



Module Specification

Obligations II (Law of Tort)

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Contents

Module Specification	1
Part 1: Information	2
Part 2: Description	2
Part 3: Teaching and learning methods	4
Part 4: Assessment.....	8
Part 5: Contributes towards	10

Part 1: Information

Module title: Obligations II (Law of Tort)

Module code: UJXU55-20-3

Level: Level 6

For implementation from: 2023-24

UWE credit rating: 20

ECTS credit rating: 10

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.

Knowledge and understanding:

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

Intellectual Skills:

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:

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:

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

Outline syllabus: The syllabus includes:

Nature of Tortious Liability:

Elements of wrongdoing and policy considerations; critique of fault as a basis of liability and critical analysis of alternatives.

Matters of General Application:

Parties; Defences; Remedies (including damages for damage to property; damages for personal injury and death; injunctive relief; the impact, where relevant, of principles of restitution).

General Principles of the Tort of Negligence:

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; res ipsa loquitur.

Causation in Fact and Law; Remoteness of Damage.

Types of damage - pure economic loss; psychiatric damage; personal injury and death; damage to property.

Specific Applications of Negligence Principles:

Liability for negligent misstatement – Hedley Byrne v Heller 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.

Vicarious Liability:

Including a comparison with liability for default of independent contractors.

Land Related Torts:

Nuisance and trespass to land

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).

Part 3: Teaching and learning methods

Teaching and learning methods: Students are introduced to each topic through the medium of a 1 hour lecture which may be interactive in part.

Students are then required to prepare for the 2 hour interactive workshop through: Reading 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, and, directed reading in the texts provided.

Research in legal databases/texts available from the library.

Independent work 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.

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.

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.

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.

Contact Hours:

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 combined seminar groups; max 3 seminar groups) for purposes of interactive consideration of practical tasks and discussion of current syllabus topic

In any given academic year, there will normally be:

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

11 seminars (including one cycle of revision seminars).

Consequently, in any academic year, there will normally be 38 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.

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

- A1** The nature of tortious liability, whether fault-based or strict liability
- A2** The substantive law of tort, by virtue of having studied a range of nominate torts
- A3** The relationship between liability in tort and contract within the law of Obligations
- A4** The role of tort as a compensation system for harm caused and its relationship within the English Legal system to other compensation mechanisms
- A5** The principal remedies in tort, including (where relevant) the impact of principles of restitution
- A6** The policy issues relevant to both the historical evolution of various torts and to their ongoing development
- A7** The impact of the Human Rights Act 1998 on the substantive law of tort
- B1** Identify relevant legal principles when faced with a fictional or hypothetical scenario
- B2** Analyse the material facts in a task or make a textual analysis of the content of a relevant document
- B3** Apply the legal principles in the context of the task
- B4** Evaluate a range of solutions as appropriate to the task

B5 Make reasoned proposals for reform in an area of law and to evaluate the proposals for reform made by others

C1 Conduct independent research using both primary and secondary sources of law

C2 Access the relevant sources whether contained in print or electronic form

C3 Present a reasoned legal argument that demonstrates legal method skills

C4 The ability to apply existing law to problem situations

C5 The ability to critically analyse and evaluate primary and secondary legal materials

D1 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

D2 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. Study management skills

D3 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

D4 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

Hours to be allocated: 200

Contact hours:

Independent study/self-guided study = 162 hours

Face-to-face learning = 38 hours

Total = 200

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujxu55-20-3.html) via the following link <https://uwe.rl.talis.com/modules/ujxu55-20-3.html>

Part 4: Assessment

Assessment strategy: 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 examination in each of the four subjects.

Therefore assessment in any given academic year takes the form of either:

Coursework and Examination:

An online examination to be completed within a 24 hour window at the end of the Teaching Block. Students will be required to answer no more than three questions from a minimum of six questions (3750 words). The examination requires students to adapt their knowledge and demonstrate their understanding of the law in relation to novel situations and under time constraint.

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:

Examination only:

An online examination to be completed within a 24 hour window at the end of the Teaching Block. Students will be required to answer four questions from a choice of eight questions (4500 words). 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.

Assessment components:

Examination (Online) (First Sit)

Description: Online examination (if exam only 4500 words, if exam and coursework, 3750 words)

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: A1, A2, A3, A4, A5, A6, A7, B1, B2, B3, B4, B5, C1, C2, C3, C4, C5, D1, D2, D3, D4

Examination (Online) (Resit)

Description: Online examination (if exam only 4500 words, if exam and coursework, 3750 words)

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Examination (Online) (Resit)

Description: Online examination (if exam only 4500 words, if exam and coursework 3750 words)

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Part 5: Contributes towards

This module contributes towards the following programmes of study: