many articles and two books, apart from other writing, I remain an active commentator on what is going on in Space.



Emeritus Professor  
Frank Lyall

## **Lord Hope's inaugural lecture as Patron of the Aberdeen Law Project**

**On 19 February 2014 Lord Hope of Craighead** delivered an inaugural lecture as first Patron of the Aberdeen Law Project, Casus Omissus (<http://www.abdnlawproject.com/index.html>). Students, invited guests and staff assembled in the Elphinstone Hall for the lecture as centrepiece in a programme which included a review of Law Project work. Lord Hope's memorable lecture is published in full in the 2014 issue of the *Aberdeen Student Law Review* edited by Philip Glover and Andrew Merry (issues of ASLR are downloadable from: <http://www.abdn.ac.uk/law/student-activities/aberdeen-student-law-review-95.php>).

## **Alex Green: judicial appointment**

**Alex Green** (LL.B, 1989; LL.M, 1992) has been appointed to sit as a part-time judge in the First Tier Immigration and Asylum Chamber. This is a UK appointment. Already an employment judge in England and Wales, Alex sits on a part-time basis in the Employment Tribunal. Alex also wears an exclusively Scottish hat, that of Procurator Fiscal to the Court of the Lord Lyon.

## **Oxford International Intellectual Property Moot Success**

**In March 2014 the Law School's student team** of Lucas Clover Alcolea, Peter Stanescu and Philip Shorney won joint 3rd prize on the written submissions at the Oxford International IP Moot. Dr Abbe Brown coached the team. Dr Catherine Ng, who has coached in past years, was excluded from the role because she was a judge in the oral competition. The team's performance was a very creditable one in a highly competitive international arena involving over 40 entries.

## **Justice without Retribution Conference**

**An interdisciplinary conference** on the legal and social implications of rejecting the retributive conceptions of free will and responsibility will be held over 2-3 April 2015. For centuries, certain philosophers have argued that our everyday concepts of free will and responsibility are misguided. New neuroscientific findings have given added impetus to such critiques. Free will sceptics often point out that their view undermines the retributive justification of punishment, but they are only just beginning to develop positive accounts of what our legal system would look like if we abandoned all retributive ideas.

See <http://www.abdn.ac.uk/law/events/6527/> and for further information please contact Dr Elizabeth Shaw ([eshaw@abdn.ac.uk](mailto:eshaw@abdn.ac.uk)).



# Research papers by home and visiting speakers

**D**rs Irène Couzigou and Elizabeth Shaw, Convenors of the Law School's Research Seminar Series, are to be congratulated on a full and varied programme covering a wide range of topics. This general programme was supplemented by sessions arranged by individual members of staff or by the School's research centres. Only a few individual sessions from the total programme will be mentioned.

Dr Andrew Simpson presented on the history, law and politics of 16th c. David Chalmers of Ormond. Malcolm Combe explored the possible tension between competing forms of access to private land. Dr Patrick Masiyakurima considered the important intellectual property law issue implicit in the question "Does the UK need a moral right of disclosure in its copyright law?" Only weeks after taking up his post, Dr Robert Taylor presented on constitutional conventions.

Of the visiting speakers, Oxford Professor Laurence Lustgarten



spoke on the Arms Trade Treaty. This session was the idea of the School's Dr Zeray Yihdego, a member of the UN Expert Group on the Firearms Protocol. Another important presentation was by a distinguished Austrian scholar of public law, Dr Konrad Latchmann. Chaired by Dr Dirk Hanschel the paper

addressed a recent controversial decision in which the Austrian Constitutional Court applied the EU Charter on Fundamental Rights as a domestic grund norm.

Alumni from the late 1980s and early 1990s may remember a young lecturer Stephen Girvin who came to Aberdeen from South Africa to do a PhD. Stephen is now Professor at the National University of Singapore having formerly been Professor of Maritime Law at Birmingham; as from January 2015 he will direct a new Singapore Centre of Maritime Law. Visiting in November Stephen spoke on the subject of "Ship Arrest". As the photograph shows a number of Aberdeen maritime law practitioners attended the session.

## Land reform in review

**T**he May 2014 Final Report of the Land Reform Review Group signalled the return of land reform to the immediate political and legal agenda. With support from Terra Firma Chambers a Law School session on 22 August addressed selected issues arising from the wide-ranging Report. The well attended early evening meeting was chaired by resident land reform expert Malcolm Combe. Professor Roddy Paisley spoke on general succession issues while Viktoria Wahle (Stronachs) addressed succession from an agricultural business perspective; Dr Douglas Bain and Catherine Bury spoke on private renting; Robert Sutherland, Terra Firma Chambers, addressed the issues of ownerless and common good land; Alasdair Sutherland (also Terra Firma) covered planning; Michael Smith, solicitor and former legal adviser to the Scottish Landowners' Federation, considered the landowner's perspective on the proposed restriction on the extent of individual ownership.



Viktoria Wahle (Stronachs) and Robert Sutherland, Terra Firma Chambers

## Aberdeen Law School Session in London

**In late June 2014**, with funding from the Royal Society of Edinburgh, the School ran a session in London on the European Law implications of the possible Scottish Referendum outcomes. The event was hosted by the Institute of Advanced Legal Studies in Russell Square. The idea was that there would be an audience for this topic in London in the run-up to the Referendum. The session was chaired by Aberdeen graduate Joanne Scott, Professor of European Law at King's College, London. Presentations by Professor Paul Beaumont and Professor Sir David Edward (University of Edinburgh) preceded a lively question/answer session. The close to 'full-house' audience of about 70 included Lord Hodge, one of the two Scottish Justices on the UK Supreme Court.

## Law School awarded Franco-British Lawyers Society UK Academic Prize for 2014

(see [fbis.eu/category/news](http://fbis.eu/category/news))

The Franco-British Lawyers Society UK Academic Prize 2014 was awarded to the Law School for its unique five-year LLB with French Law offered in partnership with one of four French universities, Clermont, Grenoble, Lyon and Strasbourg. Lord Hope of Craighead, presenting the award to

Dr Irène Couzigou in a House of Lords ceremony, observed that the innovative programme gave British law students the opportunity to deepen their knowledge of French law and culture and so acquire a greater understanding of their own system.

The £1500 award funds an annual prize of £500 for three years to the best student enrolled in the programme. The criteria are excellence and commitment to the enhancement of Franco-British legal relations. In September 2014 Dr Couzigou visited the University of Strasbourg to make the first presentation to Kimberly Neale.



## New LLM and CPD courses

### Masters in Dispute Resolution

The Law School is considering launching a new online LLM in Dispute Resolution in 2016 with courses on negotiation, arbitration and mediation. An option to specialise in a particular area for a PgCert (1 year) or PgDip (2 years) is proposed. The intention is to obtain Recognised Course Provider status from the Chartered Institute of Arbitrators and other accrediting/professional bodies. Please 'register your interest' on a web page to be added by early February 2015 to the School's site (<http://www.abdn.ac.uk/law/>).

### Expert Evidence Training

The School will be launching a new CPD training course for expert witnesses from 2015. The first of its kind in the UK, the course will be available in two parts: 1/ (online only) covering the basic rules and practicalities of giving expert (or skilled) evidence, and 2/ consisting of a hands-on, in-court component based in the Court of Session, Edinburgh. Candidates may opt for 1/ or 1/ and 2/ together. The course will be delivered by a mixture of academics and advocates. For further information on either programme please contact Mr Derek Auchie ([d.auchie@abdn.ac.uk](mailto:d.auchie@abdn.ac.uk)), Senior Teaching Fellow.

## Energy Law Centre

A part of the Aberdeen University Centre for Energy Law (AUCEL), the School's energy research Centre is developing apace in a field both diverse and specialised. The Centre's role in research and training is enhanced by AUCEL's interdisciplinary approach. In addition to the University strength, the obvious scope for research in Aberdeen, "unofficial European oil capital", draws a large contingent of research students. Preparing lawyers for work in a complex and evolving context, the focus is not only upon current practice but also upon emerging trends.

In this brief comment we can only note one or two matters from a considerable range of work and achievement.

## Research funding for carbon capture and storage regulation

In September 2014 Roddy Paisley and John Paterson were awarded research funding under the SCCS CO2 EOR Joint Industry Project to look at legal and regulatory issues in the context of field transference.

See: <http://www.sccs.org.uk/expertise/reports/sccs-co2-eor-joint-industry-project#field-transference-legal-and-regulatory-issues>

## Lord Bonomy's Post-corroboration Safeguards Review

**Peter Duff, Professor of Criminal Justice**, was asked by Lord Bonomy along with five other experts on Scottish criminal evidence, to form an Academic Expert Group (AEG) to assist him fulfil his remit from the Justice Secretary, namely to consider what safeguards should be put in place when corroboration is abolished. The Justice Secretary undertook to delay the passage of the Criminal Justice (Scotland) Bill 2013 through Parliament until Lord Bonomy had reported and the legislation had been amended to incorporate his recommendations.

The AEG commenced work in February 2014 and produced a 300 plus page report discussing possible safeguards. This was based on research and consultations with academics from many different jurisdictions. In July 2014 issues were discussed at a Cambridge University workshop with leading English criminal evidence experts. The AEG's Report was submitted to the full Reference Group in August and it was published along with the Reference Group's Consultation Document at the beginning of October (<http://www.scotland.gov.uk/About/Review/post-corroboration-safeguards>). This was followed by a series of 'roadshows' around the country aimed at canvassing the opinions of the profession on various potential safeguards highlighted by the Consultation Document for the post-corroboration era. Peter Duff participated as part of Lord Bonomy's panel in the Aberdeen and Inverness events.



John Paterson delivers a public lecture at the Ministry of Energy, Bangkok

## Professor John Paterson

delivered a public lecture in September 2014 at the Ministry of Energy in Thailand at the invitation of the Petroleum Institute of Thailand. The lecture entitled 'Petroleum Fiscal System: Lessons from the UK' was requested as a contribution to the ongoing debate in Thailand about the possibility to change from a licence and tax system to a production sharing system.

The issues raised in the review process include: the abolition of dock identification; the compulsory recording of all police interviews of suspects; the introduction of a police code of practice such as exists in England under the PACE regime; the judicial power to rule there is no case to answer; and jury size and majority. Following the consultation process, Lord Bonomy will report to the Justice Secretary early in 2015 and his recommendations will form the basis for the safeguards to go into the Criminal Justice (Scotland) Bill which inter alia abolishes corroboration. It is anticipated that this legislation will pass through Parliament by the end of April 2015.

**STOP PRESS!** Welcome news of the Law School's improved performance in the 2014 Research Excellence Framework (REF) results was received by colleagues the day before their Christmas party! The improvement from 2008 was in the proportion of published output rated at the highest possible level of 'world-leading'. The Times Higher Education coverage ranks Aberdeen joint top with Edinburgh in Scotland on this aspect of research. Despite this important advance, the School's overall position has not improved significantly in the Scottish context. For the first time the REF included an assessment of the 'impact' of research – worth 20% of the overall ranking. In common with many other law units Aberdeen has yet to develop its potential in the 'impact' stakes. An improving research funding position – led by private international law – should assist regarding 'impact'.



## New Staff

**Ilona Cairns** took up a lecturing post in February 2014 after joining the School as a funded PhD student in 2011. Her research topic examines the modernisation of Scottish criminal law and procedure from a feminist perspective. A 2007 Edinburgh graduate, Ilona went on to complete an LL.M at the University of Victoria in British Columbia, Canada. Following that she worked as a legal research assistant at the University of Victoria and for the Provincial Government of British Columbia as a legislative analyst. On appointment to her lectureship Ilona took on responsibility for the

undergraduate course in Family Law; she is also contributing to the Evidence course.

**Dr Monica Waloszyk** joined the Law School in May 2014 as a full-time Research Fellow. The author of a major new work on law and policy in the European gas market (Edward Elgar, 2014), Monica will contribute, as an established researcher in law and policy in the energy sector, to the School's expanding Centre for Energy Law (AUCEL). With qualifications including a PhD in European Law from Luxembourg and a *Maitrise* from the Sorbonne, Monica's work in European energy law focuses on energy market governance and competition law, network industries liberalization, the operation of transmission systems and energy sector regulation.

**Dr Robert Taylor** joined the

School of Law as a lecturer in September 2014. He is the course coordinator for Public Law and Human Rights and teaches on several courses, including the Law of Equity and Trusts of England and Wales, Public International Law, Legal Systems, and Introduction to English Legal System. Before joining the School of Law, Robert studied at Durham Law School, graduating with an LLB (Hons) in 2008, an MJur in 2011, and a PhD in 2014. Robert's research interests lie in the realm of UK public law, in particular legal and political constitutionalism, parliamentary sovereignty, government accountability, and constitutional conventions.

**Dr Tina Hunter** joined the School, as a Reader in Energy Law from the 1st January 2015. With a PhD from the University of Bergen

on the 'Legal regulatory framework for the sustainable extraction of Australian offshore petroleum resources', Tina was previously Director of the *Australian Centre for International Petroleum, Minerals and Energy Law* at the TC Beirne School of Law, University of Queensland. Appointed to contribute to teaching and research in the School's energy law programme, her extensive experience in the field includes government and international consultancy in the regulation of petroleum and shale gas activities, particularly offshore petroleum and unconventional gas resource development. Tina's work has included drafting resource management and administration regulations, and the analysis of energy laws in Australia, Norway, Poland the Philippines and Russia.