



An Introduction to Swiss Law

Overview of Swiss History & Political Institutions

Sources of Law

- Enacted Law
- Customary Law
- Judicial decisions
- Works of Legal Scholars

Divisions of Law

- Public Law
- Private Law

The “Rule of Law”

- Theory
- Practice
- Jus Et Equitas
- Three Official Languages

The Swiss Federal Constitution

- Nature of the Constitution
- Outline
- Style
- General Contents
 - o Fundamental Rules
 - o Injunctions upon the Legislator
 - o Constitutional Provisions Introduced for Specific Occasions
 - o Political and Judicial Controls
 - o The Constitution and Political Reality

Principles of Cantonal and Federal administrative Law

- Federalism
- Democracy
- Court system

Law of Persons

- Natural Persons
 - o Civil Capacity
 - o Name
 - o Domicile
 - o Protection of Personality
- Legal Persons
 - o Associations
 - o Foundations

Family Law

- Husband and Wife
 - o Marriage and Cohabitation
 - o Engagement
 - o Matrimonial Property

- o Divorce
- Parent and Child
 - o Principles of Child Law
 - o Establishing Parentage
 - o Parental Authority
 - o Adoption
- Guardianship
 - o Guardianship
 - o Curatorship
 - o Legal Adviser

Inheritance Law

- Intestate Succession
- Testate Succession
- Transfer of the Estate
- Partition of the Estate
- Taxation of the Estate

Property Law

- Land and Chattels
- Jus in Rem and Personal Right
- Identity of Objects
- Transferring Property
- Trusts
- Legal Protection of Property
- Common Ownership
- Duties of Neighbours
- Servitudes
- Mortgages
- Pledges of Chattels
- The Land Register

Contract Law

- Formation of Contracts
 - o Consensus
 - o Offer
 - o Acceptance
- Interpretation of Contracts
 - o Errors / Mistake and Fraud
 - o Consumer Protection
 - o Impossibility
 - o Frustration
- Breach of Contract
 - o Specific Performance
 - o Damages
 - o Delay
 - o Discharge
- Assignment
 - o Assumption of Obligations
 - o Transfer
- Set-Off
- Limitation of Actions
- Special Contracts
 - o Sale
 - o Letting & Hiring
 - o Manufacture Contracts

- o Agency

Torts

- Limitations
- Sources
- Civil Liability
 - o General Conditions
 - o Aquilian Liability
 - o Strict Liability
 - o Moral Damages
- Damages
 - o Procedure
 - o Statute of Limitations

Commercial Law / Competition Law and Intellectual Property Law

- Corporations and partnerships
- Competition Law
 - o Unfair Competition
 - o Cartels
- Patents, Trademarks and Copyrights
 - o Protection of Inventions
 - o Trademarks
 - o Copyright Law

Banking Law

- Public Banking Law
 - o Federal Law
 - o Cantonal Law
- **Private Banking Law**
 - o Customers of the Bank
 - o Business Relationship
 - o Liabilities
 - o Assets
 - o Non-Credit business and the Bank's own business

Taxation Law

- The tax System
- Federal direct tax
- Federal Anticipatory Tax
- Federal Stamp Tax
- Value added Tax
- Cantonal Taxes
- Conventions to avoid Double Taxation

Labour Law

- Public and Private Law
- Right to Strike
- Enforcement of Labour Law Regulations
- Social Insurance Law

Criminal Law

- the Swiss Penal Code – scope and application
- other penal legislation of the Confederation – scope and application
- General Rules on Crime
 - o Classifications of Offences
 - o Justification

- o Criminal Responsibility
- o Criminal Guilt
- o Limitation Periods
- Criminal Sanctions
 - o Penalties
 - o Criminal Measures Against the Person
 - o Criminal Measures Against Objects
 - o Punishment and Criminal Measures
 - o Sentencing
 - o Execution of Prison Sentences

Criminal Procedure

- Sources of Swiss Criminal Law
 - o Constitutional
 - o Statute
 - o Case Law
- The Structure of the Criminal Judicial System
 - o Courts
 - o Prosecuting Authorities
- The Parties to Criminal Proceedings
 - o Preliminary Observations
 - o Defence
 - o Victim
- The Governing Principles of Criminal Proceedings
- The Law on Evidence
- Coercive Measures
- The Course of Criminal Proceedings
- The Course of Criminal Proceedings
 - o Preliminary Remarks
 - o Inquiry
 - o Investigation
 - o Indictment
 - o Trial
- Special Forms of Procedure
- Remedies

Civil Procedure

- Sources of Civil Law
- Court Structure
- The administration of Justice
 - o Judges
 - o Lawyers
 - o Notaries
- The Parties
- Commencing an action
- Evidence
 - o Burden of Proof
 - o Admissibility
 - o Documents
 - o Witnesses
 - o Experts
 - o Questioning
- Special Procedures
- Judgments
- Appeal
- Courts costs, Legal Fees and Legal Aid

- Enforcement
- Arbitration

The Trainer – Dr Dexter Morse

Dr. Dexter Morse has considerable insurance and reinsurance experience in all leading insurance markets. He has held senior positions in the Insurance and Reinsurance arena, most recently as Senior Legal Counsel for a leading Reinsurer where he headed up their London Market North America Claims Management Team. Dexter has lectured extensively on Insurance and Law topics internationally and regularly contributes articles to industry publications.

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