



MODULE SPECIFICATION

Code: UJUTN3-30-1

Title: Law Of Contract

Version: 3

Level: 1

UWE credit rating: 30

ECTS credit rating: 15

Module type: Standard

Owning Faculty: FBL

Field: Law Undergraduate

Faculty Committee approval: QSC

Date: 01/10/2008

Valid from: September 2008

Discontinued from:

Contributes towards: LLB; LLB. (Commercial Law); LLB. (European And International Law);
LLB. (Law With A Single Foreign Language); BA (Law); BA (Joint Awards)

Pre-requisites: None

Co-requisites: None

Excluded combinations: None

Learning outcomes:

1. To provide a sound knowledge of the principles of the law of contract.
2. To develop a student's ability to apply these principles to factual situations.
3. To ensure that students appreciate the social, economic and historical context in which these principles were and are being developed.
4. To facilitate the ability of students to subject these principles to informed, constructive criticism, and thereby develop models more attuned to current legal and socio-economic circumstances.
5. To provide students with a range of opportunities for demonstrating the above aims in a student-centred context, through, *inter alia*, individual presentations, small group mooting or large group library-based workshop exercises.

We seek to develop, enhance and produce the following student competencies:

(knowledge)

- Demonstrating a sound knowledge and understanding of the law of contract (*Assessed in all elements of all Components*).

(intellectual)

- 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 Method (*Assessed in all elements of all Components*)
- 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, identifying future evolutionary paths for legal change and predicting the form in which such changes will manifest themselves (*Assessed in all elements of all Components*).

(transferable)

- Developing and justifying various lines of reasoning, either individually, co-jointly or within a group (*Assessed in all elements of all Components*).

(subject specific)

- Undertaking effective library-based and IT-related research in order to underpin any line of reasoning, either individually, co-jointly or within a group (*Assessed in all elements of all Components*).

Syllabus outline:

1. Introduction: The move from Status to Contract; Laissez-faire and judicial/legislative intervention; Contract in the Twentieth Century; the encroaching role of the European Union; the expansion of tort, co-extensive remedies and the European view of Obligations.
2. Concept of Agreement: Invitations to treat, offer and acceptance; revocation and termination; communication of acceptance and the impact of technology; unilateral contracts.
3. Legal intent in domestic and commercial arrangements; the role of good faith in contract bargaining, 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; promissory estoppel.
5. Terms: Parol evidence, representations, collateral contracts,; terms implied by statute and courts; and, the classification of terms.
6. Exclusion clauses: Common law rules, Unfair Contract Terms Act 1977; Unfair Terms in Consumer Contracts Regulations 1999.
7. Misrepresentation: Misleading statements, opinions, silence, inducement and reliance; effects and remedies; Misrepresentation Act 1967, contributory negligence, direct consequence; exclusion of liability; comparisons with breach of contract actions.
8. Principles of unconscionability: improper pressure, victimisation, domination and oppression; undue influence and intermediaries; inequality of bargaining power, economic duress and normal commercial pressure; remedies.
9. Mistake: agreement mistake, quality v substance; possibility mistake, substance v. quality; mistaken signatures and competence.
10. Risk allocation: repudiation, termination and constructive co-operation; discharge, force majeure, frustration and unplanned contingencies; the principles of fairness v. the rule of construction; Law Reform (Frustrated Contracts) Act 1943, apportionment and unjust enrichment.
11. Breach of contract: principles of compensation: damages and remoteness, special damages, mitigation and measure, agreed sums and penalty clauses; injunctions and specific performance
12. Privity: Rights of Third Parties Act 1999, statutory exceptions and protectable interests; agency and insurance; contract and tort interface.

Teaching and learning methods:

The emphasis throughout will be on providing the student the opportunity and facilities 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.

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.

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.

Contact hours:

Lectures: 2 hours per week.

Seminars: 1 hour seminar per fortnight.

Student preparation:

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 3 options' modules where group sizes allow for a more interactive approach to lectures.

Guest speakers will be utilised where appropriate.

Seminars: The Programme estimates a preparation time of 10 hours per seminar. At Level 1 much of this time will be taken up with acquiring experience of research and with gaining a familiarisation with legal method. At Level 3, more qualitative research and preparation is expected.

Seminar preparation tasks include working individually, in pairs or in small groups.

Students will be given seminar sheets in advance of their seminars which will be centred on the analysis of cases and, statutes 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 seminar.

Directed reading will be suggested along with internet sources and video material as appropriate. At Level 1 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.

Operation and purpose:

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:

- (a) communicate the principal features of a topic, including its major principles, rules, concepts, relationships and values;
- (b) to stimulate interest in the topic and provide alternative views; and
- (c) to provide other information necessary to facilitate its further study, including updating.

Seminars: Seminars 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 fully participate in seminar discussions, which will cover the controversial and difficult areas of the subject.

We see the function of seminars to be:

(a) to monitor the acquisition by students of the knowledge, understanding and skills mentioned under the *Learning Outcomes*;

(b) to facilitate and enhance the acquisition of that knowledge, understanding and skills and to foster deeper learning; and

(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.

Other learning activities:

Students will be expected to pursue independent and directed study between class contact sessions.

Students will be encouraged to engage in extra-curricula activities such as debating and mooting.

Reading Strategy

Indicative Reading List: (see guidance notes)

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.

INDICATIVE BIBLIOGRAPHY

INTRODUCTORY

Adams, J.N. & Brownsword, R *Understanding Contract Law* (Fontana)

Atiyah, P.S. *An Introduction to the Law of Contract* (OUP)

Smith, J.C. *The Law of Contract* (S&M)

RECOMMENDED

O'Sullivan, J & Hilliard, J *Law of Contract* (OUP)

Chandler, A *Law of Contract QA* (OUP)

Poole, J *Casebook on Contract*, (OUP)

FURTHER READING

Atiyah, P.S. *The Rise and Fall of Freedom of Contract* (OUP)

Beatson, J & Friedman, D *Good Faith and Fault in Contract Law* (OUP)

Cheshire, Fifoot & Furmston, *The Law of Contract* (OUP)

Chitty on Contracts Edited by Guest, A.G. et al (Sweet & Maxwell)

Lawson, R. *Exclusion Clauses* (Oyez Longman)

McKendrick, E *Contract Law: Text, Cases & Materials* (OUP)

Poole, J *Law of Contract* (OUP)

Samuel, G *Contract Law: Cases & Materials* (Sweet & Maxwell)

Stone, R *The Modern Law of Contract* (Cavendish Publishing)

Treitel, G.H. *The Law of Contract* (Sweet & Maxwell)

Reference should be made to the latest editions of the above texts

Additional specific reading material will be prescribed from papers and articles

Assessment Strategy

NB for standard modules, component A is the component assessed under controlled conditions and for professional practice (PP) modules, component A is the practice component.

Weighting between components A and B (standard modules only) A: 50% B: 50%

ATTEMPT 1

First Assessment Opportunity

Component A

Description of each element

1 Exam (2 hours) (Final)

Element weighting

100%

Component B

Description of each element

1 Coursework under controlled conditions – 1 hour
2 Assignment – 2,500 words

Element weighting

40%
60%

Second Assessment Opportunity (further attendance at taught classes is not required)

Component A

Description of each element

1 Exam (2 hours) (Final)

Element weighting

100%

Component B

Description of each element

1 Essay

Element weighting

100%

**Specification confirmed byDate
(Associate Dean/Programme Director)**