



APPLIES TO ACADEMIC YEAR 2009/2010

## JUR 2401 Law III

### Programme

Bachelor in Business Law (3. year)

### Responsible for the course

### Department

Department of Accounting - Auditing and Law

### Term

According to study plan

### ECTS Credits

18

### Language of instruction

Norwegian

### Introduction

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 reading

#### Books:

Bergsåker, Trygve. 1994. Pengekravsrett. Oslo: Ad Notam Gyldendal

Falkanger, Thor. 2004. Introduksjon til panteretten : stiftelse og virkninger, herunder om tvangsfullbyrdelse. Oslo : Universitetsforlaget

Hov. Jo. 2007. Rettergang 1: Sivil- og straffeprosess. Oslo : Papinian. Utvalgte kapitler er pensum

Storeng, Nils H., Tom Henrik Beck og Arve Due Lund. 2006. Arbeidslivets spilleregler. Oslo : Universitetsforlaget. Del 1 s. 25-42, Del 2 s. 43-226, Del 3 s. 227-394 og s. 407-415, Del 4 s. 417-421 og s. 461-463, Del 5 s. 465-503.

### Recommended reading

### 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.

### Examination

Grade in course will be based on following activities.

Part 1 - Written assignment programme. Passed/failed. At least one assignment must be passed.

Part 2 - Five hour individual written exam, consists of section 1: Monetary claims and section 2: Law of mortgages and pledges. Count 50% of final grade.

Prst 3 - Five hour individual written exam, consists of section 3: The contract of employment and section 4: Legal sanctions and conflict resolution. Count 50% of final grade.

To the written exams students can be tested both in practical and teoretical questions. Knowledge, reasoning, use of methods and presentation will be judged. All questions are supposed to be answered.

#### **Exam code(s)**

JUR 24013 Written Assignments. Passed/Failed.

JUR 24014 - Written exam in section 1: Monetary claims and section 2: Law of mortgages and pledges. Counts 50% to obtain final grade in JUR 2401 JUS III, 18 credits.

JUR 24015 - Written exam in section 3: The contract of employment and section 4: Legal sanctions and conflict resolution. Counts 50% to obtain final grade in JUR 2401 JUS III, 18 credits.

#### **Examination support materials**

Collection of law-texts, administrative regulations, proposed new legislation.

Inger Hamre og Helge Stemshaug (red.): EU- og EØS-relevante tekster.

Hovedavtalen LO-NHO 2006-2009.

#### **Re-sit examination**

A re-sit is held in at the next scheduled exam in the course.

Due to changes in our Bachelor Programmes from autumn 2009, there also will be changes in every single course. This course will be lectured for the last time autumn 2010. Re-sit exam will be offered every term from autumn 2011 even spring 2013.

#### **Additional information**

##### **Section 1: Monetary claims**

##### **Objective**

The students shall be given a detailed knowledge of the legal provisions concerning monetary claims in general. They will be able to clarify the main rules for written acknowledgement of debt.

##### **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 15 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**

##### **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****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**

Storeng, Beck og Due Lund. 2006. *Arbeidslivets spilleregler*. Oslo: Universitetsforlaget. Del 1 s. 25-42, Del 2 s. 43-226, Del 3 s. 227-394 og s. 407-415, Del 4 s. 417-421 og s. 461-463, Del 5 s. 465-503.

**Course structure**

18 hours of lectures are given, followed by 21 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****Objective**

Students will gain knowledge in 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 arbitrage 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. 2007. *Rettergang I. Sivil- og straffeprosess*. Selected parts are compulsory.

**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**

9 hours of lectures are given, followed by 12 hours of seminars. The students are organized in study groups for discussions and assignments.