



**ACADEMIC SERVICES**

**MODULE SPECIFICATION**

Part 1: Basic Data					
Module Title	Commercial Property				
Module Code	UJXTS9-10-M	Level	M	Version	2.1
UWE Credit Rating	10	ECTS Credit Rating	5	WBL module?	No
Owning Faculty	Business and Law	Field	Law Non-Modular		
Department	Law: BILP	Module Type	Professional Practice		
Contributes towards	Masters in Advanced Legal Practice				
Pre-requisites	None	Co- requisites	None		
Excluded Combinations	None	Module Entry requirements	N/A		
First CAP Approval Date	2008	Valid from	2008		
Revision CAP Approval Date	1 June 2016	Revised with effect from	September 2016		

Part 2: Learning and Teaching	
Learning Outcomes	<p>By the end of this elective students should possess, at a level sufficient to enable them to undertake relevant transactional work commensurate with their status as trainee solicitors, a sound understanding of:</p> <ul style="list-style-type: none"> <li>- the contents and operation of the commercial lease</li> <li>- the manner in which the provisions of the commercial lease might vary depending upon the nature of the subject premises</li> <li>- the concerns that inform the parties when negotiating leases and subleases of commercial premises</li> <li>- the roles of the client and its professional advisors in negotiating the provisions of a commercial lease, and the conventions of such negotiation</li> <li>- the matters to be taken into account and the nature of the documentation involved when negotiating and effecting an assignment or sublease of commercial premises</li> <li>- the critical use of precedents when drafting/amending/dealing with the commercial lease</li> <li>- the VAT implications of a variety of commercial lease transactions</li> </ul>

	<ul style="list-style-type: none"> <li>- the security of tenure regime governing the commercial lease</li> <li>- the planning system and its operation by the Secretary of State and local planning authorities</li> <li>- the definition of Development and the content and operation of the General Permitted Development Order and Use Classes Order</li> <li>- the extent of the statutory power to impose conditions and the practical importance of conditions to the client.</li> <li>- (in outline only) planning obligations and the Community Infrastructure Levy.</li> <li>- (in outline only) the enforcement powers available to a local planning authority, including a consideration of rights of appeal against enforcement notices.</li> </ul>
Syllabus Outline	<p><b>Syllabus Outline</b></p> <p>The structure and content of leases (including subleases) of commercial premises, including the following usual provisions: demised premises (including rights granted and reserved), rent (including rent-free periods), rent review, term (including break clauses), user, planning control, environmental liability, repairs, alterations/improvements, service charge, insurance, alienation, statutory obligations, sureties, costs and VAT.</p> <p>Dealings with the commercial lease: applications for licence to assign/sublet (including Landlord and Tenant Act 1988); drafting the licence (including authorised guarantee agreements) and assignment.</p> <p>Variations to the lease: drafting the deed of variation; impact on sureties.</p> <p>The taxation of commercial leases, with particular emphasis on VAT on rent, costs and on a variety of common commercial leasehold transactions.</p> <p>The security of tenure regime for commercial leases under Part II Landlord and Tenant Act 1954: when the Act applies; avoiding the Act; termination and renewal procedure; interim rent; statutory compensation.</p> <p>Outline of the planning system: the planning legislation and the administrative structure through which it operates.</p> <p>Definition of Development: the General Permitted Development Order; the Use Classes Order; the sources and application of planning policies.</p> <p>Planning Permissions and Conditions: the judicial concepts of the planning unit and ancillary uses; applications for planning permission; the statutory framework for and practical impact of conditions.</p> <p>Basic overview of planning obligations and the Community Infrastructure Levy.</p> <p>Basic overview of local planning authority's enforcement powers.</p> <hr/> <p><b>Statement of Outcomes</b></p> <p>The LPC outcomes and the vocational elective outcomes will be met by the students undertaking the type and range of tasks identified in the indicative teaching scheme set out below this statement.</p>

	<p>The elements of law and practice to be covered on the elective are primarily identified in the syllabus set out above as expanded upon in this statement and in the indicative teaching scheme set out below.</p> <p>Ethical and professional conduct issues will pervade the teaching of this elective. In particular, but without prejudice to the generality of this statement, students will consider solicitors' undertakings.</p> <p>The course skills which will pervade this elective as identified in the indicative teaching scheme set out below are drafting, writing and interviewing and advising.</p> <p>This elective will develop knowledge and understanding specifically acquired in stage 1 of the LPC in Property Law and Practice, taxation, professional conduct and the course skills as identified in the indicative teaching scheme.</p> <hr/> <p><b>Indicative Teaching Scheme</b></p> <p>Study Unit 1: Drafting and Negotiating the Lease: Rent, Rent Review and Term</p> <p>Study Unit 2: Drafting and Negotiating the Lease: Service Charge, Insurance, Environmental Liability and VAT</p> <p>Study Unit 3: Planning</p> <p>Study Unit 4: Dealings with the Commercial Lease: Assignment</p> <p>Study Unit 5: Dealings with the Commercial Lease: The Report on Lease and Subleases</p> <p>Study Unit 6: Security of Tenure under Part II Landlord and Tenant Act 1954</p> <p>Study Unit 7: Revision</p> <p>Self Study Unit Drafting and Negotiating the Lease: Demised Premises (Lease of Part); User; Repairs; Alterations/Improvements</p>
Contact Hours	<p>Each Study Unit involves the student undertaking 11.5 Notional Learning Hours, of which (with the exception of the Self Study unit) 2.5 hours will be a Small Group Sessions</p>
Teaching and Learning Methods	<p>Self-study preparation and research in order to acquire knowledge and understanding;</p> <p>Large group sessions in order to consolidate and develop knowledge and understanding;</p> <p>A mixture of individual and group work centred on problem-based learning, involving</p>

	<p>management of information, analysis of complex facts and application of knowledge;</p> <p>Preparation of written communications (primarily in the form of office memoranda and letters of advice to clients) to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;</p> <p>Drafting and amending of legal documents, often involving the use of precedents, to demonstrate synthesis and application of knowledge, and the ability to reach autonomous, competent decisions;</p> <p>Reviews of topics in the form of both large group sessions (where ideas can be pooled and debated) and critical self-evaluation.</p> <p>The teaching and learning strategy pervading all modules on the Legal Practice Course is a student-centred approach through the provision of a stimulating educational environment.</p> <p>Face to face teaching and learning in a workshop environment is at the heart of the Teaching &amp; Learning strategy, for students to participate fully in challenging activities, undertaking a wide variety of exercises as individuals and in groups. Full participation is encouraged and expected. Students are encouraged to ask questions during the workshops and to take responsibility for their own learning. Feedback will be given on these exercises both by students and tutors.</p> <p>Outside of the workshop students are required to take responsibility for their own learning undertaking a variety of preparatory tasks. These may be undertaken by students either as individuals or working in office groups, including reading from course manuals and from practitioner texts, reading and research from primary source material, completion of electronic tests and preparing documents.</p> <p>The final component of each Study Unit will be a consolidation task or tasks designed to broaden and deepen students' understanding of an aspect or aspects of work covered in the relevant Study Unit</p>
Reading Strategy	Students will undertake reading from the course manual, practitioner texts, and primary source material,
Indicative Reading List	Anne Rodell, <i>Commercial Property</i> (CLP)

### Part 3: Assessment

Assessment Strategy	<p>The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that</p> <ul style="list-style-type: none"> <li>• Assessment arrangements will be robust, consistent, fair and secure, to ensure that academic standards will meet the threshold set by the SRA</li> <li>• Assessments will revolve around transactions of the type encountered in practice</li> <li>• Assessments will address depth and realism as well as coverage</li> <li>• Individual assessments cover a representative and robust selection of the relevant outcomes. Where an assessment does not include coverage of all of the outcomes for a particular subject, students will nevertheless be prepared to be assessed on all outcomes and will not be informed of what (or will not) be assessed in any particular assessment.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Student achievement will be measured appropriately in accordance with the LPC outcomes.</li> <li>• All diligent students have an opportunity to achieve and demonstrate the LPC learning outcomes.</li> <li>• The needs of disabled students will be taken into account ensuring equal accessibility of assessments to all students.</li> </ul>
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<b>% weighting between components A and B</b>	<b>A:</b>	<b>B:</b>
	<b>100%</b>	
<b>First Sit</b>		
<b>Component A (controlled conditions)</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>	
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%	
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>	
n/a		

<b>First Resit (further attendance at taught classes is not required)</b>		
<b>Component A (controlled conditions)</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>	
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%	
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>	
n/a		

<b>Second Resit (further attendance at taught classes is not required)</b>		
<b>Component A (controlled conditions)</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>	
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%	
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>	
n/a		