



University of the
West of England

ACADEMIC SERVICES

MODULE SPECIFICATION

Part 1: Basic Data						
Module Title	Obligations II (Law of Tort)					
Module Code	UJXU55-20-3		Level	3	Version	3
UWE Credit Rating	20	ECTS Credit Rating	10	WBL module?	No	
Owning Faculty	Business and Law		Field	Law: Non Modular		
Department	Law: BILP		Module Type	Unit of Assessment		
Contributes towards	Graduate Diploma in Law					
Pre-requisites	None		Co- requisites	None		
Excluded Combinations	None		Module Entry requirements	N/A		
First CAP Approval Date	QSC 1/10/2008		Valid from	September 2009		
Revision CAP Approval Date	1 June 2016		Revised with effect from	September 2016		

Part 2: Learning and Teaching	
Learning Outcomes	<p><u>Knowledge and understanding</u></p> <p>At the end of this subject a student will be able to demonstrate knowledge and understanding of</p> <ol style="list-style-type: none"> 1. the nature of tortious liability, whether fault-based or strict liability 2. the substantive law of tort, by virtue of having studied a range of nominate torts 3. the relationship between liability in tort and contract within the law of Obligations 4. the role of tort as a compensation system for harm caused and its relationship within the English Legal system to other compensation mechanisms 5. the principal remedies in tort, including (where relevant) the impact of principles of restitution 6. the policy issues relevant to both the historical evolution of various torts and to their ongoing development 7. the impact of the Human Rights Act 1998 on the substantive law of tort <p>This knowledge and understanding is developed through lectures, seminars and workshop activities and are assessed in both the coursework and the examination.</p> <p><u>Intellectual skills</u></p> <p>At the end of this subject the student will be able to</p>

	<ol style="list-style-type: none"> 1. identify relevant legal principles when faced with a fictional or hypothetical scenario 2. analyse the material facts in a task or make a textual analysis of the content of a relevant document 3. apply the legal principles in the context of the task 4. evaluate a range of solutions as appropriate to the task 5. make reasoned proposals for reform in an area of law and to evaluate the proposals for reform made by others <p>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.</p> <p><u>Subject specific skills</u></p> <p>At the end of the subject the student will be able to</p> <ol style="list-style-type: none"> 1. conduct independent research using both primary and secondary sources of law 2. access the relevant sources whether contained in print or electronic form 3. present a reasoned legal argument that demonstrates legal method skills 4. the ability to apply existing law to problem situations 5. the ability to critically analyse and evaluate primary and secondary legal materials <p>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.</p> <p><u>Transferable Skills</u></p> <p>At the end of this subject the following subject specific skills will have been developed and enhanced:</p> <ol style="list-style-type: none"> 1. ICT skills; 2. Study management skills; 3. Oral and written communication skills; 4. Team working skills; <p>Students will also be encouraged to adopt a pro-active approach to legal learning</p> <p>Transferable skills that are developed include:</p> <ol style="list-style-type: none"> 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 5.
Syllabus Outline	<p>NATURE OF TORTIOUS LIABILITY: elements of wrongdoing and policy considerations; critique of fault as a basis of liability and critical analysis of alternatives.</p> <p>MATTERS OF GENERAL APPLICATION: Parties; Defences; Remedies (including</p>

	<p>damages for damage to property; damages for personal injury and death; injunctive relief; the impact, where relevant, of principles of restitution).</p> <p>GENERAL PRINCIPLES OF THE TORT OF NEGLIGENCE:</p> <ul style="list-style-type: none"> • Duty of Care - tests for determining existence of duty of care in law and in fact; policy considerations. • Breach of Duty - standard of care of reasonable person; proof of negligence; <i>res ipsa loquitur</i>. • Causation in Fact and Law; Remoteness of Damage. • Types of damage - pure economic loss; psychiatric damage; personal injury and death; damage to property. <p>SPECIFIC APPLICATIONS OF NEGLIGENCE PRINCIPLES:</p> <ul style="list-style-type: none"> • Liability for negligent misstatement – <i>Hedley Byrne v Heller</i> and later developments. • Liability for dangerous premises - occupiers' and non-occupiers' liability under statute and common law. • Liability for accidents arising at work - employers' common law duty of care to employees. <p>VICARIOUS LIABILITY: including a comparison with liability for default of independent contractors.</p> <p>LAND RELATED TORTS: Nuisance and trespass to land</p> <p>STRICT LIABILITY TORTS: illustrative examples to be selected (eg liability of a producer under Part I Consumer Protection Act 1987; liability under s.1 Defective Premises Act 1972)</p>						
Contact Hours	<p><u>Full Time CPE</u></p> <p>The basic class contact pattern is as follows:</p> <table> <tr> <td>1 hour per week</td><td>plenary session in lecture room</td></tr> <tr> <td>1 hour per week</td><td>seminar discussion (max 12 students per seminar)</td></tr> <tr> <td>2 hours per fortnight</td><td>workshop sessions (ie combined seminar groups; max 3 seminar groups) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic</td></tr> </table> <p>In any given academic year, there will normally be</p> <ul style="list-style-type: none"> • 15 one hour lectures, including introductory and revision lectures; • 12 hours of workshops (6 x 2 hours), including a revision workshop; and • 11 seminars (including one cycle of revision seminars) <p>Consequently, in any academic year, there will normally be 38 hours of contact time for each student.</p> <p><u>Part Time CPE</u></p> <p>In any academic year, the basic class contact for the subject is normally as follows:</p> <p>At the September Induction tuition session:</p> <ul style="list-style-type: none"> • 1 hour subject introductory lecture 	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 combined seminar groups; max 3 seminar groups) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic
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1 hour per week	seminar discussion (max 12 students per seminar)						
2 hours per fortnight	workshop sessions (ie combined seminar groups; max 3 seminar groups) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic						

	<p>At the five subsequent tuition sessions:</p> <ul style="list-style-type: none"> • 3 ½ hours with tutor. Normally split into 1 ½ hours in plenary session and 2 hours in seminar groups <p>Consequently, in any academic year, there will normally be 18½ hours of contact time.</p>
Teaching and Learning Methods	<p>Students are introduced to each topic through the medium of a 1 hour lecture which may be interactive in part.</p> <p>Students are then required to prepare for the 2 hour interactive workshop through (1) reading (a) the materials provided (the Powerpoint slides for the lecture (sometimes containing more detail in 'Speaker's Notes'); a 'Topic Outline' supplementing the lecture and filling in more detail (b) directed reading in the texts provided (2) research in legal databases/texts available from the library (3) independent work (a) preparing to discuss the legal principles and details of the law relevant to the topic area and analysing the situations in the Workshop case studies and their legal implications and the rights and remedies of the parties involved.</p> <p>For the Seminars students are required to develop their knowledge of the legal topic further and to use the same techniques as in the preparation for the Workshops to be able to deal with the seminar specific case studies; some of which will be unseen.</p> <p>For both seminars and workshops students are expected to be able to present brief outlines of and/or commentary on the relevant law; their analysis of specific problems and their 'solutions' to specific case studies to the group.</p> <p>It is anticipated that students will need to engage in approx. 4 hours work in preparation for all face to face sessions and in reflection and reinforcement following a session.</p>
Reading Strategy	<p>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).</p> <p>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).</p> <p>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.</p> <p>By way of illustration, in the 2016 / 2017 academic year, the texts provided to students will be:</p> <p>P.Giliker, <i>Tort</i>, Sweet & Maxwell K.Horsey & E.Rackley, <i>Kidner's Casebook on Torts</i>, OUP F.Rose, <i>Blackstone's Statutes on Contract, Tort & Restitution</i>, OUP</p>
Indicative	

Reading List	<p>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).</p> <p>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.</p>
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Part 3: Assessment	
Assessment Strategy	<p>The Assessment:</p> <p>Obligations II (Law of Tort) is taught and examined in the same Teaching Block of the Diploma as Obligations I (Contract Law), 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 II (Law of Tort) In every academic year, there will be an unseen examination in each of the four subjects.</p> <p>Therefore assessment in any given academic year takes the form of either:</p> <p>(a) Coursework and Examination</p> <p>(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; <u>and</u></p> <p>(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.</p> <p>OR</p> <p>(b) Examination only</p> <p>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.</p>

	All students are provided with a voluntary opportunity to sit a test paper before the formal and summative assessment by examination takes place.
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Assessment in an academic year in which there is an assessed coursework		
% weighting between components A and B	A:	B:
	75%	25%
First Sit		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
1. Unseen Exam (2.5 hours)	100%	
Component B Description of each element	Element weighting (as % of component)	
1. Coursework	100%	

Resit (further attendance at taught classes is not required)	
Component A (controlled conditions) Description of each element	Element weighting (as % of component)
1. Unseen Exam (2.5 hours)	100%
Component B Description of each element	Element weighting (as % of component)
2. Coursework	100%
If a student is permitted a retake of the module under the University Regulations and Procedures, the assessment will be that indicated by the Module Description at the time that retake commences.	

Assessment in an academic year in which there is no assessed coursework		
% weighting between components A and B	A:	B:
	100%	
First Sit		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
1. Unseen Exam (3.5 hours)	100%	
Component B Description of each element	Element weighting (as % of component)	
n/a		

Resit (further attendance at taught classes is not required)		
Component A (controlled conditions)	Element weighting	

Description of each element	(as % of component)
2. Unseen Exam (3.5 hours)	100%
Component B Description of each element	Element weighting (as % of component)
n/a	
<p>If a student is permitted a retake of the module under the University Regulations and Procedures, the assessment will be that indicated by the Module Description at the time that retake commences.</p>	