

<p>Institution: University of Aberdeen</p>
<p>Unit of Assessment: 20 – Law</p>
<p>a. Context</p> <p>Legal research frequently has impact because it is concerned with the analysis and evaluation of the law and legal developments. Consequently, it is often of interest to both legal practitioners who must interpret the law and policy makers who are concerned with improving its efficacy. As one of five long-standing Scottish Law Schools, Aberdeen has always felt a particular responsibility to contribute to the development of Scots law and to assist its practitioners. In terms of international reach, various foreign courts have cited Aberdeen scholars' publications in the census period in support of their judgments, eg: Evans Jones in <i>Absa Bank Ltd v. Lombard Insurance Ltd</i> no. [2012] ALL SA 485 (SCA), 496 (South African Supreme Court of Appeal); and Kee in <i>Yesodei Hatorah College Inc v The Trustees of the Elwood Talmud Torah Congregation</i> [2011] VSC 622. para 66 et seq (Supreme Court of Victoria) and <i>Cargill International SA v Peabody Australia Mining Ltd</i> [2010] NSWSC 887, para 80 (Supreme Court of New South Wales). Case Study 1 provides further examples. As regards legal reform, Aberdeen research has frequently been cited by policy makers. For example, an article by Simpson (REF:1) was cited by the Scottish Law Commission (SLC) in its <i>Discussion Paper on Prescription and Title to Moveable Property</i> (DP No 144, 2010) and his response to the consultation (along with Carey Miller and Curtis (Aberdeen University Museum) was cited by the SLC in its resulting <i>Report on Prescription and Title to Moveable Property</i> (SLC No 228, 2012). The latter contains draft legislation.</p> <p>More recently, there has been increased engagement with commercial organisations, particularly by the Energy Law Centre with oil and other energy companies and organisations, for example, Sinopec, the Chinese National Oil Corporation and the Norwegian Oil and Gas Association. Further, Paterson, as a result of his research on regulation, co-authored the International Bar Association's response to the European Commission's consultation on improving offshore safety, health and environment and was an invited expert at a workshop at the European Parliament (Industry, Trade and Research Standing Committee) discussing the resultant proposed Regulation.</p> <p>b. Approach to impact</p> <p>The Law School has always encouraged staff to produce high quality academic research which inevitably may influence legal practitioners and policy makers. Additionally, the School emphasises the importance of staff engaging with such groups. This enables staff not only to disseminate their research beyond the academy but also to acquire feedback in developing further research projects. For instance, as a result of his research on private international law, Beaumont for several years has spent 2-10 days per month in Brussels at the <i>Council of the European Union Working Party on Civil Law</i> and in The Hague at the <i>Hague Conference on Private International Law</i> negotiating for the UK and Scottish Governments on private international law instruments. This role generates unique opportunities for further research and publication.</p> <p>Similarly, several staff are members of Law Society of Scotland committees for specialist areas (eg, Brown – Technology; until recently McKenzie Skene - Insolvency). Other colleagues utilise their research in different <i>fora</i>, eg: Auchie – Convener, Mental Health Tribunal for Scotland since 2005 (leading to <i>Scottish Mental Health Tribunal: Practice and Procedure</i> (co-authored) Dundee University Press, 2010); Kee - UNCITRAL Working Group II Arbitration Rules Revision, Rules Drafting Committee of the Australian Centre of International Commercial Arbitration; McKenzie Skene - The Association of Business Recovery Professionals' (R3) Scottish Technical Committee since 2003, the Accountant in Bankruptcy since Aug 2011 and 'expert group' appointed by the EU Commission on the revision of the EU Insolvency Regulation in 2012; and Yihdego - member of the UN Expert Group on Firearms Control and consultant to the UN Office on Drugs and Crime (based in Vienna). Such engagement beyond the Academy is expected and facilitated by the Law School by reducing teaching and administrative commitments where the role is onerous and through the granting of expenses if necessary.</p>

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Staff also present their research at CPD events for the profession, eg: **Auchie** – for north-east lawyers and local authority Mental Health Officers; **Beaumont** - for the Judicial Studies Committee (JSC) to train Scottish judges on private international law instruments (eg Rome I and Brussels I) and to train Latvian judges on child abduction and maintenance; **Duff** – for the JSC on disclosure; **Fitchen** – for the Worshipful Company of Scriveners to notaries in England. Again, the Law School encourages this type of activity not only for the instrumental reason that it presents further research opportunities but also because it has always seen itself as having a responsibility to the development of law, particularly in Scotland.

Similarly, the Law School encourages staff to do funded evaluative research for Scottish Government (SG) and other policy makers, eg: Bradshaw, Sharp, **Duff**, Tata, Barry, Munro, McCrone, *Evaluation of Reforms to Summary Criminal Legal Assistance and Disclosure*, Scottish Government, Social Research (2012 ISSN 2045 6964); **Ross** and **Bain**, *Evaluation of In-Court Mediation Schemes in Glasgow and Aberdeen Sheriff Courts* (ISBN - 9780755978816), Scottish Government, Social Research (2010). Staff are also encouraged to publish in professional periodicals, drawing upon their more theoretical research, in order to provide guidance on recent legal developments to the profession, eg: *Journal of the Law Society of Scotland* (Bury and **Bain** (TF), August 2012); *Scots Law Times* (**Duff**, 2010 SLT (News) 181); *International Family Law* (**Beaumont** and **Trimmings**, [2012] IFL 125).

Other impact activity is also facilitated, often by the University's Communications Team which has one member of staff dedicated to the College of Arts and Social Science. For instance, the University has run a series of programmes for several years under the 'Community Café' banner in conjunction with Satrosphere Scientific Centre (funded by the Aberdeen City Council and Scottish Government) to foster public engagement with science. **Boute** presented his research on Russia's move from fossil fuel to renewable energy in the 'Cafe Controversial' series in 2012. Members of staff are frequently quoted in the media - eg *Scotsman*, *Herald*, *Daily Record* - or interviewed for radio – eg BBC Scotland, Northsound, BBC's Radio 5 - or TV programmes – *BBC's Reporting Scotland*, *BBC's Newsnight Scotland*, *Grampian Tonight*. Additionally, staff operate a number of Twitter accounts, such as @RuralLaw (271 followers) and **Combe's** @BaseDrones (933 followers), which focuses on property law, land reform and legal education.

c. Strategy and plans

The School will continue to encourage staff to engage with the profession and policy makers both because of its responsibilities to the development of law generally, and the Scottish legal system in particular, and also because this is a dynamic and interactive process, which provides staff with invaluable feedback and further research opportunities and ideas. Our public engagement has been aided by the University's recent decision to identify four broad interdisciplinary research themes in order to give its research more visibility in these areas of strength. One of the four University themes is Energy and the impact of the Law School's Energy Law Centre has been increased by the resulting interaction it has had with the Schools of Engineering, Geosciences and Business. This has led to more engagement with industry, eg links with Sinopec and CNOOC (major Chinese oil companies) and Scottish Carbon Capture and Storage (a research group comprising academia, industry and government). Sinopec staff came to the Law School in the summers of 2012 and 2013 for short courses. A second University theme is Environment and Food Security. Our Rural Law Group has utilised this in creating impact from its research, eg, work for Scottish National Heritage (SNH) which was carried out with staff from the College of Life Sciences and Medicine (**Pillai**, Heptinstall, Hammond, Redpath & **Saluja** (PhD student), 2012, *Derogations for protected species in European Reintroductions*, SNH, 2012 ISBN 978-1-85397-884-5). The School will build on these and other interdisciplinary links both to improve its research and increase its impact beyond the academy.

Further, the Law School will continue to bid for external research funding from policy makers, eg Scottish Government. In particular, as an incentive, the Law School allows staff to draw upon up to 50% of the portion of external research funding received by the School to "buy out" teaching duties for research activity. It will also ensure that external funding bids include the costs of the dissemination of results, eg presentations at non-academic workshops and conferences,

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practitioner events, CPD training, public debates etc. The Law School will continue to use its internal research funds (c £40k per annum) to help 'seed-fund' applications for external research funding, the results of which often have impact, and may use such funds more generally to enable staff to disseminate their research beyond the Academy. For instance, **Beaumont** and **Trimmings** were recently awarded Jean Monnet EU money to fund 7 workshops, each to be attended by 10-20 policy makers and academics, on the effectiveness of EU private international law, which will also be supported by Law School Research funds. The Centre for Private International Law used these workshops as the basis for making a bid for a large EU civil justice grant in 2013 to develop this research further, which will have practical impact upon European policy makers.

The development of research groups (eg Energy Law, Private International Law, Rural Law), as highlighted in the Environment Statement, has facilitated Law School responses to public consultation exercises, increased links with public bodies and industry and helped to market our research to the wider world. For instance, in 2013 **Combe** (Rural Law) was appointed to the Advisory Group of the Scottish Government commissioned Land Reform Review Group. The School will continue developing research groups, and will back this up with internal research funds.

d. Relationship to case studies

(All names in bold were Aberdeen staff at the time the research was done.)

The criminal justice "case trajectories" impact was facilitated by the School's reduction of **Duff's** workload to enable him to sit on the Summary Justice Review Committee (2001-2004) at a time when his workload had already been reduced to cater for his membership of the Scottish Criminal Cases Review Commission which required a commitment of one day per week (2000-2007). **Duff** and **Leverick** (now at Glasgow) also benefited from reductions in normal workloads to enable them to carry out the field work required for the Scottish Government funded research and also from the ability to draw upon the 'buy-out' of teaching duties portion of these awards for disseminating the findings (eg attendance at practitioner events) and for other research activity. The existence of a criminal justice research cluster – other members have been **Campbell** (now at Edinburgh), **Chalmers** (now at Glasgow), a series of research assistants and PGs - was supported by the Head of the Law School's use of the operational budget (this was before the School had earmarked School Research Funds). This facilitated not only the research but its dissemination. The University's Communications Office has long routinely directed media enquiries about criminal justice to **Duff** and some of these have and continue to result in public dissemination of the "case trajectories" research, as well as other research carried out by the cluster.

The research and writing for **Beaumont's** and **McEleavy's** (now at Dundee) book on the Hague Convention on International Child Abduction (1999) was carried out between 1994 and 1999. From 1996 the Law School enabled **Beaumont** to have the time to engage in what was then an unpaid consultancy for the UK Government and Scottish Courts Administration that made him a part of the UK delegation to the Hague Conference on Private International Law. There, he gained first hand expertise in the negotiation, interpretation and review of Hague Conventions (including the Child Abduction Convention). In 1997 the School welcomed **Beaumont's** appointment to the newly formed UK Government Advisory Committee on Private International Law where he had the opportunity to learn from leading judges and practitioners and to influence Government policy. The University's funding of **McEleavy's** PhD and postdoctoral work on the book enabled **Beaumont** and **McEleavy** to advise the UK Government on its policy on the Child Abduction Convention.

The Law School enabled **Boute** to have the time to engage in consultancy for the World Bank Group. This involved regular trips to the World Bank Group offices in Moscow, Istanbul and in the regions of the Russian Federation. The School limited **Boute's** teaching load during the first two years of his employment and helped him to reorganize the schedule of his classes to travel to Russia and to free up time when necessary to draft reports. The School Research Committee underwrote his travel costs when necessary and funded research assistance to help **Boute** carry out comparative analysis on renewable energy regulation and to edit academic articles and reports for the World Bank.