



## **Module Specification**

### **Law of Contract**

Version: 2023-24, v6.0, 22 May 2023

#### **Contents**

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

## Part 1: Information

**Module title:** Law of Contract

**Module code:** UJUTN3-30-1

**Level:** Level 4

**For implementation from:** 2023-24

**UWE credit rating:** 30

**ECTS credit rating:** 15

**Faculty:** Faculty of Business & Law

**Department:** FBL Dept of Law

**Partner institutions:** None

**Delivery locations:** Not in use for Modules

**Field:** Law Undergraduate (Programmes)

**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:** 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 casebased, the use of case analysis/application techniques will enable students to deal

far more effectively with the demands of core modules such as Law of Torts, Land Law, and Equity & Trusts in future years.

**Features:** Not applicable

**Educational aims:** See Learning Outcomes.

**Outline syllabus:** The syllabus includes:

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 European Union; the links to tort (economic torts, co-extensive remedies etc).

Formation of Contract: Invitations to treat, offer and acceptance – communication and revocation; impact of technology; unilateral contracts.

Legal intent; good faith, lock-out agreements and letters of comfort; formality/procedure v intent/expectation.

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 Land Law and Equity & Trusts), role of privity and effect of Rights of Third Parties Act 1999.

Terms: Parol evidence, representations, collateral contracts; terms implied by statute and courts; and, the classification of terms.

Exclusion clauses: Common law, Unfair Contract Terms Act 1977; Unfair Terms in Consumer Contracts Regulations 1999 (linked to European Union Law).

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 statutory tort, contributory negligence, and remoteness (Contract v Tort); UCTA and exclusion of liability in Contract and Tort (all linked to Law of Torts).

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 Law of Torts, Land Law and Equity & Trusts).

Mistake: agreement mistake, quality v substance; possibility mistake; mistaken signatures and competence.

Illegality: restraint of trade – non-solicitation of former clients & geographical restraints on future employment; use of injunctions and role of specific performance.

Risk allocation and contract discharge; force majeure, frustration and unplanned contingencies; fairness v construction; Law Reform (Frustrated Contracts) Act 1943, apportionment and unjust enrichment.

Breach of contract: remoteness (Contract v Tort); special damages, mitigation and measure; agreed sums and penalty clauses; injunctions and specific performance.

### **Part 3: Teaching and learning methods**

**Teaching and learning methods:** This module will introduce you to the law of contract including how a contract is formed and why it is important to know the key elements of contract formation. You will then learn about the content/terms of the contract, also known as the obligations of the contract. As part of this you will learn why courts generally do not interfere with contract-making because it is an issue of private (rather than public law) and the extent to which Parliament does get involved in contract making, where it deems it is necessary to do so. Any party to a contract needs to know what to do if one party to the contract breaches the contract. In addition to learning the rules surrounding breach you will also learn about the other ways in which contracts might come to an end. To support innocent parties, contract law has developed a number of doctrines of law which set out when an innocent

party can avoid a contract where there was deceit, negligence or duress which led to there never being true consent to the contract in the first place. Ultimately, an innocent party to a contract will be seeking a remedy and usually this will be money, known as damages so you will learn the rules about when damages will awarded.

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

**MO1** Demonstrate a sound knowledge of the principles of the law of contract.

**MO2** Apply these principles to a variety of factual situations.

**MO3** Appreciate the social, economic and historical context in which these principles were and are being developed.

**MO4** Subject these principles to informed, constructive criticism, and thereby develop models more attuned to current legal and socio-economic circumstances.

**Hours to be allocated:** 300

**Contact hours:**

Independent study/self-guided study = 232 hours

Face-to-face learning = 68 hours

Total = 300

**Reading list:** The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujutn3-30-1.html) via the following link <https://uwe.rl.talis.com/modules/ujutn3-30-1.html>

## **Part 4: Assessment**

**Assessment strategy:** The Assessment Strategy allows student to demonstrate a range of academic and legal skills including application , analysis, problem solving, and teamwork.

Online examination (40% of module mark)

This is the end of year assessment point and will address material from across the module.

This will focus on developing and refining analytical skills using questions based on a series of factual scenarios.

Coursework (60% of module mark)

This will consist of two tasks:

1). Online test (25 % of module mark):

This will focus on developing and refining analytical skills using questions based on a series of factual scenarios arising from the first semester of the module.

2). Group Portfolio (35% of module mark):

Students will be assigned to groups. Each group must submit a portfolio of no more than 800 words. The portfolio will consist of two tasks:

Task i: A Team Work Agreement in which students set out they will tackle Task ii; and

Task ii: Group Commentary - students must select, from a variety of media, examples which illustrate specified Contract Law principles; they must then annotate those examples, explaining how they illustrate the principles and evaluating the application of those principles in society.

### **Assessment components:**

#### **Portfolio (First Sit)**

Description: Group contract law portfolio (800 words maximum)

Weighting: 35 %

Final assessment: No

Group work: Yes

Learning outcomes tested: MO1, MO2, MO3, MO4

**Set Exercise (First Sit)**

Description: Multiple-choice answer test (180 minutes permitted) non-controlled conditions – can be taken wherever student has reliable internet access)

Weighting: 25 %

Final assessment: No

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4

**Examination (Online) (First Sit)**

Description: Online examination (2500 words)

Weighting: 40 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4

**Portfolio (Resit)**

Description: Contract law portfolio (800 words max)

Weighting: 35 %

Final assessment: No

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4

**Set Exercise (Resit)**

Description: Multiple-choice answer test (180 mins maximum - non-controlled conditions)

Weighting: 25 %

Final assessment: No

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4

**Examination (Online) (Resit)**

Description: Online examination (2500 words)

Weighting: 40 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4

**Part 5: Contributes towards**

This module contributes towards the following programmes of study:

Business and Law [Frenchay] BA (Hons) 2023-24

Law with Business [Frenchay] LLB (Hons) 2023-24

Business and Law {Foundation} [Frenchay] BA (Hons) 2022-23

Law with Business {Foundation} [Frenchay] LLB (Hons) 2022-23

Law [Villa] LLB (Hons) 2023-24

Law [Frenchay] - Withdrawn LLB (Hons) 2023-24

Law [UCW] LLB (Hons) 2023-24

Law {Foundation} [Frenchay] LLB (Hons) 2022-23

Law with Criminology [Frenchay] LLB (Hons) 2022-23

Law with Psychology [Sep][FT][Frenchay][3yrs] - Withdrawn LLB (Hons) 2022-23

Law with Psychology [Sep][SW][Frenchay][4yrs] - Withdrawn LLB (Hons) 2022-23

Law with Criminology {Foundation} [Sep][FT][Frenchay][4yrs] LLB (Hons) 2021-22

Law with Criminology {Foundation} [Sep][SW][Frenchay][5yrs] LLB (Hons) 2021-22