



Module Specification

Civil Litigation, Remedies and Evidence (BPTC)

Version: 2023-24, v2.0, 19 Jun 2023

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Part 1: Information

Module title: Civil Litigation, Remedies and Evidence (BPTC)

Module code: UJXUS7-15-M

Level: Level 7

For implementation from: 2023-24

UWE credit rating: 15

ECTS credit rating: 7.5

Faculty: Faculty of Business & Law

Department: FBL Dept of Law

Partner institutions: None

Delivery locations: Not in use for Modules

Field: Law - non modular

Module type: Module

Pre-requisites: None

Excluded combinations: None

Co-requisites: None

Continuing professional development: No

Professional, statutory or regulatory body requirements: None

Part 2: Description

Overview: Not applicable

Features: Not applicable

Educational aims: See learning outcomes.

Outline syllabus: SGS 1 General Matters

the allocation of business between the High Court and County Courts

the overriding objective

the duty of the court to manage cases

Pre-action Conduct

the Practice Direction (Pre-Action Conduct)

consequences of non-compliance

Commencing Proceedings

the Part 7 procedure

service of other court documents within the jurisdiction

the Part 8 procedure

SGS 2 Default Judgment and Summary Judgment

default judgments

applications to set aside

summary judgments

Interim Applications

with notice and without notice applications

documentation required in interim applications

periods of notice in interim applications

the duty of full and frank disclosure in without notice applications

SGS 3 Interim Injunctions/ Applications

interim injunctions

American Cyanamid principles

exceptions and variations to American Cyanamid

usual undertakings and cross-undertakings

SGS 4 Multiple Causes of Action, Counterclaims and Other Additional Claims

multiple causes of action and multiple parties

counterclaims against the claimant or an additional party

contribution notices and claims against third parties and fourth parties

Amendment permission or consent to amend
costs consequences of amendment Parties – This is covered in SGS 4 - AC
partnerships, sole traders, LLPs and companies, trusts and deceased persons
children and persons suffering from mental incapacity

SGS 5 Limitation

accrual of causes of action
limitation periods in cases of tort, latent damage, personal injury, fatal accident,
contract, and contribution claims

SGS 6 Case Management, Sanctions and Striking Out

the small claims track, fast track and multi-track
allocation
case management conferences
costs management
directions
relief from sanctions
striking out a claim

SGS 7 Costs

summary and detailed assessment of costs
standard and indemnity costs
interim costs orders
costs orders in civil cases

SGS 8 Disclosure and Inspection of Documents

disclosure and inspection of documents
specific disclosure
collateral use of disclosed documents
pre-action disclosure

disclosure against non-parties
legal professional privilege and without prejudice communications in
civil cases

SGS 9 Interim Payments and Security for Costs

interim payments
security for costs.

SGS 10 Evidence of Fact

evidence of fact in civil proceedings
witness statements and witness summonses
notices to admit facts and notices to prove documents
Expert Evidence
the general exclusionary rule in relation to evidence of opinion
the main exceptions to the rule
expert opinion evidence in civil proceedings

SGS 11 Civil Trial and Evidence

the trial of civil cases
hearsay evidence in civil proceedings
convictions as evidence in civil proceedings

SGS 12 Offers to Settle

Calderbank offers and offers to settle under Part 36
consequences of accepting Part 36 offers
withdrawing, reducing and increasing offers to settle
consequences of failing to obtain judgment more advantageous than offer to settle

SGS 13 Statements of Case

claim forms and particulars of claim

acknowledgement of service, defences, replies, counterclaims

the effect of not responding to an allegation in a statement of case

Further Information

Requests for further information

responding to a request for further information

Claiming remedies in contract and tort

claiming damages for breach of contract and in tort

claiming equitable remedies

claims for misrepresentation

claiming interest on money remedies up to judgment

SGS 14 Judgments, Orders and Enforcement

judgment and orders, including Tomlin orders

enforcing money judgments

Appeals

civil appeals in England and Wales (excluding appeals to the Supreme Court)

SGS 15 Consolidation

SGS 16 Revision

Part 3: Teaching and learning methods

Teaching and learning methods: Civil Litigation and evidence is one of the two major “knowledge” areas on the Bar Professional Training Course (“BPTC”). This means that although it is not regarded as a ‘skill’ in its own right, an extensive familiarity with civil procedures underpins, and is essential to, the skills subjects such as advocacy, opinion writing and drafting.

Civil litigation knowledge by is taught by

directed self-study

on line activities such as self-test quizzes

students testing their learning by presenting their answers to questions on the White Board or in the form of a conference or an advocacy exercise in your small group sessions (or study units for the part- time by open learning students) ;and

through the application of that knowledge in various of the skills subjects (e.g. civiladvocacy–performing an application for an interim injunction). Many short answer questions are based on a construction case study which runs throughout the course.

In each session students are also provided with questions framed in the same format as they will face in their summative assessment

Module Learning outcomes: On successful completion of this module students will achieve the following learning outcomes.

MO1 Demonstrate a sound understanding of the how and when claims are issued, served and managed in the County and High Court

MO2 Have a sound understanding of the various interim remedies available to the parties to proceedings before and during civil proceedings and be able to demonstrate an understanding of the procedure and applicable legal principles in each case

MO3 Be able to demonstrate a clear understanding of costs and how they are assessed and ordered by the court; managed during the course of the proceedings and the methods available to the parties to protect themselves in relation to such costs

MO4 Have a sound understanding of preparations necessary for trial and evidential issues which will arise before and during trial and the practice relating to drawing up judgments and orders before and after trial

MO5 Gain a sound working knowledge of the different methods of enforcing money and other judgments together with a sound understanding of the principles and procedures governing civil appeals

Hours to be allocated: 150

Contact hours:

Independent study/self-guided study = 114 hours

Face-to-face learning = 36 hours

Total = 150

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujxus7-15-m.html) via the following link <https://uwe.rl.talis.com/modules/ujxus7-15-m.html>

Part 4: Assessment

Assessment strategy: The knowledge areas are assessed through discrete papers (but also pervasively through the skills assessments). The precise form of assessment is subject to the conditions set out in the Assessment Framework of the BPTC Handbook (A2.1.3).

Students are required to pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication will be given to students as to which parts of the syllabus will or will not be assessed.

The assessment is set centrally by the BSB.

A mock/ formative assessment will also be held although this will be set locally centrally.

The Assessment:

Summative assessment will take the form of one examination, 3 hours long, comprised of a combination of SBA and MCQ and closed book. The questions are set and marked centrally by the BSB.

Assessment components:**Examination (First Sit)**

Description: Examination (3 hours), comprised of closed book SBA and MCT questions, set centrally and marked electronically

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5

Examination (Resit)

Description: Examination (3 hours), comprised of closed book SBA and MCT questions, set centrally and marked electronically

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5

Part 5: Contributes towards

This module contributes towards the following programmes of study: