1. **Title of the module**

LAWS9180 (LW918) International and Comparative Bankruptcy and Insolvency Law & Policy

1. **School or partner institution which will be responsible for management of the module**

Kent Law School

1. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 7

1. **The number of credits and the ECTS value which the module represents**

20 credits (10 ECTS Credits)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn or Spring

1. **Prerequisite and co-requisite modules**

None

1. **The programmes of study to which the module contributes**

LLM in (Specialisation); LLM in Law; PG Diploma in (Specialisation); PG Certificate in Law

1. **The intended subject specific learning outcomes.
On successfully completing the module students will be able to:**
2. Demonstrate a detailed and systematic understanding of the institutions and structure of insolvency law and their economic and social role in the economy.
3. Critically engage with the theoretical debates on the role of bankruptcy and insolvency law, the key concepts, policy issues and principles.
4. Demonstrate a comprehensive understanding of the existing legal regimes of bankruptcy and insolvency in England and North America, their sources and intellectual assumptions.
5. Critically evaluate the central features of International attempts to develop norms for bankruptcy and insolvency.
6. Form a view on the relative merits of differing approaches to bankruptcy and insolvency, and appreciate and evaluate the main theoretical and legal perspectives underlying the legal provisions.
7. Think creatively about an important area of international commercial law
8. **The intended generic learning outcomes.
On successfully completing the module students will be able to:**
9. Formulate comprehensive arguments and provide a critical assessment of a complex issue.
10. Skilfully utilise research skills to commence further research into unresolved issues.
11. Demonstrate sophisticated independent academic research, particularly by written presentation of arguments.
12. **A synopsis of the curriculum**

Bankruptcy and Insolvency law has become a central aspect of commercial law. The restructuring of capitalism since the 1970s, the growth of neo-liberalism, the increased use of debt financing by both firms and individuals, and the volatility of the international economy have contributed to its international importance. The World Bank views a ‘modern’ insolvency law as central to the development infrastructure, it is linked to fostering entrepreneurialism as well as providing a safety net for individuals in a high debt economy. This course provides a critical introduction to central issues in business and personal insolvency.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

V. Finch, *Corporate insolvency law: perspectives and principles* (Cambridge: CUP, 3rd ed, 2017)

T. Jackson, *The Logic and Limits of Bankruptcy Law* (Cambridge, MA, Harvard 1986).

G. MacCormick, *Corporate Rescue Law: An Anglo-American Comparison* (Elgar, 2008).

V. Markham Lester, *Victorian Insolvency: Bankruptcy, Imprisonment for Debt and Company Winding Up in Nineteenth Century England* (Oxford: OUP) (1995)

J. Niemi, I Ramsay and W. Whitford, *Consumer Credit, Debt and Bankruptcy: International and Comparative Dimensions* (Oxford: Hart 2009).

J. Niemi, I. Ramsay and W. Whitford, *Consumer Bankruptcy in Global Perspective* (Oxford: Hart) (2003)

I. Ramsay, *Personal Insolvency in the 21st Century: A Comparative Analysis of Europe and the US* (Hart, Bloomsbury, 2017)

D. Skeel, *Debt’s Dominion — A History of Bankruptcy Law in America* (Princeton, Princeton Univ Press) (2001).

T. Sullivan, E. Warren & J Westbrook, *The Fragile Middle Class: Americans in Debt* (New Haven, Yale) (2000).

J. Westbrook, C. Booth, C Paulus & H Rajak, *A global view of business insolvency systems* (Leiden: Nijhoff) (2010).

E.Warren, J. Westbrook, K. Porter & J Pottow, *The Law of Debtors and Creditors: Text, Cases and Problems* (Kluwer, 7th ed 2014).

1. **Learning and teaching methods**

Contact hours: 20

Private study hours: 180

Total study hours: 200

1. **Assessment methods.**

13.1 Main assessment methods

Essay, 5000 words (100%)

13.2 Reassessment methods

Reassessment instrument: 100% Coursework

1. **Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 9.1 | 9.2 | 9.3 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |
| Presentation / Seminar | X | X | X | X | X | X | X | X | X |
| Private Study | X | X | X | X | X | X | X | X | X |
| **Assessment method** |  |  |  |  |  |  |  |  |  |
| Essay  | X | X | X | X | X | X | X | X | X |

1. **Inclusive Module Design**

The School recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. Module outlines will be made accessible at least four weeks before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. In accordance with the KLS school-level statement on Lecture Capture, the presentation/seminars will not be recorded as they are heavily discussion-based.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b (1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered:**

Canterbury

1. **Internationalisation**

Bankruptcy and Insolvency law is now a central aspect of transnational commercial law. To appreciate this fully this module looks at these areas comparatively and in their international context.

**FACULTIES SUPPORT OFFICE USE ONLY**

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

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| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs(Q6 & 7 cover sheet) |
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