



University of the
West of England

MODULE SPECIFICATION

Code: UJUTK6-30-3

Title: Commercial Law

Version: 3

Level: 3

UWE Credit Rating: 30

ETCS Credit Rating: 15

Type of Module: Standard

Owning Faculty: FBL

Field: Law Undergraduate

Faculty Committee Approval: QSC **Date:**

Valid from: September 2008

Discontinued from:

Contributes towards: LLB; LLB (Commercial Law); LLB. (Law with French); LLB (Law with German); LLB (Law with Spanish); LLB (Law With English as a Foreign Language); BA (Law); BA (Joint Awards)

Pre-requisites : Method, Procedure, & System (UJUTA3-30-1); Constitutional and Administrative Law (UJUTA4-30-1); Law of Contract (UJUTN3-30-1)

Pre-requisites: None

Co-requisites: None

Excluded combinations: None

Aims

1. To establish the enduring relationships, principles and doctrines which form the corpus of Commercial Law.
2. To provide the student with a sound knowledge and understanding of such central principles.
3. To develop the student's ability to apply such principles to factual, problematical situations.
4. To ensure that the student appreciates the historical, philosophical, social and economic context in which such central principles were and are being developed.
5. To ensure that the student recognizes and evaluates the connections between pragmatic business practice and the evolution of legal doctrine.
6. To develop the student's ability to criticize the central principles of the subject in an informed, constructive manner and encourage the ability to propose reasoned reform of problematical areas of the law.
7. To provide students with a range of opportunities to realize the above aims in a student-centred context through the deployment of individual presentations, seminar discussion and library exercises.

Learning outcomes:

It is sought to develop and enhance the following student abilities and competencies:

1. Demonstration of a sound knowledge and understanding of Commercial Law.
2. Application of common law and statutory rules to problematical, factual situations drawing upon techniques acquired in the study of Legal Method.
3. Presentation of structured and reasoned arguments both individually and within a seminar group discussion.
4. Displaying the ability to communicate effectively in both oral and written form and both individually and within seminar group discussion.

5. Undertaking effective library-based research individually or within a group.
6. Identification of the historical, philosophical, social and economic background which has shaped the development of the law.

Syllabus outline

The module is divided into 4 parts.

1. Financial Services Regulation

This part of the module discusses the evolution of financial services regulation and the growth of independent financial regulatory agencies. Particular attention is made to the Prevention of Fraud Investments Act (1939), the Prevention of Fraud Investments (Amendments) Act (1959), the Financial Services Act 1986 and the Financial Services and Markets Act 2000.

2. Financial Crime

The next part of the module comprises the law relating to the prevention and reduction of financial crime and relevant statutory provisions from an international and European perspective. This will include the history of financial crime, the identification of different types of financial crime including fraud, money laundering, terrorist finance and the proceeds of crime.

3. Consumer Credit

The third part of the module investigates consumer credit legislation. In particular, the provisions of the Consumer Credit Act 1974 and the Consumer Credit Act 2006 are discussed. This part also considers the development of credit unions in the United Kingdom. This will involve an analysis of the Government's policy towards credit unions since 1997, a discussion of the Credit Union Act 1979 and an assessment of the impact of the Financial Services Authority on credit unions.

4. Sale of Goods

The final part of the module consider the History of Sales of Goods Legislation, the Distance Selling Regulations 2000, the Sale of Goods Act 1979 and the Supply of Goods and Services Act 1982

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 inter-active 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, statutes, European and Human Rights' material 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*; and
- (b) to facilitate and enhance the acquisition of that knowledge, understanding and skills and to foster deeper learning.
- (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.

Indicative Reading List:

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.

Alldridge *Money Laundering Law*, Hart Publishing, London, 2003.

Blaire, M., Minghella, L., Taylor, M., Threipland, M. & Walker, G., *Blackstone's Guide to the Financial Services and Markets Act 2000*, Blackstones

Legal Journals

Business Law Review
Company Lawyer
Conveyancer and Property Lawyer
Criminal Law Review
Journal of Business Law

Journal of Financial Crime
 Journal of Financial Regulation and Compliance
 Journal of Money Laundering Control
 Journal of International Banking Law
 Legal Studies
 Modern Law Review

Internet References

www.homeoffice.gov.uk – United Kingdom Home Office
 www.fsa.gov.uk – Financial Services Authority
 www.dti.gov.uk – Department of Trade and Industry
 www.assetsrecovery.gov.uk – Assets Recovery Agency
 www.sfo.gov.uk – The Serious Fraud Office
 www.ncis.gov.uk – National Criminal Intelligence Service
 www.fbi.gov – The FBI
 www.fatf-gafi.org – The Financial Action Task Force
 www.oecd.org – The Organisation for Economic Co-operation and Development
 www.imf.org – International Monetary Fund

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

Additional specific reading material will be prescribed from articles and case notes in legal journals.

Assessment

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: 60% B: 40%

ATTEMPT 1

First Assessment Opportunity

Component A

Description of each element

1 Exam (3 hours) FINAL

Element weighting

100%

Component B

Description of each element

1 Essay

2 Essay

Element weighting

50%

50%

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

Component A

Description of each element

1 Exam (3 hours) FINAL

Element weighting

100%

Component B

Description of each element

1 Essay

Element weighting

100%

Specification confirmed byDate
 (Associate Dean/Programme Director)