

## MODULE SPECIFICATION

**Code:** UJXU54-20-3    **Title:** Obligations I (Contract Law)    **Version:** 2  
**Level:** 3    **UWE credit rating:** 20    **ECTS credit rating:** 10

**Subject type:** Non MAR subject (but standard module equivalent)

**Owning Faculty:** FBL

**Faculty Committee approval:** QSC    **Date:** 01/10/2008

**Valid from:** September 2009    **Field:** Law Non-Modular

**Pre-requisites:** None

**Co-requisites:** all other Foundation subjects, the other (8th) area of legal study (Independent Research Project) and English Legal System

**Excluded combinations:** None

**Learning outcomes:**

### Knowledge and Understanding

At the end of this subject students will be able to demonstrate:

1. a sound knowledge and understanding of the concept of a contract;
2. an appreciation of the place of Contract Law in the Law of Obligations;
3. a general appreciation of the role and scope of the Law of Restitution;
4. a sound knowledge and understanding of the factors and theories which have influenced and continue to influence the development of Contract Law;
5. a sound knowledge and understanding of the principles governing the formation and discharge of contracts; the operation of principal vitiating factors and remedies for breach of contract;
6. an appreciation of some of the key debates on the reform of Contract Law.

This knowledge and understanding is developed through lectures, seminars and workshop activities and are assessed in both the coursework and the examination.

### Intellectual Skills

At the end of this subject students will be able to demonstrate:

1. an ability to apply, highlighting areas of uncertainty, the principles of Contract Law to a range of factual scenarios;
2. an ability to apply, highlighting areas of uncertainty, basic principles of restitution to a range of factual scenarios;
3. skills of synthesis;
4. an ability to critically analyse and evaluate existing principles of Contract Law;
5. an ability to make reasoned proposals for reform of this area of law or to justify the retention of the current law

These skills are developed through seminar preparation and discussions, group work and discussions in workshops and are assessed in the examination and in any coursework assessment which is part of the assessment schedule in any given academic year.

### Subject specific skills

At the end of this subject the following subject specific skills will have been developed and enhanced

1. the ability to present reasoned legal argument, both orally and in writing;
2. the ability to conduct effective library-based legal research;
3. the ability to make effective use of ICT for legal research;
4. the ability to apply existing law to problem situations;
5. the ability to critically analyse and evaluate primary and secondary legal materials

These skills are developed through preparation for, and activities at, weekly seminars and workshops, and also form part of the independent research needed to complete any coursework which is set.

### Transferable Skills

At the end of this subject the following subject specific skills will have been developed and enhanced:

1. ICT skills;
2. Study management skills;
3. Oral and written communication skills;
4. Team working skills;

Students will also be encouraged to adopt a pro-active approach to legal learning

Transferable skills that are developed include:

1. oral and written communication skills: oral communication is developed through and evidenced by the preponderance of interactive activities involved in weekly seminars and workshops; high quality written communication skills are required any coursework task.
2. time management skills: these are developed through and evidenced by the ability to cope with an intensive study in a new discipline, whilst working to a demanding schedule of class contact, preparation for classes and for assessments.
3. use of IT is developed both as a research tool and for the presentation of any coursework: evidenced by requirement that all coursework be presented as word-processed documents. IT skills are also of increasing importance in the search for and retrieval of legal sources from the internet and legal databases
4. Team-working is developed most obviously through workshop activities, where small group discussion (groups of 4 or 5) is followed by more general debate between subgroups, the whole workshop group and the tutor.

### **Syllabus outline:**

1. An Introduction to the Law of Contract  
What is a contract?  
Contract Law as part of the Law of Obligations  
A brief introduction to the Law of Restitution through the study of various areas of Contract law  
  
The sources of Contract Law  
Factors which have affected or affect the development of Contract Law
2. Agreement: Offer and Acceptance  
How is the existence of an agreement determined?  
What is an offer?  
What is an acceptance?  
Conditions of an effective offer and an effective acceptance  
Revocation
3. Enforceability  
Determining whether an agreement is legally enforceable  
Intention to Create Legal Relations  
Consideration  
Role of Promissory Estoppel

Duress

4. Terms  
What are the terms of the contract?  
Distinction between terms and representations  
Incorporation of terms
5. Breach of Contract and Remedies  
The standard of performance  
Principal remedies  
How damages are assessed
6. Exclusion clauses, limitation clauses and unfair terms  
The nature of exclusion clauses and limitation clauses  
The regulation of exclusion and limitation clauses  
The regulation of unfair terms
7. Privity of Contract  
The general rule  
The limits to the principle of privity of contract
8. Frustration and, in outline, Common Mistake  
The limits of the doctrine of frustration  
The consequences of frustration  
The limits of the doctrine of common mistake (in outline)  
The consequences of common mistake
9. Misrepresentation
10. Undue Influence

**Teaching and learning methods:**

The aims of this subject are:

- to provide students with a supportive framework for the study of Contract Law;
- to encourage students to critically analyse and evaluate existing Contract Law;
- to encourage students to make reasoned suggestions for the reform of Contract Law;
- to provide students with an overview of the Law of Restitution;
- to encourage students to take a pro-active approach to legal learning;
- to develop legal skills (such as research and legal argument);
- to develop transferable skills

Class Contact

Full Time CPE

The basic class contact pattern is as follows:

1 hour per week          plenary session in lecture room

1 hour per week seminar discussion (max 12 students per seminar)

2 hours per fortnight      workshop sessions (ie 3 seminar groups combined) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic

In any given academic year, there will normally be

- 15 on-hour lectures, including introductory revision lectures;
- 12 hours of workshops(6 x 2 hours), including a revision workshop; and
- 11 seminars (including one cycle of revision seminars)

Consequently, in any academic year, there will normally be 37 hours of contact time for each student.

### Part Time CPE

In any academic year, the basic class contact for the subject is normally as follows:

At the September Induction tuition session:

- 1 hour subject introductory lecture

At the five subsequent tuition sessions:

- 3 ½ hours with tutor. Normally split into 1 ½ hours in plenary session and 2 hours in seminar groups

Consequently, in any academic year, there will normally be 18½ hours of contact time.

### Assessment

Assessment in any given academic year takes the form of either:

(a) Coursework and Examination

- (i) An unseen examination of two and a half hours duration at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint; and
- (ii) a coursework task set on a syllabus topic requiring students to demonstrate their ability to research a topic and to produce an appropriate response to the task set. For example, this may take the form of a critical analysis of the syllabus topic, an evaluative response to proposed reforms of the law in that context; advice to a hypothetical client based on a factual scenario provided by the tutor; the draft of a short scholarly article or conference paper etc.

OR

(b) Examination only

An unseen examination of three and a half hours duration at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions. Students are permitted to take their own, unannotated copy of the relevant statute book in the examination. The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

All students are provided with a voluntary opportunity to sit a test paper before the formal and summative assessment by examination takes place.

### **Reading strategy:**

At the start of the academic year, each student will be provided with some core published materials for the subject, being a text book; a book of cases and materials, and a book of legislation (see below: Indicative Sources).

Any **essential** reading will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions). Essential reading for a particular topic or class will normally be a combination of parts of the core material provided to students and / or other specific references that students will need to access for themselves (eg case reports, journal articles, Law Commission reports, etc).

If **further reading** is expected, this will be indicated clearly to students (normally by a combination of Topic Outlines; workshop / plenary instructions and seminar instructions).

Students will be encouraged to make full use of the printed and electronic resources available to them through the UWE Library (for the purposes of both class contact preparation and research in preparation for coursework and examination assessments). These include (amongst other things) a range of printed case reports, legislation, texts and journals, as well as a range of electronic journals and a wide variety of resources available through web sites and information gateways (including online study and legal research sites provided by the Law Library). The University Library's web pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities within the curriculum to develop their information retrieval and evaluation skills in order to identify relevant resources effectively.

### **Indicative sources:**

Each year the subject team will determine which texts are to be purchased for the individual use of the students studying this subject. The selection may vary from one year to another but will usually comprise, as a minimum, one student textbook appropriate in style for the intensive nature of the course; one casebook and one volume of selected statutes. In addition students will be referred to the range of materials in the Bolland Library and they will be expected to fully utilise the variety of legal journals available both in hard copy and electronically, as part of their research for coursework in the Foundation subjects.

By way of illustration, in the 2010 / 2011 academic year, the texts provided to students will be:

O'Sullivan & Hilliard, the Law of Contract, 4<sup>th</sup> ed OUP  
Poole, Casebook on Contract law, 10<sup>th</sup> ed, OUP  
Blackstone's Statutes on Contract, Tort and Restitution

### **Assessment**

Obligations I (Contract) is taught and examined in the same Teaching Block of the Diploma as Obligations II (Tort) Criminal Law and Public Law. In any given academic year, there will be a coursework in two of these four subjects. Consequently, in alternate years, there will be assessed coursework in Obligations I (Contract) In every academic year, there will be an unseen examination in each of the four subjects.

### **Weighting between components A and B**

In an academic year in which there is an assessed coursework  
**A:** 75%      **B:** 25%

In an academic year in which there is no assessed coursework  
**A:** 100%

### **First attempt within CPE Regulations**

In an academic year in which there is an assessed coursework

**Component A**

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

**Component B**

1 Coursework task

In an academic year in which there is no assessed coursework

**Component A**

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

**Second attempt within CPE Regulations**

**(further attendance at taught classes is not required)**

In an academic year in which there is an assessed coursework

**Component A**

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

**Component B**

1 Coursework task

In an academic year in which there is no assessed coursework

**Component A**

1 Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated, copy of the relevant statute book into the examination.

**Third and last attempt within CPE Regulations**

**Attendance at taught classes is not required.**

In an academic year in which there is an assessed coursework

**Component A**

1 Unseen examination of two and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination

**Component B**

1 Coursework task

In an academic year in which there is no assessed coursework

## **Component A**

**1** Unseen examination of three and a half hours duration. Students are permitted to take their own, unannotated copy of the relevant statute book into the examination