



APPLIES TO ACADEMIC YEAR 2005/2006

JUR 2401 Law III

Program

Bachelor in Business Law (3. year)

Responsible for the course

Monica Viken

Department

Accounting - Auditing and Law

Term

According to study plan

ECTS Credits

18

The course consists of four sub-courses. The course objective, literature, course outline and course structure are specified for each sub-course.

Objective

The students will also be given a thorough introduction to contracts of employment, with a focus on the company's situation as an employer. There shall be given an introduction to the law of the capital market (funding of undertakings), together with other questions regarding law of commercial papers and security.

Prerequisites

None.

Compulsory literature

Books:

Bergsaker, Trygve. 2001. Lærebok i pengekravsrett. 2. utg. Oslo: T. Bergsaker
Falkanger, Thor. 2004. Introduksjon til panteretten. Oslo: Universitetsforl.
Gjone, Tor og Erik C. Aagaard. 2002. Bedriftens personalhåndbok. 6. utg. Oslo: Gyldendal akademisk
Hov, Jo. 1999. Rettergang 1: Sivil- og straffeprosess.. Oslo: Papinian. (Utvalgte kapitler)

Other:

Diverse artikler vil bli utdelt under kurset.

Recommended literature

Course outline

Specified under each sub-course

Computer-based tools

None.

Course structure

There will be given 48 hours of lecture. Not all subjects will be covered during the lectures. After the lectures, the students will be placed in seminar-groups, totally 60 hours. Participation in the seminars is obligatory for the students, they are expected to take part in discussions and solving of practical cases during the seminars.

Evaluation

Two five-hour exams conclude the whole course. These two exams are common for all the five sections, the students will be tested in a small practical assignment and in several theoretical questions. The grader will emphasize the student's knowledge, reasoning, methodology, analytical ability and written presentation skills.

Evaluation code(s)

JUR 24011 written exam which accounts for 50% of the grade in JUR2401, 18 credits.
JUR24012 written exam which accounts for 50% of the grade in JUR 2401, 18 credits.

Aids at the examination

Collection of law-texts, administrative regulations, proposed new legislation.
Inger Hamre og Helge Stemshaug (red.): EU- og EØS-relevante tekster.

Makeup exam

To be held at the next ordinary exam in the course.

Section 1: Monetary claims**Responsible for the course**

Tore Bråthen

Objective

The students shall be given a detailed introduction into the legal provisions concerning monetary claims in general.

Compulsory literature

Bergsåker, Trygve. 2001. *Lærebok i pengekravsrett* . 2. utg. Oslo: T. Bergsåker.

- Monetary claims (monetary obligations)
- Performance of monetary claims
- Settlement correction
- Cancellation of monetary claims due to expiry of the limitation period etc.
- Consequences of impaired performance of monetary claims
- Claims involving several debtors

Course structure

12 hours of lectures are given, followed by 16 hours of seminars. The lectures will not cover all the topics, students are expected to participate in discussions and do assignments during the seminars.

Section 2: Law of mortgages and pledges**Responsible for the course**

Monica Viken

Objective

The students are to be given a thorough introduction into mortgage issues, including the protection accorded by the law and the parties' disposal of the mortgaged object and mortgage claim. They are to gain an understanding of the mortgagee's position in relation to the mortgagor, other acquirers of negotiation documents and creditors. The main emphasis shall be placed on the rules for mortgages that have been established by agreement. The students are to learn about the rules regarding establishment and enforcement of the vendor's fixed charge.

Compulsory literature

Falkanger, Thor. 2004. *Introduksjon til panteretten*. Oslo: Universitetsforlaget.

Course outline

- Limitations in the mortgaging right
- Establishing mortgage rights
- Legal protection rules
- Vendor's fixed charge
- Disposal of mortgage rights
- Mortgagee's position during debt settlement proceedings and in bankruptcy

Course structure

9 hours of lectures are given, followed by 12 hours of seminars. The lectures will not cover all the topics, students are expected to participate in discussions and do assignments during the seminars.

Section 3: The contract of employment**Responsible for the course**

Tore Båthen

Objective

The students shall gain a thorough insight into legal provisions regulating work conditions and work contracts, based on the company's role as employer.

Compulsory literature

Gjone, Tor og Erik C. Aagaard. 2002. *Bedriftens personalhåndbok* . 6. utg. Oslo: Gyldendal akademisk.

Course structure

18 hours of lectures are given, followed by 20 hours of seminars. Not all topics will be covered in the lectures, students are expected to take part in discussions and do assignments during the seminars.

Section 4: Legal sanctions and conflict resolution

Responsible for the course

Bjørn Eriksen

Objective

Students will be given an introduction to judicial conflict resolution, including the terms for interim court orders in the court of execution and enforcement, declaratory and enforcement judgments in regular courts and legal enforcement through the execution and enforcement authority, the rules associated with arbitration and legal remedies and litigation costs. The students shall also learn about alternative dispute resolution, particularly court-administered mediation and mediation.

Prerequisites

No particular prerequisites are required.

Compulsory literature

Hov, Jo. 1999. *Sivil og straffeprosess*. Vol I i Rettergang. Oslo: Papinian. Certain chapters. Various articles which will be handed out during the course.

Course outline

- Basic principles of our law procedure
- The courts as dispute resolution agents
- Civil law procedure
- The parties to an action
- Legal decisions
- Legal remedies
- Legal enforcement
- Interim court orders
- Basic mediation principles
- The conflicts for which mediation may be suitable
- Court-administered mediation

Course structure

8 hours of lectures are given, followed by 10 hours of seminars. The students are organized in study groups for discussions and assignments.