



# **OTHM LEVEL 5 EXTENDED DIPLOMA IN LAW**

Qualification Number: 610/1961/6

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Specification | JANUARY 2023

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## QUALIFICATION OBJECTIVES

The objective of the OTHM Level 5 Extended Diploma in Law qualification is to give learners the opportunities to develop knowledge and understanding of core legal principles and help build foundational professional and research skills.

Learners will study level 4 and 5 units, worth 120 credits per academic year with a total credit value of 240 credits (equivalent to the first 2 years of an honours degree).

These qualifications are designed to provide opportunities for learners to acquire a broad range of knowledge and understanding and to develop a range of skills essential for a successful career in law, The qualification also provides the underpinning knowledge of the law contributing to preparation for the Solicitors Qualifying Examination.

## QUALITY, STANDARDS AND RECOGNITIONS

OTHM Qualifications are approved and regulated by Ofqual (Office of Qualifications and Examinations Regulation). Visit register of [Regulated Qualifications](#).

OTHM has progression arrangement with several UK universities that acknowledges the ability of learners after studying Level 3-7 qualifications to be considered for advanced entry into corresponding degree year/top up and Master's/top-up programmes.

## REGULATORY INFORMATION

The Qualification Number (QN) should be used by centres when they wish to register their learners. Each unit within a qualification will also have a unique reference number (Unit code). The qualification and unit reference numbers will appear on learners' final certification documentation. The QN for the qualifications in this publication are:

|                                |                                      |
|--------------------------------|--------------------------------------|
| Qualification Title            | OTHM Level 5 EXTENDED DIPLOMA IN LAW |
| Ofqual Reference Number        | 610/1961/6                           |
| Regulation Start Date          | 12/1/2023                            |
| Operational Start Date         | 13/1/2023                            |
| Duration                       | 2 years                              |
| Total Credit Value             | 240 Credits                          |
| Total Qualification Time (TQT) | 2400 Hours                           |
| Guided Learning Hours (GLH)    | 960 Hours                            |
| Sector Subject Area (SSA)      | 15.5 Law and legal services          |
| Overall Grading Type           | Pass / Fail                          |
| Assessment Methods             | Coursework                           |
| Language of Assessment         | English                              |

## EQUIVALENCES

OTHM qualifications at Level 4 and 5 represent practical knowledge, skills, capabilities and competences that are assessed in academic terms as being equivalent to Higher National Diplomas (HND) and Year 2 of a three-year UK Bachelor's degree programme.

## QUALIFICATION STRUCTURE

The OTHM Level 5 Extended Diploma in Law qualification consists of twelve mandatory units, 240 credits, 2400 hours Total Qualification Time (TQT) and the recommended Guided Learning Hours (GLH) for this qualification is a minimum of 960 hours.

To achieve the OTHM Level 5 Extended Diploma in Law qualification, learners must achieve 240 credits, of which 120 credits are at Level 4 (6 units) and 120 credits are at Level 5 (6 units).

**All units are mandatory.**

| Unit Ref. No. | Unit Title                                     | Level | Credit | GLH | TQT |
|---------------|--|-------|--------|-----|-----|
| R/650/4965    | An Introduction to the English Legal System    | 4     | 20     | 80  | 200 |
| T/650/4966    | Academic Writing and Research Skills for Law   | 4     | 20     | 80  | 200 |
| Y/650/4967    | Contract Law                                   | 4     | 20     | 80  | 200 |
| A/650/4968    | Business Law                                   | 4     | 20     | 80  | 200 |
| D/650/4969    | Public Law                                     | 4     | 20     | 80  | 200 |
| J/650/4970    | Criminal Law                                   | 4     | 20     | 80  | 200 |
| K/650/4971    | Company Law and Corporate Governance           | 5     | 20     | 80  | 200 |
| L/650/4972    | Employment Law                                 | 5     | 20     | 80  | 200 |
| M/650/4973    | International Business Law                     | 5     | 20     | 80  | 200 |
| R/650/4974    | Land Law                                       | 5     | 20     | 80  | 200 |
| T/650/4975    | Tort Law                                       | 5     | 20     | 80  | 200 |
| Y/650/4976    | Legal Research Methods and Professional Skills | 5     | 20     | 80  | 200 |

## DEFINITIONS

**Total Qualification Time (TQT)** is the number of notional hours which represents an estimate of the total amount of time that could reasonably be expected to be required in order for a Learner to achieve and demonstrate the achievement of the level of attainment necessary for the award of a qualification.

*Total Qualification Time is comprised of the following two elements –*

- a) *the number of hours which an awarding organisation has assigned to a qualification for Guided Learning, and*
- b) *an estimate of the number of hours a Learner will reasonably be likely to spend in preparation, study or any other form of participation in education or training, including assessment, which takes place as directed by – but, unlike Guided Learning, not under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training.*

*(Ofqual 15/5775 September 2015)*

**Guided Learning Hours (GLH)** is defined as the hours that a teacher, lecturer or other member of staff is available to provide immediate teaching support or supervision to a student working towards a qualification.

**Credit value** is defined as being the number of credits that may be awarded to a Learner for the successful achievement of the learning outcomes of a unit. One credit is equal to 10 hours of TQT.

## ENTRY REQUIREMENTS

These qualifications are designed for learners who are typically aged 18 and above.

The entry profile for learners is likely to include at least one of the following:

- Relevant Level 3 Diploma
- GCE Advanced level in 2 subjects or equivalent qualification
- Mature learners (over 21) with relevant management experience (learners must check with the delivery centre regarding this experience prior to registering for the programme)

**English requirements:** If a learner is not from a majority English-speaking country, they must provide evidence of English language competency. For more information visit the [English Language Expectations](#) page on the [OTHM website](#)

Centres should review the prior qualifications and experience of each learner and consider whether they provide the necessary foundations to undertake the programme of study at level 5.

## PROGRESSION

Successful completion of the OTHM Level 5 Extended Diploma in Law provides learners the opportunity for a wide range of academic progressions including the OTHM Level 7 in International Business Law.

As this qualification is approved and regulated by Ofqual (Office of the Qualifications and Examinations Regulation), learners are eligible to gain direct entry into Year 3 of a three-year UK Bachelor's degree programme. For more information visit [University Progressions](#) page.

## DELIVERY OF OTHM QUALIFICATIONS

OTHM do not specify the mode of delivery for its qualifications, therefore OTHM centres are free to deliver this qualification using any mode of delivery that meets the needs of their learners. However, OTHM centres should consider the learners' complete learning experience when designing the delivery of programmes.

It is important that centres develop an approach and delivery module to teaching and learning that supports the progression and stretch of learners through the level 4 and 5 units of the OTHM Level 5 Extended Diploma qualifications.

OTHM Centres must ensure that the chosen mode of delivery does not unlawfully or unfairly discriminate, whether directly or indirectly, and that equality of opportunity is promoted. Where it is reasonable and practicable to do so, it will take steps to address identified inequalities or barriers that may arise.

Guided Learning Hours (GLH) which are listed in each unit gives centres the number of hours of teacher-supervised or direct study time likely to be required to teach that unit.

## ASSESSMENT AND VERIFICATION

All units within this qualification are internally assessed by the centre and externally verified by OTHM. The qualifications are criterion referenced, based on the achievement of all the specified learning outcomes.

To achieve a 'pass' for a unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria. Judgement that the learners have successfully fulfilled the assessment criteria is made by the assessor.

The assessor should provide an audit trail showing how the judgement of the learners' overall achievement has been arrived at.

Specific assessment guidance and relevant marking criteria for each unit are made available in the Assignment Brief document.

## RECOGNITION OF PRIOR LEARNING AND ACHIEVEMENT

Recognition of Prior Learning (RPL) is a method of assessment that considers whether learners can demonstrate that they can meet the assessment requirements for a unit through knowledge, understanding or skills they already possess and do not need to develop through a course of learning.

RPL policies and procedures have been developed over time, which has led to the use of a number of terms to describe the process. Among the most common are:

- Accreditation of Prior Learning (APL)
- Accreditation of Prior Experiential Learning (APEL)
- Accreditation of Prior Achievement (APA)
- Accreditation of Prior Learning and Achievement (APLA).

All evidence must be evaluated with reference to the stipulated learning outcomes and assessment criteria against the respective unit(s). The assessor must be satisfied that the evidence produced by the learner meets the assessment standard established by the learning outcome and its related assessment criteria at that particular level.

Most often RPL will be used for units. It is not acceptable to claim for an entire qualification through RPL. Where evidence is assessed to be only sufficient to cover one or more learning outcomes, or to partly meet the need of a learning outcome, then additional assessment methods should be used to generate sufficient evidence to be able to award the learning outcome(s) for the whole unit. This may include a combination of units where applicable.

## EQUALITY AND DIVERSITY

OTHM provides equality and diversity training to staff and consultants. This makes clear that staff and consultants must comply with the requirements of the Equality Act 2010, and all other related equality and diversity legislation, in relation to our qualifications.

We develop and revise our qualifications to avoid, where possible, any feature that might disadvantage learners because of their age, disability, gender, pregnancy or maternity, race, religion or belief, and sexual orientation.

If a specific qualification requires a feature that might disadvantage a particular group (e.g. a legal requirement regarding health and safety in the workplace), we will clarify this explicitly in the qualification specification.

# LEVEL 4 UNIT SPECIFICATIONS



## An Introduction to the English Legal System

|                                |   |
|--------------------------------|---|
| Unit Reference Number          | R/650/4965                                  |
| Unit Title                     | An Introduction to the English Legal System |
| Unit Level                     | 4   |
| Number of Credits              | 20  |
| Total Qualification Time (TQT) | 200 hours                                   |
| Guided Learning Hours (GLH)    | 80 hours                                    |
| Mandatory / Optional           | Mandatory                                   |
| Sector Subject Area (SSA)      | 15.5 Law and legal services                 |
| Unit Grading Structure         | Pass/Fail                                   |

### Unit Aims

The focus of this unit is the people and procedures involved in the operation of the English legal system. This unit aims to inform learners about the functions, structure and purpose of the civil and criminal Courts, along with understanding of the personnel involved in the administration of justice. Learners will gain knowledge of how laws are created and influences on the development of law. The unit will also provide learners with information on various methods of alternative dispute resolution.

### Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will:                 | Assessment Criteria –<br>The learner can:   | Indicative content  |
|--|---|---|
| 1. Understand how laws are created in England and Wales. | 1.1 Explain the court hierarchy.<br>1.2 Describe the nature and purpose of criminal and civil courts.<br>1.3 Describe how case law is created and developed.<br>1.4 Explain how legislation is created and developed. | <ul style="list-style-type: none"> <li>• Comparison between criminal and civil law</li> <li>• The nature of law and morality</li> <li>• The court hierarchy in England and Wales</li> <li>• Overview of Civil and Criminal court structures, including appeal courts</li> <li>• The role of criminal courts, including powers and aims</li> <li>• The role of civil courts, including powers and aims</li> <li>• The Doctrine of Judicial Precedent, ratio</li> </ul> |

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|--|---|--|
|  |   | <p>decidendi, obita dictum, avoidance of judicial precedent, including by ‘distinguishing’.<br/>Persuasive precedent.</p> <ul style="list-style-type: none"> <li>• The process of creation legislation, including green papers, white papers, readings to royal assent, influences on development of legislation, the concept of Parliamentary Sovereignty/Supremacy.</li> <li>• Codification of laws, repeals and consolidation of law.</li> <li>• The role of delegated legislation, including types of delegation, the purpose of delegation and its limitations</li> <li>• Statutory interpretation and the various judicial approaches to interpretation, including the literal approach, golden rule, mischief rule and purposive approach. The relationship between parliamentary supremacy and the approaches to statutory interpretation.</li> <li>• The role of the Law Commission in the development of laws</li> </ul> |
| <p>2. Understand the role of the legal profession.</p> | <p>2.1 Identify the judges that sit in each court within the hierarchy.<br/>2.2 Explain the difference between the role of a solicitor and a barrister within the English legal system.<br/>2.3 Describe the ethical responsibilities of the legal profession.<br/>2.4 Analyse the role of the jury system.</p> | <ul style="list-style-type: none"> <li>• How judges are appointed to each of the courts within the hierarchy, including the role and appointment of magistrates</li> <li>• The education and training requirements of a solicitor and a barrister</li> <li>• The different purpose and skills of a solicitor and a barrister , a solicitors rights of audience, the role of Queens Counsel</li> <li>• Legal ethics of a solicitor and a barrister, the ‘cab rank’ rule</li> <li>• The jury system, including the process of jury selection, and the perceived benefits and detriments of this system</li> </ul>  |

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|--|--|---|
| <p>3. Understand the role of alternative dispute resolution.</p> | <p>3.1 Explain the perceived difficulties in accessing civil justice.<br/>                     3.2 Evaluate the role of Alternative Dispute Resolution in civil disputes.<br/>                     3.3 Analyse the role of restorative justice in the criminal courts.</p> | <ul style="list-style-type: none"> <li>• Access to justice, legal fees and legal aid, public and private funding</li> <li>• The perceived difficulties of civil litigation, including costs, time, and lack of lay person involvement</li> <li>• The role of Alternative Dispute Resolution in addressing the perceived deficiencies in court resolution</li> <li>• The role of mediation, arbitration, and tribunals. The potential problems with Alternative Dispute Resolution, including lack of understanding, imbalance of powers, non binding agreements, and a lack of legal protection</li> <li>• The purpose of restorative justice in the criminal justice system</li> <li>• The benefits and difficulties of restorative justice, including low participation and party protection</li> </ul> |
|--|--|---|

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment | Word count (approx. length) |
|-----------------------------|-----------------------------------|--------------------|-----------------------------|
| All 1 to 3                  | All ACs under LO1 to LO3          | Coursework         | 3000 words                  |

## Indicative Reading List

- English Legal System, 21<sup>st</sup> Edition by Emily Allbon; Sanmeet Kaur Dua, Published by Pearson
- The English Legal System, 19<sup>th</sup> Edition, by Slapper and Kelly, Published by Routledge
- The English Legal System, 31<sup>st</sup> May 2021 by Alisdair Gillespie; Siobhan Weare, Published by OUP Oxford

## Academic Writing and Research Skills for Law

|                                |  |
|--------------------------------|--|
| Unit Reference Number          | T/650/4966                                   |
| Unit Title                     | Academic Writing and Research Skills for Law |
| Unit Level                     | 4  |
| Number of Credits              | 20   |
| Total Qualification Time (TQT) | 200 hours                                    |
| Guided Learning Hours (GLH)    | 80 hours                                     |
| Mandatory / Optional           | Mandatory                                    |
| Sector Subject Area (SSA)      | 15.5 Law and legal services                  |
| Unit Grading Structure         | Pass/Fail                                    |

### Unit Aims

The aim of this unit is to provide learners with understanding of the skills needed to conduct legal research, Academic writing skills will also be a focus of the unit. Learners will consider various types of assessment and the skills and resources applicable thereto. Learners will also understand how to find laws, cite laws, and apply laws to support legal arguments and conclusions.

### Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will: | Assessment Criteria –<br>The learner can:   | Indicative Content  |
|--|---|---|
| 1. Understand how to research case law.  | 1.1 Identify where to find case law.<br>1.2 Explain how to read case law.<br>1.3 Analyse the difference between citing judicial legal reasoning and citing legal facts of a case. | <ul style="list-style-type: none"> <li>• Researching All England Law Reports and locating case law</li> <li>• Reading case law</li> <li>• Outline of Case headnotes</li> <li>• Differentiating the facts, legal reasoning, and outcome of case law</li> <li>• Citing legal reasoning within case law</li> </ul> |

|  |   |   |
|--|---|---|
| <p>2. Understand how to research legislative requirements.</p> | <p>2.1 Identify where to find legislation.<br/>                 2.2 Explain how to read statute.<br/>                 2.3 Describe how to cite statute.<br/>                 2.4 Research a statute and explain the influences that impacted on its progress into law</p> | <ul style="list-style-type: none"> <li>• The role of green and white papers</li> <li>• How to research statute</li> <li>• The use of Hansard</li> <li>• How to cite Acts Of Parliament</li> <li>• Accessing Acts Of Parliament</li> <li>• Reading and paraphrasing sections of statute</li> <li>• The rules of statutory interpretation: • literal rule • golden rule • mischief rule • purposive approach.</li> </ul>  |
| <p>3. Understand skills of legal citation and writing.</p>     | <p>3.1 Describe how to plan and structure various types of legal assignment.<br/>                 3.2 Assess the role legal citation in academic assessments.<br/>                 3.3 Explain the need to apply the command verb in academic writing.</p>                | <ul style="list-style-type: none"> <li>• Planning and structuring legal essay.</li> <li>• How to approach a problem/issue spotting or scenario- based question using the Identify Define Explain Apply (IDEA) approach/other approaches.</li> <li>• Identifying legal issues, potential liabilities, relevant laws, and research to support conclusions reached/advice given.</li> <li>• Using legal dictionaries and academic textbooks</li> <li>• Researching and reading journal articles</li> <li>• Differentiating primary sources and secondary sources</li> <li>• Report writing</li> <li>• The role of command verbs in legal assessment; how to analyse, evaluate, assess, and advise within legal assignments</li> <li>• The importance of being critical, rather than descriptive</li> <li>• How to use quotations to support legal ideas and arguments</li> <li>• Using the Harvard Referencing system</li> <li>• Using Turnitin</li> <li>• Reading the similarity index and acceptable similarity scores based on the assessment level and type</li> </ul> |

|   |  |   |
|---|--|---|
|   |  | <ul style="list-style-type: none"> <li>Plagiarism, paraphrasing and the use of legalese</li> </ul>  |
| <p>4. Be able to analyse personal strengths and areas for development in relation to academic writing skills.</p> | <p>4.1 Describe the range of approaches to learning and study used.</p> <p>4.2 Explain the importance of independent learning skills.</p> <p>4.3 Identify and record development needs and specify priority areas for development</p> <p>4.4 Develop a plan for further improvement.</p> | <ul style="list-style-type: none"> <li>Academic progress: evaluate content of own work, own skills development, Academic English ability, academic competencies, personal skills and qualities, personal skills for academic work (time management, initiative, perseverance flexibility, responding positively, to change and feedback); strengths and weaknesses.</li> <li>Action plan: for academic development, for personal development</li> </ul> |

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment    | Word count (approx. length) |
|-----------------------------|-----------------------------------|-----------------------|-----------------------------|
| All 1 to 4                  | All ACs under LO1 to LO4          | Portfolio of evidence | 3000 words                  |

## Indicative Reading List

- Legal Research, Analysis, and Writing, 4th Edition by William H. Putman, JD; Jennifer R. Albright, JD, Published by Cengage
- Legal Research, Analysis, and Writing: 6th edition, By Joanne Hames; Yvonne Ekern, Published by Pearson

## Contract Law

|                                |                             |
|--------------------------------|-----------------------------|
| Unit Reference Number          | Y/650/4967                  |
| Unit Title                     | Contract Law                |
| Unit Level                     | 4                           |
| Number of Credits              | 20                          |
| Total Qualification Time (TQT) | 200 hours                   |
| Guided Learning Hours (GLH)    | 80 hours                    |
| Mandatory / Optional           | Mandatory                   |
| Sector Subject Area (SSA)      | 15.5 Law and legal services |
| Unit Grading Structure         | Pass/Fail                   |

### Unit Aims

The aim of this unit is to provide learners with an understanding of the requirements and formalities of a legally binding agreement. The fundamentals of offer and acceptance will form the basis of the unit, and the learner will understand factors that may defeat the validity of an agreement. The ways in which a contract may be breached will be a focal point of learning, as will potential remedies applicable to various types of contractual breach.

### Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will:               | Assessment Criteria –<br>The learner can:  | Indicative content  |
|--|--|---|
| 1. Understand the requirements of a binding agreement. | 1.1 Describe how to make a legally binding offer and acceptance.<br>1.2 Explain how offer and acceptance may be withdrawn.<br>1.3 Explain the terms invitation to treat and the intention to create legal relations.<br>1.4 Analyse the role of consideration in contractual agreements. | <ul style="list-style-type: none"> <li>• Identifying parties to a contract</li> <li>• Making an offer</li> <li>• Communicating an offer</li> <li>• Accepting an offer</li> <li>• Communicating acceptance of an offer</li> <li>• The postal rule and exceptions to the rule</li> <li>• Electronic acceptance and the postal rule</li> <li>• Revocation of an offer</li> <li>• Withdrawing acceptance before offeror receipt of</li> </ul> |

|  |  |   |
|--|--|---|
|  |  | <p>acceptance</p> <ul style="list-style-type: none"> <li>• Difference between invitation to treat and offer</li> <li>• Consideration</li> <li>• Promissory estoppel <ul style="list-style-type: none"> <li>• Intention to create legal relations</li> <li>• Rebutting the presumption to create legal relations in social/domestic relations</li> <li>• Honour clauses in business relations</li> <li>• Privity of contract</li> </ul> </li> </ul>  |
| 2. Understand the contents of a contract.              | <p>2.1 Define statutory express terms.<br/>2.2 Explain how terms may be implied in common law.<br/>2.3 Evaluate the validity of exclusion clauses.</p>   | <ul style="list-style-type: none"> <li>• Express terms and methods of incorporation</li> <li>• Terms implied by custom, trade, and usage</li> <li>• Conditions, warranties, and innominate terms</li> <li>• Discharge of remaining contractual duties on breach of terms</li> <li>• Exclusion clauses, limitation clauses and operation of these in business</li> <li>• Common law incorporation of exclusion clauses</li> <li>• Statutory governance of exclusion clauses, Unfair Contract Terms Act 1977, Consumer Rights Act 2015</li> <li>• Severance of exclusion clauses</li> </ul> |
| 3. Understand the factors that may vitiate a contract. | <p>3.1 Describe various types of contractual mistake and misrepresentation.<br/>3.2 Analyse how lack of capacity, illegality and public policy may void a contract.<br/>3.3 Assess how undue influence and duress may void a contract.</p> | <ul style="list-style-type: none"> <li>• Capacity to enter contractual relations</li> <li>• Minors' contractual capacity and contracts for necessaries</li> <li>• Intoxication and intention to create legal relations</li> <li>• A 'meeting of the minds' requirement</li> <li>• Contracts void on the grounds of public policy, including certain pre-nuptial agreements</li> <li>• Statutory illegality</li> </ul>   |



|  |  |  |
|--|--|--|
|  |  | <ul style="list-style-type: none"> <li>• Misrepresentation; fraudulent, innocent, and negligent misrepresentation and consequences</li> <li>• Mistake; common mistake, mutual mistake, unilateral mistake</li> <li>• The effect of mistake on the contract and the remedies available to the innocent party</li> <li>• Duress and undue influence, including in family relations and professional capacity</li> <li>• Frustration of a contract by destruction of subject matter, death of parties, illegality, impossibility of performance in manner agreed</li> </ul> |
| <p>4. Understand how a contract may be breached.</p> | <p>4.1 Explain various types of contract breach, including anticipatory and repudiatory breach.</p> <p>4.2 Describe the calculation of damages for breach of contract.</p> <p>4.3 Assess the role of equitable remedies in contractual breach.</p> | <ul style="list-style-type: none"> <li>• Breach of contract by one or more parties</li> <li>• Anticipatory breach and repudiatory breach</li> <li>• The effect of breach of contract on the remaining contractual duties</li> <li>• Liquidated damages clauses and penalty clauses</li> <li>• Calculation of damages, expectation loss, market value, loss of enjoyment</li> <li>• Equitable remedies; rectification, specific performance, and injunction</li> <li>• Requirements for accessing equitable remedies, including clean hands and laches</li> </ul>         |

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment    | Word count (approx. length) |
|-----------------------------|-----------------------------------|-----------------------|-----------------------------|
| All 1 to 4                  | All ACs under LO1 to LO4          | Portfolio of evidence | 3000 words                  |

## Indicative Reading List

- Poole's Textbook on Contract Law, Fifteenth edition, 2021, Robert Merkin QC, Severine Saintier, June 2021, OUP
- Contract Law, Texts, Cases and Materials, Ewan McKendrick, May 2020, OUP

## Business Law

|                                |                             |
|--------------------------------|-----------------------------|
| Unit Reference Number          | A/650/4968                  |
| Unit Title                     | Business Law                |
| Unit Level                     | 4                           |
| Number of Credits              | 20                          |
| Total Qualification Time (TQT) | 200 hours                   |
| Guided Learning Hours (GLH)    | 80 hours                    |
| Mandatory / Optional           | Mandatory                   |
| Sector Subject Area (SSA)      | 15.5 Law and legal services |
| Unit Grading Structure         | Pass/Fail                   |

### Unit Aims

This unit aims to inform learners about the requirements and structures various types of business. The formation and dissolution of partnerships, limited liability partnerships and companies will be a focus of the unit. Learners will also be introduced to the concepts of unlimited liability and limited liability, as they apply to the various business organisations studied. The unit will also provide information on the agency powers specific to various business structures, along with associated liabilities.

### Learning Outcomes, Assessment Criteria, and Indicative Content

| Learning Outcomes –<br>The learner will:         | Assessment Criteria –<br>The learner can:  | Indicative Content  |
|--|--|---|
| 1. Understand the principles of partnership law. | 1.1 Explain different types of partnership.<br>1.2 Describe the concept of limited and unlimited liability.<br>1.3 Explain how partnerships are formed and terminated.<br>1.4 Define the powers and liabilities of partners.<br>1.5 Analyse the formalities of forming and dissolving a Limited Liability Partnership. | <ul style="list-style-type: none"> <li>• Sole traders</li> <li>• Partnerships under the Partnerships Act 1890 (PA)</li> <li>• Partnership formed when two or more people agree to run a business together and carry out that agreement.</li> <li>• Written agreement not required but preferable, particularly if parties wish to override statutory implications. E.g. Partnership Act 1890</li> </ul> |

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|   |  | <ul style="list-style-type: none"> <li>• Reasons for dissolution of the partnership, including death, illegality etc. PA 1890- every partner is an agent of the firm and his other partners.</li> <li>• Liability of incoming partners and retiring partners</li> <li>• Retiring partner avoidance of liability on future contracts</li> <li>• Sole traders, partnerships, and personal liability</li> <li>• Limited Liability Partnerships (LLP), Limited Liability Partnership Act 2000, members cannot lose more than they invested</li> <li>• The LLP is a separate legal person from its members.</li> <li>• LLP has the tax status of partnership with limited liability for members.</li> <li>• Effects of the dissolution of the partnership.</li> </ul>  |
| <p>2. Understand how to form a company.</p> | <p>2.1 Explain the formal requirements of company registration.</p> <p>2.2 Describe the difference between private and public companies.</p> <p>2.3 Analyse the doctrine of incorporation.</p> <p>2.4 Explain when the veil of incorporation may be lifted.</p> <p>2.5 Evaluate the role of company directors.</p> | <ul style="list-style-type: none"> <li>• A company has a separate legal personality from its members.</li> <li>• The company, as an artificial person</li> <li>• The doctrine of incorporation</li> <li>• The company is liable on all its debts and contracts.</li> <li>• Lifting the veil of incorporation</li> <li>• Companies limit the liability of members to specified amounts in the event of winding up</li> <li>• Company limited by shares</li> <li>• Company limited by guarantee</li> <li>• A Public Company, the constitution states it is public, and it has met required registration necessary for a public company under the Companies Act 2006.</li> <li>• Different types of company director; de facto, shadow director and managing director</li> <li>• Directors are agents of the company, not the</li> </ul> |

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|  |   | <p>members agents</p> <ul style="list-style-type: none"> <li>• Directors' statutory duties to the company under the Companies Act 2006, including reasonable skill, care and diligence, avoid conflicts of interest and declare an interest in a proposed agreement.</li> </ul>   |
| <p>3. Understand the agency powers created within Limited Liability Partnership's and Companies.</p> | <p>3.1 Describe the ways in which an agency relationship may be created.<br/> 3.2 Explain the powers and authority of an agent.<br/> 3.3 Evaluate the agency powers and liabilities of a partner in a partnership<br/> 3.4 Evaluate the agency powers of a partner in a limited liability partnership.<br/> 3.5 Analyse the agency powers and liabilities of a company director.<br/> 3.6 Recommend legal solutions for resolving a range of disputes, using examples to demonstrate how a party might obtain legal advice and support.</p> | <ul style="list-style-type: none"> <li>• Creation of agency relationships</li> <li>• The agent and the principal fiduciary relationship</li> <li>• Agency through express authority and implied authority</li> <li>• Agency through ratification</li> <li>• Apparent authority of an agent</li> <li>• The duties of an agent to the principal, including obeying the principals instructions, avoiding secret profits and conflicts of interest</li> <li>• Partners are agents of the firm and agents of the other partners.</li> <li>• Partners have actual and usual authority to bind each other in contracts and torts.</li> <li>• Vicarious liability of partners</li> <li>• Each partner is an agent of the partnership, they can bind the other partner/s to contracts.</li> <li>• As with usual rules of agency, the partner only binds partnership if has authority to make the transaction/contract.</li> <li>• Company directors as agents of the company.</li> <li>• A company director has actual or usual authority to bind the company.</li> <li>• Company director's apparent authority through holding out or estoppel.</li> <li>• Limited Liability Partnership, every member is an agent of the LLP.</li> <li>• The LLP is bound by members' acts according to rules of agency.</li> </ul> |

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment    | Word count (approx. length) |
|-----------------------------|-----------------------------------|-----------------------|-----------------------------|
| All 1 to 3                  | All ACs under LO1 to LO3          | Portfolio of evidence | 3000 words                  |

## Indicative Reading List

- Business Law, Sixth Edition, James Marson, Katy Ferris, May 2020, OUP
- Business Law, Ninth Edition, Ewan Macintyre, Pearson

## Public Law

|                                |                             |
|--------------------------------|-----------------------------|
| Unit Reference Number          | D/650/4969                  |
| Unit Title                     | Public Law                  |
| Unit Level                     | 4                           |
| Number of Credits              | 20                          |
| Total Qualification Time (TQT) | 200 hours                   |
| Guided Learning Hours (GLH)    | 80 hours                    |
| Mandatory / Optional           | Mandatory                   |
| Sector Subject Area (SSA)      | 15.5 Law and legal services |
| Unit Grading Structure         | Pass/Fail                   |

### Unit Aims

This unit aims to inform learners about the nature and purpose of constitutions, differing between written and unwritten forms. The separation of powers will be a focus of the unit, with learners examining the relationship between the legislative, executive and judicial branches of state. The role of the monarchy will also be considered. Learners will be informed about the powers of parliament, as well as the checks and balances of power through an impartial and non-political judiciary and its judicial review.

### Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will:                                | Assessment Criteria –<br>The learner can:   | Indicative content   |
|---|---|--|
| 1. Understand the nature of constitutions and the separation of powers. | 1.1 Describe the nature and purpose of written and unwritten constitutions.<br>1.2 Analyse various types of constitution and constitutional conventions.<br>1.3 Explain the separation of powers. | <ul style="list-style-type: none"> <li>• A constitution</li> <li>• Written and unwritten constitutions, rigid or flexible</li> <li>• Sources of law where a constitution is unwritten</li> <li>• Most democratic countries have written constitutions, the UK has an unwritten constitution</li> <li>• The European Convention on Human rights and the Magna Carta of 1215</li> <li>• Federal and unitary constitutions</li> </ul> |

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|   |  | <ul style="list-style-type: none"> <li>• Republican and monarchical constitutions</li> <li>• Constitutional conventions, legal and non legal sources of law</li> <li>• The nature and scope of conventions</li> <li>• The role of the Executive</li> <li>• Executive powers</li> <li>• The three branches of state and their respective roles and powers; legislative, executive and judiciary.</li> <li>• Assess how separate the three powers are within the UK.</li> <li>• The Constitutional Reform Act 2005, the rule of law</li> <li>• The role of the monarch</li> <li>• The monarchy, the head of state, the administration, Her Majesty's government, the Prime Minister and Cabinet, jurisdictions without a monarchy, constitutional theory, governments and devolution, central, regional and local government</li> </ul> |
| <p>2.Understand Parliamentary Powers.</p> | <p>2.1 Analyse the relationship between the two houses of UK Parliament.</p> <p>2.2 Describe the relationship between parliament and government.</p> <p>2.3 Evaluate the concept of Parliamentary sovereignty.</p> | <ul style="list-style-type: none"> <li>• Parliament as the legislative branch</li> <li>• The relationship and powers of the House of Commons and the House of Lords</li> <li>• The 'Westminster model' of government as drawn from the majority party or parties in the House of Commons and House of Lords.</li> <li>• The influence of individual MPs and Lords to create law through Private Members' Bills.</li> <li>• Select committees' powers to question and challenge government ministers</li> <li>• Direct democracy as a challenge to the Westminster model, including referendums and petitions</li> <li>• Defining the executive</li> <li>• The function of the executive</li> </ul>  |



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|  |  | <ul style="list-style-type: none"> <li>• Prerogative power</li> <li>• The royal prerogative</li> <li>• Political or executive prerogative</li> <li>• Government prerogative powers derived from common law</li> <li>• The parliamentary executive and scrutiny of government ministers</li> <li>• Collective and individual responsibility to parliament</li> <li>• Parliament as a constitutional check on the executive</li> <li>• Ministerial responsibility and the Ministerial Code</li> <li>• Parliamentary privilege</li> <li>• Devolution of parliament</li> <li>• Parliamentary sovereignty and the European Convention on Human Rights (ECHR)</li> <li>• The Human Rights Act 1998 'interpretive duty' under s3 and declaration of incompatibility' s4</li> <li>• Parliaments power to delegate law making powers, statutory instruments and by-laws</li> <li>• Parliamentary control and accountability for delegated legislation</li> </ul> |
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| <p>3. Understand the role of Judicial Review.</p> | <p>3.1 Explain the role of the Judiciary.<br/> 3.2 Analyse how the judiciary upholds the separation of powers.<br/> 3.3 Assess the role of the judiciary as a means of controlling government bodies.<br/> 3.4 Analyse the nature and purpose of judicial review.<br/> 3.5 Explain the grounds for judicial review.</p> | <ul style="list-style-type: none"> <li>• The judicial arm of the state</li> <li>• The judiciary is independent and impartial of any political party</li> <li>• The judiciary has a scrutiny function through performing judicial review.</li> <li>• The judiciary provides a ‘neutral’, non-political check on government</li> <li>• The judiciary holds the government to account and regulates government in relation to the principles of administrative law.</li> <li>• The judiciary ensures public bodies act with proportionality and in accordance with rules of natural justice.</li> <li>• Judicial review is part of the UK constitution</li> <li>• Judicial review is a means of enforcing the rule of law and ensuring public bodies do not exceed their legitimate powers</li> <li>• Judicial review allows a claimant to challenge the decision of a government department, body or local authority in a court of law (High Court).</li> <li>• The judge reviews the lawfulness of a decision or action of a public body.</li> <li>• The judge will consider rules of fairness, integrity of process, and exercise of executive powers in accordance with the rights in the ECHR.</li> <li>• Judicial Review – operation and grounds</li> <li>• procedural unfairness and legitimate expectation, includes impartiality and lack of representation, a public bodies failure to follow principles of natural justice</li> <li>• on the ground of irrationality- no reasonable person, acting reasonably, could have made the decision ‘-Wednesbury unreasonableness’. This ground is rarely successful.</li> </ul> |
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|  |  | <ul style="list-style-type: none"> <li>• Decisions can also be overturned if the public authority has acted in a way incompatible with the Human Rights Act 1998; unless the public authority is acting under instruction of parliament.</li> <li>• Parliamentary sovereignty, a judge cannot overturn primary legislation.</li> <li>• Secondary legislation may be judicially reviewed.</li> </ul> |
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## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment    | Word count (approx. length) |
|-----------------------------|-----------------------------------|-----------------------|-----------------------------|
| All 1 to 3                  | All ACs under LO1 to LO3          | Portfolio of evidence | 3000 words                  |

## Indicative Reading List

- Public Law: Text, Cases, and Materials, 4<sup>th</sup> Edition, Le Sueur, A. Sunkin, M. Khushal Murkens, J. E., 2019, Published by OUP
- Public Law, Fourth Edition, Mark Elliott, Robert Thomas, Published by OUP

# Criminal Law

|                                |                             |
|--------------------------------|-----------------------------|
| Unit Reference Number          | J/650/4970                  |
| Unit Title                     | Criminal Law                |
| Unit Level                     | 4                           |
| Number of Credits              | 20                          |
| Total Qualification Time (TQT) | 200 hours                   |
| Guided Learning Hours (GLH)    | 80 hours                    |
| Mandatory / Optional           | Mandatory                   |
| Sector Subject Area (SSA)      | 15.5 Law and legal services |
| Unit Grading Structure         | Pass/Fail                   |

## Unit Aims

This unit aims to provide learners with knowledge on the fundamental requirements of actus reus and mens rea within any criminal conviction. The unit will also consider the common law and statutory governance of violent crimes and non-violent crimes. Learners will be informed on potential capacity and necessity defences to criminal conduct, and the reasoned applicability of these defences.

## Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will:                                     | Assessment Criteria –<br>The learner can:  | Indicative content   |
|--|--|--|
| 1. Understand the actus reus and mens rea requirements of criminal offences. | 1.1 Explain the nature of criminal conduct.<br>1.2 Define the requirement of actus reus.<br>1.3 Define the requirements of mens rea.<br>1.4 Assess the relationship between actus reus and mens rea. | <ul style="list-style-type: none"> <li>• Criminal conduct as an act against the state</li> <li>• The presumption of innocence and the standard of proof in a criminal court</li> <li>• Both actus reus and mens rea must be proven beyond a reasonable doubt for any criminal conviction</li> <li>• Actus reus- guilty act; all the elements of the offence other than the mens rea.</li> <li>• Actus reus- voluntary and involuntary acts, liability for omissions where a legal duty of care exists</li> <li>• Actus reus- factual and legal causation, novus</li> </ul> |

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|   |   | <p>actus interveniens, third party breaks in chain of causation</p> <ul style="list-style-type: none"> <li>• Mens rea, guilty mind- the defendant must intend the consequences of his act, intention requires a high degree of fault to be proven.</li> <li>• Foresight of virtual certainty</li> <li>• Transferred mens rea, transferred malice, subjective recklessness, negligence and gross negligence, coincidence of actus reus and mens rea</li> <li>• Specific intent offences- intention is the mens rea.</li> <li>• Basic intent offences- mens rea can be proven by recklessness.</li> <li>• Strict liability offences as an exception to the actus reus and mens rea requirements</li> <li>• Strict liability where the court will, and will not, presume mens rea</li> </ul>     |
| <p>2. Understand the classification of violent offences and non-violent offences.</p> | <p>2.1 Explain common law offences against the person.<br/> 2.2 Describe fatal statutory offences against the person.<br/> 2.3 Explain offences of assault and battery.<br/> 2.4 Describe non-violent offences.</p> | <ul style="list-style-type: none"> <li>• Common law offence of murder</li> <li>• The offence of manslaughter, constructive manslaughter, gross negligence manslaughter, subjective reckless manslaughter</li> <li>• Voluntary and involuntary manslaughter</li> <li>• Unlawful act manslaughter</li> <li>• Common law assault and battery occasioning actual bodily harm</li> <li>• Offences Against the Person Act 1861, assault and battery occasioning actual bodily harm, unlawful and malicious wounding or causing grievous bodily harm with intent.</li> <li>• Joint endeavours</li> <li>• Non violent offences- Criminal Damage, Property offences, Theft Act 1968 , theft, robbery , fraud offences and blackmail</li> <li>• Computer Crime- The Computer Misuse Act 1990</li> </ul> |

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|  |  | <p>s1 liability for attempt to access unauthorised data.</p> <ul style="list-style-type: none"> <li>• The actus reus- causing the computer to ‘perform any function’</li> <li>• The mens rea- intention to access unauthorised data/program, defendant must be aware they do not have authorisation to access</li> </ul>  |
| <p>3. Understand defences to criminal conduct.</p> | <p>3.1 Define self-defence.<br/> 3.2 Explain the insanity defence.<br/> 3.3 Describe the criminal liability of minors.</p> | <ul style="list-style-type: none"> <li>• Capacity defences- voluntary and involuntary intoxication, intoxication by legal and illegal substances, automatism, mistake</li> <li>• Necessity- a very limited defence</li> <li>• Self defence is a complete defence. Defendant believed they were facing an unjust threat and responded with a reasonable level of force.</li> <li>• Common law self defence</li> <li>• Statutory self defence Criminal Law Act 1967, including assisting others and prevention of crime</li> <li>• Insanity defence- defendant claims they were insane at the time of the offence</li> <li>• Insanity- a defect of reasoning or disease of the mind. The defendant did not know the nature or quality of their actions or did not know their action was wrongdoing.</li> <li>• Diminished responsibility defence and insanity defence.</li> <li>• Duress, coercion and entrapment defences</li> <li>• Minors criminal liability- children under 10 years of age, Children and Young Persons Act 1933. May have civil repercussions for criminal actions.</li> <li>• Minors aged 10-14 years, Crime and Disorder Act 1998, capacity for criminal liability and understanding of wrongful nature of the actions.</li> </ul> |

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment    | Word count (approx. length) |
|-----------------------------|-----------------------------------|-----------------------|-----------------------------|
| All 1 to 3                  | All ACs under LO1 to LO3          | Portfolio of evidence | 3000 words                  |

## Indicative Reading List

- Ashworth's Principles of Criminal Law, Tenth Edition, Jeremy Horder, April 2022, Published by OUP
- Criminal Law, 16<sup>th</sup> Edition, Smith; Hogan; Ormerod, Published by OUP

# LEVEL 5 UNIT SPECIFICATIONS



# Company Law and Corporate Governance

|                                |                                      |
|--------------------------------|--------------------------------------|
| Unit Reference Number          | K/650/4971                           |
| Unit Title                     | Company Law and Corporate Governance |
| Unit Level                     | 5                                    |
| Number of Credits              | 20                                   |
| Total Qualification Time (TQT) | 200 hours                            |
| Guided Learning Hours (GLH)    | 80 hours                             |
| Mandatory / Optional           | Mandatory                            |
| Sector Subject Area (SSA)      | 15.5 Law and legal services          |
| Unit Grading Structure         | Pass/Fail                            |

## Unit Aims

Company Law is considered one of the most important concepts in English law; and is the foundation of the business economy. You will develop a sound knowledge of the substantive and procedural aspects of company law with a practical understanding of the legal aspects of setting up and running private limited companies, concepts of insolvency and liquidation and the role of corporate governance in the management of companies. This unit will provide you with an appreciation of business organisations; offering a solid foundation for those wishing to progress to professional qualification courses and key transferable skills essential for employment.

## Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will:                                  | Assessment Criteria –<br>The learner can:  | Indicative Content   |
|---|--|--|
| 1. Understand the general principles of formation of a company in UK law. | 1.1 Define types of companies<br>1.2 Demonstrate an understanding between limited companies and other types of business<br>1.3 Show understanding of limited liability and situations where the courts 'lift the veil'.<br>1.4 Define Articles of Association.<br>1.5 Define Articles of Memorandum. | <ul style="list-style-type: none"> <li>• The advantages and disadvantages of setting up a limited company</li> <li>• Registration</li> <li>• The differences between corporated and non-incorporated associations</li> <li>• Separate personality - The rule in Salomon v Salomon &amp; Co Ltd and its development</li> <li>• Lifting the veil of incorporation</li> </ul> |

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|   |   | <ul style="list-style-type: none"> <li>• Articles of Association and how this operates</li> <li>• Memorandum of Association and how this operates</li> </ul>   |
| 2. Understand the role of corporate governance in the management of companies | <p>2.1 Demonstrate understanding of corporate governance.</p> <p>2.2 Demonstrate understanding of control.</p> <p>2.3 Define duties of various stake holders.</p> <p>2.4 Define shares and shareholders.</p> <p>2.5 Explain the process of and restrictions on the transfer and transmission of unlisted shares.</p> <p>2.6 Explain the concept of and the restrictions on insider dealing</p> <p>2.7 Explain how a company deals with the outside world.</p> | <ul style="list-style-type: none"> <li>• Corporate accountability (stakeholder v shareholder issues). Problems arising from the separation of ownership and control, including executive compensation and shareholder engagement.</li> <li>• Management of the company: Directors and other officers. Appointment, Retirement, Dismissal. Disqualification, Meetings, Voting, Resolutions.</li> <li>• Directors Duties – general and codification under the Companies Act 2006</li> <li>• Statutory controls on directors, including rules on self-dealing and the criminalisation of insider trading.</li> <li>• The enforcement of directors’ duties, including rule in Foss v Harbottle and the statutory derivative claim.</li> <li>• Shareholders and ownership</li> <li>• Minority Shareholders and their rights</li> <li>• Differences between shares and debentures.</li> <li>• Rights of different classes and the variation of share rights</li> <li>• The growth and decline of the doctrines of ultra vires and constructive notice</li> <li>• Unlisted shares: discretion to refuse to register; Articles of association; must give notice; s776 Companies Act 2006; forged transfer of shares involving a forged certificate.</li> <li>• Market Abuse Definition: The UK Market Abuse Regulation (post-Brexit) (‘MAR’); transactions by</li> </ul> |

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|  |   | <p>directors and senior managers (Article 19 MAR); sanctions and role of the Financial Conduct Authority, criminal offences under the Criminal Justice Act 1993 s52 definitions; ss54-60 terms defined; s53 defences; s63 penalties.</p> <ul style="list-style-type: none"> <li>• Vicarious liability and the alter ego doctrine</li> </ul>   |
| <p>3. Understand the concepts of insolvency and liquidation.</p> | <p>3.1 Explain the company voluntary arrangement (CVA).<br/> 3.2 Analyse the differences between receivership, administrative receivership and administration, and the standalone moratorium scheme.<br/> 3.3 Explain the term “winding up”<br/> 3.4 Analyse the avoidance provisions and potential liability of company officers.<br/> 3.5 Analyse a given situation based on an understanding of insolvency and liquidation.<br/> 3.6 Evaluate a given issue or situation to predict probable legal implications.</p> | <ul style="list-style-type: none"> <li>• Definition of insolvency; <ul style="list-style-type: none"> <li>○ Company Voluntary Arrangement: Insolvency Act 1986 as amended IA 2000;</li> <li>○ process;</li> <li>○ supervisor;</li> <li>○ proposal;</li> <li>○ meetings and approval;</li> <li>○ failure into administration;</li> <li>○ success into solvency;</li> <li>○ schemes of arrangement CA;</li> <li>○ relevant case law eg Prudential v PRG</li> <li>○ Powerhouse (2007).</li> </ul> </li> <li>• Application of the standalone moratorium scheme (introduced through the Corporate Insolvency and Governance Act 2020), Enterprise Act 2002 Schedule B1, administrator appointment: purposes; receiver’s appointment; : purposes; administrative receiver’s appointment: purposes; effects of appointment of each: role, powers and duties; avoidance powers; collection and distribution; the Enterprise Act 2002 and the removal of Crown priority; the introduction of ‘top-slicing’; the administrator’s duty of care and the costs of administration, e.g. MC Bacon (1991).</li> </ul> |

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|  |  | <p>Creditors' and members' voluntary winding up; process; resolutions; statements; appointment of liquidator; effect; priority of creditors; court winding up, s124 Insolvency Act 1986</p> <ul style="list-style-type: none"> <li>• Application of understanding to a complex scenario.</li> <li>• A reasoned opinion of likely legal implications, including remedies and defences, where appropriate</li> </ul> |
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## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment    | Word count (approx. length) |
|-----------------------------|-----------------------------------|-----------------------|-----------------------------|
| All LO 1-3                  | All ACs under LO1 to LO3          | Portfolio of evidence | 3000 words                  |

## Indicative Reading List

Company Law: Twelfth Edition; By Alan Dignam, John Lowry, published OUP

Company Law, 2<sup>nd</sup> Edition, by Lee Roach, published OUP

# Employment Law

|                                |                             |
|--------------------------------|-----------------------------|
| Unit Reference Number          | L/650/4972                  |
| Unit Title                     | Employment Law              |
| Unit Level                     | 5                           |
| Number of Credits              | 20                          |
| Total Qualification Time (TQT) | 200 hours                   |
| Guided Learning Hours (GLH)    | 80 hours                    |
| Mandatory / Optional           | Mandatory                   |
| Sector Subject Area (SSA)      | 15.5 Law and legal services |
| Unit Grading Structure         | Pass/Fail                   |

## Unit Aims

The aim of this unit is to introduce learners to employment law as it applies to businesses. Learners will do this through application of the law to employment situations and will consider the meaning and effect of contracts of employment, laws governing equality and discrimination and redundancy.

Centres should ensure that the most up-to-date employment laws are studied.

## Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will:  | Assessment Criteria –<br>The learner can:  | Indicative content  |
|---|--|---|
| 1. Understand key concepts and themes in the development of employment law and contracts. | 1.1 Discuss the development of employment law.<br>1.2 Describe the formation of a contract of employment and the personal scope of employment law.<br>1.3 Define issues surrounding termination of contract and breach of contract.<br>1.4 Discuss the operation of unfair and constructive dismissal and situations where it can arise.<br>1.5 Discuss the operation of wrongful dismissal and situations where it can arise. | <ul style="list-style-type: none"> <li>• An introduction to employment law including its judicial and administrative structure, sources and materials</li> <li>• Define employee/employer</li> <li>• Control test, Integration test, Multiple test</li> <li>• Independent contractors</li> <li>• Formation of contract of employment, express and implied terms</li> <li>• Duties of employee and employer</li> </ul> |

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|  | 1.6 Evaluate an issue or situation to predict probable legal implications.   | <ul style="list-style-type: none"> <li>• Fundamental breach</li> <li>• Wrongful dismissal</li> <li>• Unfair dismissal, automatically unfair dismissal</li> <li>• Remedies</li> <li>• Redundancy</li> <li>• A reasoned opinion of likely legal implications, including remedies and defences, where appropriate</li> </ul>   |
| 2. Understand the law relating to equality and discrimination. | <p>2.1 Analyse the types of protected characteristics and discrimination arising from the Equality Act 2010.</p> <p>2.2 Explain the provisions on equal pay under the Equality Act 2010 and the defences available.</p> <p>2.3 Explain the various types of disability discrimination under the Equality Act 2010.</p> <p>2.4 Explain the legal consequences following a breach of discrimination legislation.</p> <p>2.5 Analyse an issue or situation based on an understanding of discrimination law.</p> <p>2.6 Evaluate an issue or situation to predict probable legal implications.</p> | <ul style="list-style-type: none"> <li>• Protected characteristics – age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex discrimination, sexual orientation, pregnancy and maternity</li> <li>• EU and Equal Pay, equality clause, claiming equality, Equality Act 2010, equal value, remedies</li> <li>• Equality – Equality Act 2010</li> <li>• Gender pay gap, Executive pay ratio reporting:</li> <li>• Disability discrimination ie <ul style="list-style-type: none"> <li>○ Direct discrimination</li> <li>○ Indirect discrimination</li> <li>○ Harassment</li> <li>○ Victimisation</li> </ul> </li> <li>• Enforcement of discrimination legislation including procedure, judicial mediation, time limits and remedies including compensation including injuries to feelings and quantum; • declaration of rights, effectiveness of remedies.</li> <li>• Application of understanding to an issue or situation concerning discrimination law.</li> <li>• A reasoned opinion of likely legal implications, including remedies and defences, where appropriate.</li> </ul> |

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| <p>3. Understand the law governing redundancy.</p> | <p>3.1 Define when redundancy arises.<br/> 3.2 Analyse the elements of a properly implemented redundancy procedure.<br/> 3.3 Explain the legal consequences of redundancy.<br/> 3.4 Analyse an issue or situation based on an understanding of laws governing redundancy.<br/> 3.5 Evaluate a given issue or situation to predict probable legal implications arising from redundancy.</p> | <ul style="list-style-type: none"> <li>• Definition</li> <li>• Contents of a redundancy policy: planning, identifying the pool for selection, invitation of volunteers, consultation - collective duty to consult trade union representatives: Trade Union and Labour Relations Act 1992 s188</li> <li>• Individual consultation in all cases,</li> <li>• Use of objective selection criteria, advance notice of individual consultation meeting, permitting a colleague to be present at consultation meetings, opportunity to appeal, allowing</li> <li>• Legal consequences: seeking of suitable alternative employment, statutory or other redundancy payment, relocation expenses, helping redundant employees obtain training or alternative work;</li> <li>• The Collective Redundancies and Transfer of Undertakings (Protection of Employment) and (Amendment) Regulations 1999 (TUPE) and Amendment Regulations 2006, SI 2006/2387; • effectiveness of process and legislation; proposals for reform.</li> <li>• The position following a properly implemented redundancy: the right to a redundancy payment, calculation of payment; the position following a poorly implemented redundancy; prima facie presumption of fair dismissal: consideration of if it would be just and equitable to treat the redundancy dismissal as unfair: unfairness if the selection of a particular individual for redundancy was unfair or if proper procedures (especially consultation) were not followed;</li> <li>• Application of understanding to an issue or situation concerning redundancy provisions</li> </ul> |
|--|--|---|

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|--|---|---|
|  |   | <ul style="list-style-type: none"> <li>• A reasoned opinion of likely legal implications, legal implications for redundancy; ie where an employee can claim redundancy payment when an employer is insolvent; protective award imposed on employer if collective redundancy procedure is not complied with.</li> </ul>  |
| 4. Understand recent developments in Employment Law. | <p>4.1 Analyse the impact and challenges around flexible working.</p> <p>4.2 Evaluate the rights for employee and employer around monitoring employees during flexible working.</p> <p>4.3 Explain the impact of the gig economy and zero-hour contracts for the employee and employer.</p> | <ul style="list-style-type: none"> <li>• Changes to contracts to give flexible working</li> <li>• Flexible working rights</li> <li>• Monitoring employees work in flexible conditions</li> <li>• Monitoring employees working at home</li> <li>• GDPR and rights for employees</li> <li>• GDPR and duties of employer</li> <li>• The gig economy and zero hour contracts</li> <li>• Changes in law relating to gig economy and zero-hour contracts</li> <li>• The future of employment law</li> </ul> |

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment    | Word count (approx. length) |
|-----------------------------|-----------------------------------|-----------------------|-----------------------------|
| 1-4                         | All ACs under LO1 to LO4          | Portfolio of evidence | 3000 words                  |

## Indicative Reading List

- Selwyn's Law of Employment Paperback, 22<sup>nd</sup> Edition; by Astra Emir, published by OUP
- Smith & Wood's Employment Law: Fifteenth Edition; By Ian Smith, Aaron Baker, Owen Warnock; Published OUP



# International Business Law

|                                |                             |
|--------------------------------|-----------------------------|
| Unit Reference Number          | M/650/4973                  |
| Unit Title                     | International Business Law  |
| Unit Level                     | 5                           |
| Number of Credits              | 20                          |
| Total Qualification Time (TQT) | 200 hours                   |
| Guided Learning Hours (GLH)    | 80 hours                    |
| Mandatory / Optional           | Mandatory                   |
| Sector Subject Area (SSA)      | 15.5 Law and legal services |
| Unit Grading Structure         | Pass/Fail                   |

## Unit Aims

The development of the internet has made it easier for purchases of goods and services to be carried out internationally. This module will equip you with the knowledge around purchasing goods at national and international level. You will also investigate how goods are shipped and rights and responsibilities of parties relating to international business and where liabilities fall if there is a dispute.

## Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will:                                   | Assessment Criteria –<br>The learner can:  | Indicative content   |
|--|--|--|
| 1. Understand the key concepts and principles of the law of sale of goods; | 1.1 Discuss the Sale of Goods Act 1979, where it applies, and the amendments made by subsequent legislation<br>1.2 Explain the law surrounding passing of property and risk and when property passes understand when frustration may apply to goods<br>1.3 Understand the rules of frustration<br>1.4 Define retention of title clauses. | <ul style="list-style-type: none"> <li>• Sale of Goods Act 1979 – where it applies to sale of goods and in what form</li> <li>• Recent amendments by legislations to SOGA</li> <li>• Where Sale of Goods Act applies and where exclusion may apply</li> <li>• Implied terms: analysis of the terms relating to the legal right to sell goods, description, satisfactory quality and fit for particular purpose.</li> <li>• Consumer Rights Act 2015</li> <li>• Distance Selling Regulations: exploration of the</li> </ul> |

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|  |   | <p>rights and liabilities accrued through selling goods via the internet, mail order and telephone sales schemes.</p> <ul style="list-style-type: none"> <li>• Passing of property - S18 Rules</li> <li>• Risk – S20</li> <li>• Frustration – unascertained good</li> <li>• Retention of Title Clauses – s17/19 ROMALPA - <u>Aluminium Industrie Vaasen BV v Romalpa Aluminium Ltd</u> [1976] 1 WLR 676 – subsequent cases limiting/developing this principle</li> </ul>  |
| <p>2. Understand the different types of international sales contracts;</p> | <p>2.1 Explain common forms of international sale contracts</p> <p>2.2 Analyse the rules around international contracts and understand the need for harmonisation and INCOTERMS/ICC</p> <p>2.3 Evaluate the principles of main examples of international contracts, including; Cost, Insurance, Freight- (CIF), Free On Board (FOB), Ex ship and Ex Works</p> <p>2.4 Define where transfer of property and risk take place in international contracts</p> <p>2.5 Discuss how rights of rejection affect CIF</p> | <ul style="list-style-type: none"> <li>• Shorthand standard form contracts eg fob, cif,</li> <li>• How shorthand contracts are modified by the express or implied agreement of the parties. Roskill LJ in <u>The Albazero</u> [1977] AC 774, 809</li> <li>• INCOTERMS/ International Chamber of Commerce</li> <li>• Vienna Convention 1980 (United Nations Convention on Contracts for the International Sale of Goods “CISG”).</li> <li>• Some main examples of contracts, e.g. Ex works, Ex ship on arrival contracts, FOB, CIF, Delivery duty paid</li> <li>• Transfer of property and risk - Sale of documents and contract - <u>Comptoir d’Achat et de Vente Boerenbond Belge SA v Luis Ridder Limitada (The Julia)</u> [1949] 1 All ER 269</li> <li>• Rights of Rejection - <u>Kwei Tek Chao v British Traders</u></li> </ul> |

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| <p>3. Understand the rules on international arbitration and various alternative dispute mechanisms</p> | <p>3.1 Explain the law governing the contract/substantive dispute<br/> 3.2 Analyse the law governing the arbitral agreement and arbitral process<br/> 3.3 Discuss the law governing the enforcement of the award<br/> 3.4 Analyse the concept and rules surrounding Mediation<br/> 3.5 Define Conciliation and how it adapts principles of mediation</p> | <ul style="list-style-type: none"> <li>• Arbitration Act 1996, in particular s46 on governing</li> <li>• London Court of International Arbitration - LCIA Rules Art 22.3</li> <li>• International Chamber of Commerce - ICC Rules art 21.1</li> <li>• United Nations Commission on International Trade Law (UNCITRAL) art 35</li> <li>• Procedure and seat - Braes of Doune Wind Farm [2008] EWHC 426 (TCC)</li> <li>• Body of law most closely connected to (arbitral agreement)</li> <li>• Governing – law of the seat C v D [2007] EWCA Civ 1282</li> <li>• United Nations Convention on Recognition and Enforcement of Foreign Arbitral Awards 1958 (New York Convention)</li> <li>• Challenging arbitral awards</li> <li>• Arbitration Act 1996</li> <li>• Reasoned awards – awards lacking reasons</li> <li>• The Agios Dimitrios [2005] 1 Lloyd’s Rep 23</li> <li>• Mediation – definition – Centre for Effective Dispute Resolution - CEDR</li> <li>• Facilitative vs Evaluative</li> <li>• Commercial disadvantages</li> <li>• Party/tribunal control</li> <li>• UNCITRAL Rules - Model Law on International Commercial Conciliation</li> <li>• EU Directive 2008/52/EC</li> </ul> |
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## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment | Word count (approx. length) |
|-----------------------------|-----------------------------------|--------------------|-----------------------------|
| 1-3                         | All ACs under LO1 to LO3          | Coursework         | 3000 words                  |

## Indicative Reading List

*International Trade Law*, 6th Edition, by Indira Carr, Peter Stone, Published by Routledge

*Atiyah and Adams' Sale of Goods*, 14th Edition, by Rick Canavan, Christian Twigg-Flesner, published by Pearson

# Land Law

|                                |                             |
|--------------------------------|-----------------------------|
| Unit Reference Number          | R/650/4974                  |
| Unit Title                     | Land Law                    |
| Unit Level                     | 5                           |
| Number of Credits              | 20                          |
| Total Qualification Time (TQT) | 200 hours                   |
| Guided Learning Hours (GLH)    | 80 hours                    |
| Mandatory / Optional           | Mandatory                   |
| Sector Subject Area (SSA)      | 15.5 Law and legal services |
| Unit Grading Structure         | Pass/Fail                   |

## Unit Aims

Who owns property? What rights do you have over other peoples' land? This module will introduce you to the area of land law and the rights and responsibilities that come with owning land. You will understand what constitutes ownership, the difference between legal and equitable ownership, and how to address legal issues, such as easements, covenants and third-party rights.

## Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will:   | Assessment Criteria –<br>The learner can:  | Indicative content  |
|--|--|---|
| 1. Understand the concepts of ownership, co-ownership and other proprietary rights in land | 1.1 Explain the nature of Land and what constitutes land.<br>1.2 Explain how land can be 'owned' (historical origins and modern significance including estates in land)<br>1.3 Evaluate different kinds of third-party rights in land.<br>1.4 Analyse the difference between registered and unregistered land and the legal issues that arises | Introduction to fundamental property principles<br><br>Fundamental distinctions between personal and proprietary rights and remedies<br><br>Understand how equity operates<br><br>Legal and equitable ownership<br><br>Legal and equitable interests in land<br><br>Formality requirements for the creation and |

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|   |   | <p>Disposition of interests in land and the two systems for proving ownership of land and rights in land.</p> <p>Registered and unregistered land</p> <p>Enforcement of third-party rights in the unregistered system</p> <p>Enforcement of third-party rights in the registered system</p>   |
| <p>2 Understand the differences in ownership and interests relating to leases, licences and mortgages on land.</p>            | <p>2.1 Explain proprietary estoppel.<br/> 2.2 Explain different types of licences.<br/> 2.3 Discuss how legal mortgages are created and how these are protected.<br/> 2.4 Explain remedies a lender has where a borrower defaults.</p>  | <ul style="list-style-type: none"> <li>• Unregistered and registered title-deed conveyancing; leases, licences and leasehold covenants; trusts</li> <li>• Proprietary Estoppel and licences</li> <li>• Different types of licence</li> <li>• Establishing the estoppel;</li> <li>• Remedies.</li> <li>• Mortgages</li> <li>• Historical Development of the mortgage of land;</li> <li>• Creation of legal mortgages;</li> <li>• Protection of borrower and the equity of redemption;</li> <li>• Lender’s remedies where borrower defaults;</li> </ul> |
| <p>3 Understand the legal situation relating to land interests and evaluate applicable statutory and common law measures.</p> | <p>3.1 Explain the distinction between restrictive covenants and positive covenants<br/> 3.2 Analyse limitations on absolute ownership of land<br/> 3.3 Define characteristics of easements and how these can be created<br/> 3.4 Evaluate the impact of easements and enforcement of easements on absolute ownership of land</p> | <ul style="list-style-type: none"> <li>• Freehold Covenants</li> <li>• Restrictive/positive covenants</li> <li>• Introduction to basic principles of covenants and how these are created</li> <li>• Discussion on consideration of how covenants place limitations on absolute ownership of land</li> <li>• Enforcement of covenants between the original parties;</li> </ul>   |

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|  |  | <ul style="list-style-type: none"> <li>• Enforcement of covenants between successors in title to the original parties</li> <li>• Protection of covenants in the registered and unregistered system</li> <li>• The consequences of breaching covenants</li> <li>• Modifying and discharging covenants.</li> <li>• Introduction to easements</li> <li>• Contrast easements with other rights</li> <li>• How do easements limit a landowner's absolute ownership of land?</li> <li>• Characteristics of an easement;</li> <li>• Creation of legal easements, including express creation, implied creation and prescription;</li> <li>• Extinguishing easements.</li> </ul> |
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## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment    | Word count (approx. length) |
|-----------------------------|-----------------------------------|-----------------------|-----------------------------|
| 1-3                         | All ACs under LO1 to LO3          | Portfolio of evidence | 3000 words                  |

## Indicative Reading List

- Textbook on Land Law: 8<sup>th</sup> Edition; By Judith-Anne Mackenzie, Mary Elizabeth Phillips, Published by OUP
- Property Law, 10th Edition; By Roger Smith; Published by Pearson

### • Additional Resources

- Land Registry <http://www.landregistry.gov.uk/>
- Lands Tribunal <http://www.landtribunal.gov.uk/>
- Law Commission <http://www.lawcom.gov.uk/>



## Tort Law

|                                |                             |
|--------------------------------|-----------------------------|
| Unit Reference Number          | T/650/4975                  |
| Unit Title                     | Tort Law                    |
| Unit Level                     | 5                           |
| Number of Credits              | 20                          |
| Total Qualification Time (TQT) | 200 hours                   |
| Guided Learning Hours (GLH)    | 80 hours                    |
| Mandatory / Optional           | Mandatory                   |
| Sector Subject Area (SSA)      | 15.5 Law and legal services |
| Unit Grading Structure         | Pass/Fail                   |

### Unit Aims

This module will introduce you to Tort law, helping you develop the skills to understand the functions of Tort law, how actions are brought, duty of care established and remedies that can be provided for breaches of Tort law. You will also examine and understand how negligence is applied and the tests surrounding this and other breaches. You will be able to identify defences for breaches of tort law and how this will impact upon remedies.

### Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will:         | Assessment Criteria –<br>The learner can:   | Indicative content  |
|--|---|---|
| 1. Understand the development of common law tort | 1.1 Explain the historical origins of Tort Law<br>1.2 Define the functions of Tort Law<br>1.3 Define the elements of the Cause of Action<br>1.4 Discuss the Development of the Duty of Care<br>1.5 Define public and private nuisance | <ul style="list-style-type: none"> <li>• Overview of the purpose of tort law and the historical development of this area</li> <li>• Negligence is a non-contractual civil wrong</li> <li>• The connection between tort, contract law and criminal law.</li> <li>• Function of tort law within society and the mechanism behind damages and compensation.</li> <li>• Duty of care: D owed a duty of care to the claimant, D's breach caused the damage, the</li> </ul> |

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|  |   | <p>damage suffered by the claimant was not too remote</p> <ul style="list-style-type: none"> <li>• Responsibility of duty of care</li> <li>• Donoghue v Stevenson [1932]</li> <li>• The expansion of the 'neighbour principle'</li> <li>• Determining the existence of a duty of care</li> <li>• Including – foreseeable harm, proximity and reasonableness</li> <li>• Role of Policy in establishing duty of care</li> <li>• Occupier's Liability</li> <li>• Duty owed by land owners to those who come onto their land.</li> <li>• Occupiers Liability Act 1957</li> <li>• Lawful visitors</li> <li>• Defences applicable under Occupiers Liability Act 1957</li> <li>• Occupiers Liability Act 1984 = liability on occupiers regarding persons other than 'his visitors'.</li> <li>• Defining both private and public nuisance.</li> <li>• Interferences that can amount to an actionable nuisance.</li> <li>• Concept of reasonableness</li> </ul> |
| <p>2.Undersand the different torts and policy considerations</p> | <p>2.1 Define economic loss<br/> 2.2 Explain the difference between pure and consequential economic loss<br/> 2.3 Explain the concept of Defamation<br/> 2.4 Define of Trespass to Land<br/> 2.5 Discuss the nature and operation of vicarious liability.</p> | <ul style="list-style-type: none"> <li>• Pure and consequential economic loss is and how they are connected to negligence and law of tort in general.</li> <li>• Pure economic loss suffered by the acquisition of defective products or premises.</li> <li>• Pure economic loss suffered as a result of damage to a third party.</li> </ul>   |

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|   |  | <ul style="list-style-type: none"> <li>• General no-recovery rule.</li> <li>• Exception to the non-recovery rule in the case of Hedley Byrne v Heller [1964] AC 465.</li> <li>• Assumption of responsibility is used as an exception to pure economic loss claims.</li> <li>• Policy considerations in assessing the pure economic loss claims. <ul style="list-style-type: none"> <li>• Defamation what it is</li> <li>• Slander and Libel – the difference in terminology</li> <li>• Classes of persons are entitled to bring an action</li> <li>• Trespass to land - civil wrong under the law of tort.</li> <li>• How can an authorised entry be proven?</li> <li>• Definition of the doctrine of vicarious liability</li> <li>• Vicarious liability test</li> <li>• The close connection test</li> <li>• Lister v Hesley Hall [2001] UKHL 22</li> </ul> </li> </ul> |
| <p>3.Understand the defences and remedies available in tort law</p> | <p>3.1 Explain Contributory Negligence and Negligence Defences<br/> 3.2 Discuss Occupiers Liability and defences<br/> 3.3 Evaluate defences and remedies in nuisance<br/> 3.5 Analyse defamation defences<br/> 3.6 Define the damages can be sought by the claimant for trespass of land</p> | <ul style="list-style-type: none"> <li>• Contributory negligence - partial defence.</li> <li>• ‘Volenti non fit injuria’</li> <li>• Ex Turpi Causa - a bar to an action, based on illegality.</li> <li>• Occupiers liability –</li> <li>• Defences applicable under Occupiers Liability Act 1957</li> <li>• Defences applicable under Occupiers Liability Act 1984 such as: <ul style="list-style-type: none"> <li>• Volenti non fit injuria</li> <li>• Contributory Negligence</li> <li>• Exclusion of liability</li> </ul> </li> </ul>   |

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|  |  | <ul style="list-style-type: none"> <li>• Nuisance defences</li> <li>• Nuisance remedies identify the remedies available to the claimant who has successfully proven he has been affected by the defendant's action.</li> <li>• Explain the defences available under the claim of nuisance.</li> <li>• Defamation Defences</li> </ul> |
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## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment    | Word count (approx. length) |
|-----------------------------|-----------------------------------|-----------------------|-----------------------------|
| 1-3                         | All ACs under LO1 to LO3          | Portfolio of evidence | 3000 words                  |

## Indicative Reading List

- Tort Law Text, Cases, and Materials; Fifth Edition; By Jenny Steele, published OUP
- Elliott & Quinn's Tort Law, 12th Edition; by Frances Quinn, published Pearson

## Legal Research Methods and Professional Skills

|                                |  |
|--------------------------------|--|
| Unit Reference Number          | Y/650/4976                                     |
| Unit Title                     | Legal Research Methods and Professional Skills |
| Unit Level                     | 5  |
| Number of Credits              | 20   |
| Total Qualification Time (TQT) | 200 hours                                      |
| Guided Learning Hours (GLH)    | 80 hours                                       |
| Mandatory / Optional           | Mandatory                                      |
| Sector Subject Area (SSA)      | 15.5 Law and legal services                    |
| Unit Grading Structure         | Pass/Fail                                      |

### Unit Aims

Learners will develop a range of skills relating to legal research and ethical issues, which will both support their learning and constitute valuable transferable research and professional skills in their own right.

### Learning Outcomes, Assessment Criteria and Indicative Content

| Learning Outcomes –<br>The learner will:                      | Assessment Criteria –<br>The learner can:   | Indicative content   |
|---|---|--|
| 1. Understand how to effectively create research projects and | 1.1 Explain the benefits, both personal and professional, in undertaking a legal research project.<br>1.2 Explain what Legal Research Skills involves.<br>1.3 Describe how to effectively use digital resources and e-resources.<br>1.4 Discuss different types of research methodology.<br>1.5 Analyse various resources and methodologies to help develop a research project. | <ul style="list-style-type: none"> <li>• Reading cases and interpreting statutes</li> <li>• Reflection on research skills and on feedback from assignments</li> <li>• Overview of legal research skills for projects, approach, area etc</li> <li>• Link to library e-journals and e-resources</li> <li>• Link to library current database for law such as Westlaw</li> <li>• Locate various cases, files and analysis through the e-database</li> </ul> |

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|  |   | <ul style="list-style-type: none"> <li>• Internet – what is a safe resource</li> <li>• What is valid, how would students check that a resource can be valid</li> <li>• How are resources cross referenced</li> <li>• Difference between peer and non-peer reviewed</li> <li>• Carrying out small research questions to identify research plan</li> <li>• Reflect on research and process of developing</li> <li>• Methodologies in research including quantitative and qualitative research</li> </ul>   |
| 2. Understand how to review literature in support of the research. | <p>2.1 Explain what a literature review is</p> <p>2.2 Analyse existing literature reviews</p> <p>2.3 Explain how a literature review is structured</p> <p>2.4 Identify gaps or areas in knowledge in carrying out a literature review</p> | <ul style="list-style-type: none"> <li>• How a literature review helps develop a research project</li> <li>• How literature review can summarise current thinking on a particular area</li> <li>• How to approach a literature review</li> <li>• How to make sure the references are correct</li> <li>• How to link to different research in areas to make sure there are no gaps</li> <li>• Structure of a literature review including: <ul style="list-style-type: none"> <li>○ Introduction</li> <li>○ Aims &amp; objectives</li> <li>○ Methodology</li> <li>○ Gaps in research</li> <li>○ Conclusion</li> <li>○ Reference list</li> </ul> </li> <li>• Analyse examples of existing literature review and highlight approaches taken, gaps in knowledge</li> <li>• Analyse conclusions reached in literature review and how concrete these conclusions are</li> </ul> |
| 3. Understand ethical and legal                                    | 3.1 Consider the ethical issues that relate generally to research   | <ul style="list-style-type: none"> <li>• What constitutes an ethical issue?</li> </ul>   |

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| <p>issues in relation to research.</p>                      | <p>3.2 Explain the ethical constraints that you should apply to your own research project<br/>3.3 Discuss the legal issues relating to research</p>   | <ul style="list-style-type: none"> <li>• Where do the ethical issues arise?</li> <li>• Do all research projects contain ethics?</li> <li>• Organisations that carry out research</li> <li>• Example of research and how ethical issues have been addressed</li> <li>• Legal issues around research and how the university can help</li> <li>• GDPR statements</li> <li>• How to address ethical issues in your research project, making changes to methodology, impact on findings, what to do if you cannot make changes</li> <li>• Ethic review forms</li> <li>• Ethics committees</li> </ul>  |
| <p>4. Understand how professional skills are developed.</p> | <p>4.1 Understand different professional skills.<br/>4.2 Explain various professional bodies and their expectation of skills of professionals.<br/>4.3 Critically reflect own skills and identify which skills are needing further development.<br/>4.4 Understand the need for professional development and how to achieve this.</p> | <ul style="list-style-type: none"> <li>• Understanding what a professional is</li> <li>• Explain the various types of professional legal skills and why they are needed</li> <li>• Discussion of SRA expected professional skills</li> <li>• Discussion of BPP expected professional skills</li> <li>• When professionals fall short, legal consequences</li> <li>• Link to tort law and negligence</li> <li>• Self-reflection and the need for continuous professional development</li> <li>• Being critically aware of own skills</li> <li>• Continuous self-reflection and monitoring</li> <li>• Where to develop professional skills during your career</li> </ul> |

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

| Learning Outcomes to be met | Assessment criteria to be covered | Type of assessment    | Word count (approx. length) |
|-----------------------------|-----------------------------------|-----------------------|-----------------------------|
| 1-4                         | All ACs under LO1 to LO4          | Portfolio of evidence | 3000 words                  |

## Indicative Reading List

- Legal Research, Analysis, and Writing, 4th Edition by William H. Putman, JD; Jennifer R. Albright, JD, Published by Cengage
- Legal Research, Analysis, and Writing: 6th edition, By Joanne Hames; Yvonne Ekern, Published by Pearson



# GUIDANCE FOR THE USE OF LEGAL RESEARCH RESOURCES AND MATERIALS

Research material can be drawn from a wide range of different research resources. As well as using traditional sources such as the primary legal sources, and books and journal articles, you may want to use news items, government reports, statistical or audio-visual material.

Some materials such as scholarly books and journals go through a rigorous 'peer review' process where they are analysed by experts in the field for reliability and quality.

However, it can be more difficult to establish the provenance of other sources of information - for example anyone can create and disseminate information via the web.

In an information rich society, it's crucial to remember that not all information resources are equal! As a researcher, you must evaluate the information you find and decide whether the content is scholarly, accurate and authoritative research material.

Learners should ensure that their cited research sources have:

- **Currency:** the timeliness of the information
- **Relevance:** the importance of the information for your needs
- **Authority:** the source of the information
- **Accuracy:** the reliability, truthfulness, and correctness of the content
- **Purpose:** the reason the information exists

## Case Law

Case law is a key primary legal source.

When you are using the online databases for case law searching, many offer contextual information to help broaden your research and connect you with related materials. This can be particularly useful for exploring issues in depth and is also a very efficient way to discover related research materials.

## Legislation

Legislation is one of the primary sources of written law.

You can use online legal databases such as [Legislation.gov.uk](https://www.legislation.gov.uk) (UK) to locate specific pieces of legislation such as Acts and Statutory Instruments.

As with case law, make use of the database 'added value features' to broaden your research and explore connections between legislative provisions and related case law and commentary.

## **Treaty**

A treaty is an agreement made by negotiation under international law. Treaties are entered into by countries or other legal authorities and once they are formally agreed and signed by the participating bodies, they are usually ratified by the law-making authority of each country/ signatory ie [United Nations Treaty collection](#)

## **Books**

Books, such as textbooks, are good for providing an overview of a topic. They undergo an editorial process and are usually written by experts in the subject or professional authors. They contain reference lists or bibliographies so that you can broaden your research by following up leads to related publications.

Books take time to produce, so may not always contain the most up to date information. In some subject areas, such as Law it is important to check you are using the most up to date edition of a book.

## **Journals**

Journals can provide you with up-to-date discussion of research topics as they are published more quickly and regularly than books e.g. weekly, monthly, and quarterly or annually, depending on the publication.

Journal articles are written by researchers and experts in their field. Scholarly or academic journals go through a "peer review" process, where a panel of experts assesses the article before it is approved for publication, giving you reassurance that the information is reliable. Like books, the more scholarly articles also contain reference lists or bibliographies so that you can broaden your research by following up leads to related publications.

## **Reference Materials**

Reference resources such as almanacs, dictionaries, encyclopaedias and thesauri enable you to examine facts and statistics about the world, decipher abbreviations and definitions and gain an overview of a topic

They can be really useful resources as you begin your background research into a topic before you move on to more in-depth research.

## **Publications**

Official publications are the documents and materials produced by the government and governmental departments during the course of government business.

Content ranges from statements of law and policy to government reports and statistics.

These publications can be a valuable primary research source and are especially useful to those researching in law.

Listed below are some examples of useful publication links to those researching UK, EU and International law: This list is not exhaustive and there are many other publications/websites that you can use by conducting your own research.

## **UK Law**

[Legislation.gov.uk](https://www.legislation.gov.uk) carries most types of legislation and accompanying explanatory documents and you can use this site to locate specific pieces of legislation such as Acts and Statutory Instruments.

The UK [Law Commission](https://www.lawcommission.gov.uk) keeps the law under review and makes recommends for reform where it is needed. Their reports capture in depth analysis and consultation of the current law, together with their recommendations for reform which may then make their way into law through the parliamentary process.

## **EU documents and publications**

[Europa](https://european-council.europa.eu) is the official website of the EU. It provides access to all EU legislation, preparatory documents, treaties and case law and also secondary resources with useful background information including policy documents, statistics and reports & studies.

## **International Law**

The [International Law Association](https://www.international-law-association.org) was founded in Brussels in 1873. Its objectives, under its Constitution, are "the study, clarification and development of international law, both public and private, and the furtherance of international understanding and respect for international law". The ILA has consultative status, as an international non-governmental organisation, with a number of the United Nations specialised agencies.

The [Hague Justice Portal](https://www.haguejusticeportal.org) is a gateway to information, news and research on the Hague organisations in the fields of international law, justice and security.

## **Websites**

Search engines such as Google, Bing, Yahoo etc have made it very easy to search and find information via the internet and it is highly likely that you will use the web to find information for your research.

When using material from the internet, you need to exercise caution as anyone can publish information on the web, so the quality and reliability of the information is highly variable.

Always evaluate the sources to ensure the material is trustworthy, accurate and authoritative.

## **Social Media**

Social Media blogs, twitter feeds etc. can be useful research resources. For example, they can highlight key topics and debates that are live at particular points in time. Also many experts and organisations use these communication methods to highlight larger research projects and work.

As is the case with website information, it is vital that you evaluate these resources as the quality and reliability of information will be highly variable.

## IMPORTANT NOTE

Whilst we make every effort to keep the information contained in programme specification up to date, some changes to procedures, regulations, fees matter, timetables, etc may occur during the course of your studies. You should, therefore, recognise that this booklet serves only as a useful guide to your learning experience.

For updated information please visit our website [www.othm.org.uk](http://www.othm.org.uk)

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