



Module Specification

Commercial Property

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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.....	7
Part 5: Contributes towards	9

Part 1: Information

Module title: Commercial Property

Module code: UJXTS9-10-M

Level: Level 7

For implementation from: 2023-24

UWE credit rating: 10

ECTS credit rating: 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: 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 in the Outline Syllabus.

Features: Not applicable

Educational aims: 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 in the Outline Syllabus.

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 the Learning Outcomes.

Outline syllabus: The syllabus includes:

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.

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.

Variations to the lease: drafting the deed of variation; impact on sureties.

The taxation of commercial leases, with particular emphasis on VAT on rent, costs and on a variety of common commercial leasehold transactions.

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.

Outline of the planning system: the planning legislation and the administrative structure through which it operates.

Definition of Development: the General Permitted Development Order; the Use

Classes Order; the sources and application of planning policies.

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.

Basic overview of planning obligations and the Community Infrastructure Levy.

Basic overview of local planning authority's enforcement powers.

Indicative Teaching Scheme

Study Unit 1: Drafting and Negotiating the Lease: Rent, Rent Review and Term

Study Unit 2: Drafting and Negotiating the Lease: Service Charge, Insurance, Environmental Liability and VAT

Study Unit 3: Planning

Study Unit 4: Dealings with the Commercial Lease: Assignment

Study Unit 5: Dealings with the Commercial Lease: The Report on Lease and Subleases

Study Unit 6: Security of Tenure under Part II Landlord and Tenant Act 1954

Study Unit 7: Revision

Self Study Unit: Drafting and Negotiating the Lease: Demised Premises (Lease of Part); User; Repairs; Alterations/Improvements

Part 3: Teaching and learning methods

Teaching and learning methods: The elements of law and practice to be covered on the elective are primarily identified in the syllabus, as expanded upon in this statement and in the indicative teaching scheme.

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.

The course skills which will pervade this elective as identified in the indicative teaching scheme are drafting, writing and interviewing and advising.

Self-study preparation and research in order to acquire knowledge and understanding;

Large group sessions in order to consolidate and develop knowledge and understanding;

A mixture of individual and group work centred on problem-based learning, involving management of information, analysis of complex facts and application of knowledge;

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;

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;

Reviews of topics in the form of both large group sessions (where ideas can be pooled and debated) and critical self-evaluation.

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.

Face to face teaching and learning in a workshop environment is at the heart of the Teaching and 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.

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.

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.

Contact hours:

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.

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

MO1 The contents and operation of the commercial lease

MO2 The manner in which the provisions of the commercial lease might vary depending upon the nature of the subject premises

MO3 The concerns that inform the parties when negotiating leases and subleases of commercial premises

MO4 The roles of the client and its professional advisors in negotiating the provisions of a commercial lease, and the conventions of such negotiation

MO5 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

MO6 The critical use of precedents when drafting/amending/dealing with the commercial lease

MO7 The VAT implications of a variety of commercial lease transactions

MO8 The security of tenure regime governing the commercial lease

MO9 The planning system and its operation by the Secretary of State and local planning authorities

MO10 The definition of Development and the content and operation of the General Permitted Development Order and Use Classes Order

MO11 The extent of the statutory power to impose conditions and the practical importance of conditions to the client

MO12 (In outline only) planning obligations and the Community Infrastructure Levy

MO13 (In outline only) the enforcement powers available to a local planning authority, including a consideration of rights of appeal against enforcement notices

Hours to be allocated: 100

Contact hours:

Independent study/self-guided study = 76 hours

Face-to-face learning = 24 hours

Total = 100

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujxts9-10-m.html) via the following link <https://uwe.rl.talis.com/modules/ujxts9-10-m.html>

Part 4: Assessment

Assessment strategy: This module is assessed by a 3 hr examination comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%.

The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that:

Assessment arrangements will be robust, consistent, fair and secure, to ensure that academic standards will meet the threshold set by the SRA

Assessments will revolve around transactions of the type encountered in practice

Assessments will address depth and realism as well as coverage

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

Student achievement will be measured appropriately in accordance with the LPC outcomes.

All diligent students have an opportunity to achieve and demonstrate the LPC learning outcomes.

The needs of disabled students will be taken into account ensuring equal accessibility of assessments to all students.

Assessment components:

Examination (First Sit)

Description: examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO10, MO11, MO12, MO13, MO2, MO3, MO4, MO5, MO6, MO7, MO8, MO9

Examination (Resit)

Description: examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Examination (Resit)

Description: examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Part 5: Contributes towards

This module contributes towards the following programmes of study:

Advanced Legal Practice [Sep][PT][Frenchay][3yrs] LLM 2022-23

Advanced Legal Practice [Frenchay] LLM 2022-23