



MODULE SPECIFICATION

Part 1: Basic Data					
Module Title	Law Of Contract				
Module Code	UJUTN3-30-1	Level	1	Version	4
Owning Faculty	FBL	Field	Law Undergraduate		
Contributes towards	LLB (Hons); LLB (Hons) Commercial Law; LLB. (Hons) European and International Law; LLB Law with Criminology; BA (Hons) Criminology and Law; BA (Hons) Criminology with Law; LLB (Hons) Law with Business; BA (Hons) Business and Law; BA (Hons) Business Management with Law; LLB (Hons) Law with Psychology.				
UWE Credit Rating	30	ECTS Credit Rating	15	Module Type	Standard
Pre-requisites			Co- requisites		
Excluded Combinations			Module Entry requirements		
Valid From	1 September 2012		Valid to	September 2018	

CAP Approval Date	1/5/12
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Part 2: Learning and Teaching	
Learning Outcomes	<p>On successful completion of this module students will be able to:</p> <ol style="list-style-type: none"> 1. Demonstrate a sound knowledge of the principles of the law of contract. 2. Apply these principles to a variety of factual situations. 3. Appreciate the social, economic and historical context in which these principles were and are being developed. 4. Subject these principles to informed, constructive criticism, and thereby develop models more attuned to current legal and socio-economic circumstances. 5. Demonstrate the above aims in a student-centred context, through, <i>inter alia</i>, individual presentations, small group mooting or large group library-based workshop exercises. <p>We seek to develop, enhance and produce the following student competencies:</p> <p>Knowledge:</p> <ul style="list-style-type: none"> • Demonstrating a sound knowledge and understanding of the law of contract (<i>Assessed in all elements of all Components</i>). <p>Intellectual:</p>

	<ul style="list-style-type: none"> • Applying the existing body of Contract legal principles, whether case-based or statutory, to various factual situations, utilising techniques acquired through the study of Legal Methods (<i>Assessed in all elements of all Components</i>) • Identifying the social, political and economic pressures which have contributed to the current body of law as a precursor to evaluating the efficacy of current rules and identifying future possible developments (<i>Assessed in all elements of all Components</i>). <p>Transferable:</p> <ul style="list-style-type: none"> • Developing and justifying various lines of reasoning, either individually, co-jointly or within a group (<i>Assessed in all elements of all Components</i>). <p>Subject specific:</p> <ul style="list-style-type: none"> • Undertaking effective library-based and IT-related research in order to underpin any line of reasoning, either individually, co-jointly or within a group (<i>Assessed in all elements of all Components</i>).
Syllabus Outline	<ol style="list-style-type: none"> 1. Introduction: The move from Status to Contract; Laissez-faire and judicial intervention; increased statutory protection of basic consumer rights in the Twentieth Century; the encroaching role of the <u>European Union</u>; the links to tort (economic torts, co-extensive remedies etc). 2. Formation of Contract: Invitations to treat, offer and acceptance – communication and revocation; impact of technology; unilateral contracts. 3. Legal intent; good faith, lock-out agreements and letters of comfort; formality/procedure v intent/expectation 4. Consideration: Adequacy v. sufficiency; the element of bargain; the relevance of intent; forms of consideration; performance of existing duties, factual benefits and duress; importance of equitable doctrines, esp estoppel (linked to <u>Land Law</u> and <u>Equity & Trusts</u>), role of privity and effect of Rights of Third Parties Act 1999 5. Terms: Parol evidence, representations, collateral contracts; terms implied by statute and courts; and, the classification of terms. 6. Exclusion clauses: Common law, Unfair Contract Terms Act 1977; Unfair Terms in Consumer Contracts Regulations 1999 (linked to <u>European Union Law</u>). 7. Misrepresentation v Breach of Contract: a comparison of remedies; statements of fact v terms; types of misrepresentations and breaches of contract; Misrepresentation Act 1967 as a <i>statutory tort</i>, contributory negligence, and remoteness (Contract v Tort); UCTA and exclusion of liability in Contract and Tort (all linked to <u>Law of Torts</u>) 8. Economic Torts and the principles of unconscionability: improper pressure, victimisation, domination and oppression; undue influence and intermediaries (linked to Media Law); inequality of bargaining power, economic duress and normal commercial pressure; remedies (linked to <u>Law of Torts</u>, <u>Land Law</u> and <u>Equity & Trusts</u>). 9. Mistake: agreement mistake, quality v substance; possibility mistake; mistaken signatures and competence. 10. Illegality: restraint of trade – non-solicitation of former clients & geographical restraints on future employment; use of injunctions and role of specific performance 11. Risk allocation and contract discharge; force majeure, frustration and unplanned contingencies; fairness v construction; Law Reform (Frustrated Contracts) Act 1943, apportionment and unjust enrichment. 12. Breach of contract: remoteness (<u>Contract v Tort</u>); special damages, mitigation and measure; agreed sums and penalty clauses; injunctions and specific performance

<p>Contact Hours/Scheduled Hours</p>	<p>Lectures: 2 hours per week (for 12 weeks in each semester) Workshops: 2 hour workshop per fortnight. (5 workshops in each semester)</p> <p>Student preparation:</p> <p>Lectures: In most cases there is no expectation of preliminary work. However, students may be given directed preliminary reading from recommended texts. Occasionally material may be also given out in advance so as to provide the basis for practical exercises or for more detailed discussion of topics to be conducted within the lecture. This will apply more to Level 2 and 3 options' modules where group sizes allow for a more interactive approach to lectures.</p> <p>Guest speakers will be utilised where appropriate.</p> <p>Workshops: The Programme estimates a preparation time of 10 hours per workshop. At Level 1 much of this time will be taken up with acquiring experience of research and with gaining a familiarisation with the subject-matter via the use of legal method techniques.</p> <p>Workshop preparation tasks include working individually, in pairs or in small groups.</p> <ul style="list-style-type: none"> • Students will be given materials in advance of their workshops which will concentrate on case analysis of cases and/or statutory interpretation/application as appropriate. The material will usually be problem or discussion title-based. Supplementary material (usually of a problem-solving nature) may be provided in the workshop. • Directed reading will be suggested along with internet sources and video material as appropriate. As this is a Level 1 module, students will be given more direction in terms of sources and specific questions to address. • Students are expected to make full use of their independent learning time to reflect critically upon the subject and to develop their own ideas. <p>Operation and purpose:</p> <p>Lectures: On most topics covered, outline learning materials will be supplied to students during or in advance of the lectures. Lectures are generally designed to:</p> <p>(a) communicate the principal features of a topic, including its major principles, rules, concepts, relationships and values;</p> <p>(b) to stimulate interest in the topic and provide alternative views; and</p> <p>(c) to provide other information necessary to facilitate its further study, including updating.</p> <p>Workshops: Workshops will involve problem-solving and the analysis and synthesis of conceptual and contextual issues, through plenary discussion and presentations by individual students or groups of students. Students are expected to participate fully in workshop discussions, which will cover all main topics of the syllabus.</p> <p>We see the function of workshops to be:</p> <p>(a) to monitor, facilitate and enhance the acquisition by students of the knowledge and understanding mentioned under the <i>Learning Outcomes</i>;</p> <p>(b) to develop those lawyerly skills of case analysis, application of law to fact, and</p>
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	<p>synthesis of arguments referred to in the <i>Learning Outcomes</i>; and</p> <p>(c) to allow students to evaluate, analyse and synthesise legal materials in an interactive environment and to facilitate their appreciation of the levels of variation of opinion which may be generated in legal discussion.</p> <p>Other learning activities:</p> <p>Students will be expected to pursue independent and directed study between class contact sessions.</p> <p>Students will be encouraged to engage in extra-curricula activities such as debating and mootng.</p>
Teaching and Learning Methods	<p>The Law of Contract is a Level 1 module that introduces students to a variety of lawyerly skills (building on coverage in Legal Methods) that will need to be refined and developed as their legal studies progress (specifically in Level 2/3 Core and professional skills related modules). In particular, as this module is primarily case-based, the use of case analysis/application techniques will enable students to deal far more effectively with the demands of core modules such as <u>Law of Torts</u>, <u>Land Law</u>, and <u>Equity & Trusts</u> in future years.</p> <p>The emphasis throughout will be on providing the student with the opportunity to question, understand, analyse and evaluate the law in its historical, practical, academic and social context. The learning context is student-centred and utilizes a variety of techniques to encourage independent thought and constructive criticism. Dialogue is promoted between student and lecturer in an interactive relationship which emphasizes the two-way flow of information and criticism.</p> <p>Subject to the requirements of the Professional Bodies, it is not necessarily envisaged that every topic in the syllabus will be covered in any one academic year. Areas which have topical significance could, therefore, be developed at greater length and less important areas delineated in outline only.</p> <p>Students will be expected to conduct research with both traditional and electronic sources and will be instructed how to do this both during the Programme as a whole and, where necessary, within the module.</p>
Reading Strategy	<p>Essential reading - Students are strongly advised to buy text-books, as suggested by the module leaders. Selection of texts will depend on publication of revised editions of those previously used and/or publication of new texts. Portability, price and accessibility of legal content within the text will be considered when choosing a text, along with the module questionnaire comments made by students from the prior cohort. Students are advised to use the textbook to support preparation of each workshop. Reference to other reading material will be made in lectures, particularly to support essay writing (Assessment elements B1 and B2).</p> <p>Further reading – the indicative reading listed below will provide students with further reading opportunities, in addition to any other reading suggested on a lecture by lecture basis (extracts of which will sometimes be accessible via Blackboard).</p>
Indicative Reading List	<p><i>The following list is offered to provide validation panels/accrediting bodies with an indication of the type and level of information students may be expected to consult. As such, its currency may wane during the life span of the module specification. However, as indicated above, CURRENT advice on readings will be available via other more frequently updated mechanisms.</i></p> <p><u>INTRODUCTORY</u></p> <p>Adams, J.N. & Brownsword, R <i>Understanding Contract Law</i> (Fontana)</p>

	<p>Atiyah, P.S. <i>An Introduction to the Law of Contract</i> (OUP)</p> <p>Smith, J.C. <i>The Law of Contract</i> (S&M)</p> <p><u>RECOMMENDED</u></p> <p>O'Sullivan, J & Hilliard, J <i>Law of Contract</i> (OUP)</p> <p>Chandler, A <i>Law of Contract Q&A</i> (OUP)</p> <p><u>FURTHER READING</u></p> <p>Atiyah, P.S. <i>The Rise and Fall of Freedom of Contract</i> (OUP)</p> <p>Beatson, J & Friedman, D <i>Good Faith and Fault in Contract Law</i> (OUP)</p> <p>Cheshire, Fifoot & Furmston, <i>The Law of Contract</i> (OUP)</p> <p><i>Chitty on Contracts Edited by Guest, A.G. et al</i> (Sweet & Maxwell)</p> <p>Lawson, R. <i>Exclusion Clauses</i> (Oyez Longman)</p> <p>McKendrick, E <i>Contract Law: Text, Cases & Materials</i> (OUP)</p> <p>Poole, J <i>Law of Contract</i> (OUP)</p> <p>Poole, J <i>Casebook on Contract</i>, (OUP)</p> <p>Samuel, G <i>Contract Law: Cases & Materials</i> (Sweet & Maxwell)</p> <p>Stone, R <i>The Modern Law of Contract</i> (Cavendish Publishing)</p> <p>Treitel, G.H. <i>The Law of Contract</i> (Sweet & Maxwell)</p> <p>Reference should be made to the latest editions of the above texts</p> <p>Additional specific reading material will be prescribed from papers and articles</p>
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Part 3: Assessment	
Assessment Strategy	<p>Assessment has been designed to support learning in the following ways:</p> <p>Element B1: This involves students being notified in advance of 3/4 questions mapped against 1st term workshop sessions. They will be required to submit an answer via the on-line facility to one of those questions, with all students being notified of the actual question via Blackboard, 90 minutes in advance of the submission time. This format encourages full student participation in workshops as the assessment has been designed to directly reflect student engagement with workshops in the first semester, with a very clear link between workshop materials and assessment questions being forged. The format of the assessment should enable most students to gain, at the very least, a reasonable understanding of all the basic Contract principles covered in the first semester. Focused analysis of materials on a topic by topic basis should ensure that students also produce useful revision material to take forward to the end of year examination. Ultimately, this assessment inculcates a sense of confidence in students, with the majority acquiring and refining their general problem-solving techniques. [Note: although the word length for this task is 1250 words, students will have needed to prepare</p>

	<p>answers, at least in draft, to 2/3 other questions].</p> <p>Element B2: This will focus on developing and refining analytical skills via a multiple-choice question format based on a series of factual scenarios. Students will be required to identify the rights and duties of all parties and how these might change where there is a slight factual variation. The design format of this coursework ensures that the fullest range of marks will be available.</p> <p>The end of year examination assesses all material covered in the module. The first section adopts an MCQ format (20%) while the remaining two sections (40% each) involve answering problem or split essay/problem questions. The opportunity to bring 2 x A4 sheets of notes into the examination ensures that the assessment is not a memory test and is therefore fair to all students, regardless of their learning needs.</p>
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Identify final assessment component and element	Component A	
% weighting between components A and B (Standard modules only)	A:	B:
	50%	50%
First Sit		
Component A (controlled conditions) Description of each element	Element weighting	
1. Exam (2 hours)	100%	
Component B Description of each element	Element weighting	
1. Problem analysis (1250 words maximum)	50%	
2. Multiple-choice Questions	50%	

Resit (further attendance at taught classes is not required)		
Component A (controlled conditions) Description of each element	Element weighting	
1. Exam	100%	
Component B Description of each element	Element weighting	
1. Essay/Problem analysis (2,500 words)	100%	
<p>If a student is permitted an EXCEPTIONAL RETAKE of the module the assessment will be that indicated by the Module Description at the time that the retake commences.</p>		