

Level 3 Business Law Indicative content

NOTE : Whilst not exhaustive this document provides an illustration of topics and themes in this unit.

1.	<ul style="list-style-type: none"> • Development of Common Law and the operation of judicial precedent. • Creation of statute law and the rules governing statutory interpretation. • Origins, purpose, operational characteristics and types of delegate legislation. • Structure of the courts system and the division between civil and criminal. • County Court and Small Claims track. • Jurisdiction of the High Court and the role of each division and court. • Roles of the Court of Appeal (Civil Division) and the UK Supreme Court. • The different personnel who preside over the various courts.
2.	<ul style="list-style-type: none"> • Essential elements of a binding contract. • Offers, invitations to treat and mere requests for information. • Rules relating to acceptance and application of rules by objective meaning. • Consideration within a contractual framework and distinction between executed, executory and past consideration. • Intention to create legal relations and social, domestic and business agreements. • Capacity relating to minors' contracts, beneficial contracts of service and contracts entered into by those of unsound mind, habitual drunkards etc. • Effect of exemption, limitation and exclusion from liability clauses. • Effect of the Part 2 of the Consumer Rights Act 2015 on unfair terms. • The requirement of reasonableness. • Scope and effect of the Unfair Terms in Consumer Contracts Regulations 1999. • Contracts which must be evidenced or made in writing in order to be valid. • Guarantees and indemnities and the importance of the distinction in the context of the credit industry. • Rules relating to mistake. • Misrepresentation – fraudulent, negligent and innocent. • Undue influence – actual and presumed. • Duress including economic duress. • Doctrine of privity of contract. • Effects of the Contracts (Rights of Third Parties) Act 1999. • Circumstances in which contractual rights are assigned voluntarily and involuntarily. • Rules relating to common methods of contract discharge, including breach. • Breach of condition and breach of warranty. • Remedies for breach of contract in common law and equity. • Remedy of line, rules governing the rights and duties of parties.

3.	<ul style="list-style-type: none"> • Principles underpinning specific provisions of the Sales of Goods Act 1979, the Supply of Goods and Services Act 1982, the Consumer Rights Act 2015 and their effects. • Application of the principles of underpinning to business transactions. • Areas covered by the Sale of Goods Act 1979, the Supply of Goods and Services Act 1982 and the Consumer Rights Act 2015. • Methods of price and payment determination arising from proper application of statutes. • Implied terms and infringement of implied terms. • Exclusion of statutory rights under the Unfair Contract Terms Act 1977 and Consumer Rights Act 2015. • Consumer sales and non-consumer sales.
4.	<ul style="list-style-type: none"> • The circumstances where exclusion of the seller's liability is impossible and application of the 'reasonableness' test and the 'unfairness' test to an exclusion clause supported by relevant case and statute law. • The scope and effect of the Consumer Rights Act 2015. • Rules on the passing of property in the goods of the contract. • Differences between specific goods, unascertained goods and future goods. • 'Nemo dat quod non habet' principle and effect. • Exceptions contained in Sections 21-25 Sale of Goods Act 1979, Section 2 Factors Act 1889 and Part III, Hire Purchase Act 1964. • Passing of risk and the reservation of title to the goods. • Rules relating to delivery and acceptance of the goods comprised in the contract. • Remedies for non-compliance with statutory implied terms in consumer contracts.
5.	<ul style="list-style-type: none"> • The principles of the law of agency and the reasons for appointing agents. • Methods by which agency is created. • Various types of authority which agents may possess; application of these to a factual matrix and assessment of their legal effects. • The duties of an agent and the rules relating to situations where the principal is either disclosed or undisclosed. • The liability of the agent for breach of warranty of authority to a third party and application of these criteria correctly to conflicts between parties and assessment of their legal effect. • The provisions of the Commercial Agents (Council Directive) Relations 1993. • The rights and liabilities of different types of agent. • The law of bailment with particular reference to the rights and duties of bailor and bailee. • Respective remedies for breach of rights and duties in bailment on either side. • The liability or otherwise of the principal, agent and third-party in a tripartite agreement.

Assessment - Assessment will be by a one-hour online examination involving 60 multiple choice questions.