BL1104 – ENGLISH LEGAL METHOD AND CONTRACT LAW

Module Number: BL1104

Module Title: English Legal Method and Contract Law

Number of Aston Credits: 10

Total Number of ECTS Credits: 5
(European Credit Transfer)

Staff Member Responsible for the Module:

Ms Odette Hutchinson
Aston Law

Main Building South Wing, Room SW 709 , Extension 3019
E-mail: o.hutchinson@aston.ac.uk

Availability: http://wass.aston.ac.uk
Group administrator, Basia Nowakowska, ABS428, Extension 3185.

Other Staff Contributing to the Module:

Dr. James Brown
Aston Law

Main Building South Wing, Room SW 715 , Extension
E-mail: j.p.brown1@aston.ac.uk

Availability: http://wass.aston.ac.uk
Group administrator, Basia Nowakowska, SW707, Extension 3185.

Pre-Requisite(s) for the Module: None

Module Learning Outcomes:

This dynamic module considers how to use law and regulation proactively in order to secure a competitive business advantage. The modern business organisation increasingly transacts across cultural and geographical boundaries relying on intangible services for its operational effectiveness. In this fast paced, diverse and competitive environment the potential for misunderstanding and disagreement over performance management has spiraled.

Students will be introduced to the primary and secondary sources of law, including legislation, case law and the English court system as essential knowledge underpinning any examination of legal principles (substantive law). The focus will then seek to provide participants with the critical knowledge and practical skills to identify and navigate, legal and regulatory issues across

geographical and cultural boarders in order to secure a competitive advantage for their business.

This module facilitates the acquisition of knowledge and understanding of contract law principles governing transactions between commercial parties and consumers. This will involve examining the principles governing formation of a contract and the elements of such principles as offer, acceptance, consideration, capacity and the intention to create a legal relationship. The module will examine the contractual obligations assumed by the parties, the ability to exclude or limit liability and other restrictions on permissible terms, as well as the law relating to some of the vitiating factors, such as misrepresentation and mistake, undue influence, illegality etc, enabling contractors to escape from a contract.

Upon successful completion of the module students will be able to:

- Explain the court system and sources of law;
- Understand the ways in which the law and regulatory environment can be utilized to secure a competitive advantage;
- Analyse factual scenarios;
- Identify the legal issues in these problem scenarios and apply legal principles to the task of problem-solving;
- Illustrate recommendations as to outcomes via the use of primary legal source materials.
- Appraise the current issues of relevance to today's contracting and assess the issues at stake in contractual drafting and remedial solutions.

Module Content:

(1) English Legal Method

- The nature of law and the character of the English Legal System, legal terminology.
- Sources of law, including case law and citation, legislation (types), and secondary sources such as journal articles;
- Alternate Dispute Resolution.
- Proative Business Law, including how to use the law and regulation to gain a competitive advantage in business

BL1104 – ENGLISH LEGAL METHOD AND CONTRACT LAW

(2) Law of Contract

- Introduction to contract law including a brief historical perspective and the wider European debate concerning the acquis and proposals for a European Contract Code, PECL and UNIDROIT Principles of International Commercial Contracts.

- The concept of agreement, the contractual bargain, Privity of Contract and the rights of third parties, freedom to contract.

- The formation of contract, offer and acceptance, standard forms , battle of forms, counter-offers, the requirement of consideration, principle of estoppel, the intention to create legal relations and the capacity of parties to make a contract.

- Vitiating factors rendering the contract void or voidable such as misrepresentation, duress and undue influence.

- Formalities of contract, breach of contract and the effect of limitation and exclusion clauses, discharge of contract, remedies for breach of contract.

- Content of the contract, express and implied terms and relevance in sale and supply context, exemption clauses, breach and remedies for breach of contract.

- Introduction to tortious liability: vicarious liability, occupiers liability, defamation.

International Dimensions:

In addition to examining the existing European impact on the English principles of contract law, e.g. UTCCR 1999 and the good faith debate, the module will also examine possible solutions available in Commonwealth jurisdictions, e.g. in the context of estoppel and enforceability of alteration promises. Students will also be made aware of the wider European debate concerning the acquis and proposals for a European Contract Code, PECL and UNIDROIT Principles of International Commercial Contracts.

Corporate Connections:

Contract law is the basis for all planned exchanges and is, therefore, fundamental to efficient transacting in all contexts, including B2B, business to consumer and public sector transacting. Contract law principles have consistently been found to be the law most used by those in legal practice and by

businessmen and consumers. It is, therefore, vital to know and be able to apply the core principles governing these transactional relationships, whether for the purposes of asserting rights, negotiating and resolving disputes or litigating.

Odette Hutchinson is a Senior Lecturer in Law at Aston Business School and a Fellow of the Higher Education Academy. She is a member of BELMAS, The British Educational Leadership, Management and Administration Society.

Dr. James Brown is a Senior Lecturer in Law and a Barrister and was for some 12 years engaged in practice. He is a Fellow of the Higher Education Acadamy.

Links to Research:

Dr. James Brown has published extensively in the field of Land Law and Property Law generally and continues to do so.

Odette Hutchinson's research interests include legal education and medical law, more specifically the provision of legal education to non lawyers.

Learning and Teaching Rationale and Methods:

a) Method of Teaching – A combination of interactive lectures, online lectures and group work will be employed. This module is challenging, dynamic and diverse. Group work, practical research exercises are designed to allow students to develop an ability to apply their knowledge in practical situations so as to identify issues, carry out appropriate research, work together in teams, make effective plans and so forth.

b) Duration

Contact hours	30 hours
Web Activities	10 hours
Coursework	15 hours
Examination	1.5 hours
Reading, exercises, self test exercises and research work, preparation for examination	43.5 hours
Total	**100 hours**

BL1104 – ENGLISH LEGAL METHOD AND CONTRACT LAW

Ethical Approval:

This module does not require any primary research and no ethical approval will be necessary.

Assessment and Feedback Rationale and Methods:

The assessment strategy for this module is designed

Assessment	Weighting
Participation in Web Activities	2 x 5%
Coursework	30%
Examination	60%

BL1104 has two web activities, both of which are assessed. These provide an opportunity to apply and evaluate critically core themes and theories whilst receiving peer and tutor feedback. English Legal Method and Contract Law also has one marked coursework assignment which accounts for 30% of the final mark for this module. The final element of the assessment strategy is via a one and a half hour closed book multiple choice examination which accounts for the remaining 60% of the final mark for this module.

Your performance in these assessments will be graded according to the Aston Law marking criteria. More detail on the assessment criteria can be found in the Module Assessment Guide.

Online self marking multiple choice tests and discussion forums will provide feedback for students, together with feedback during the lectures on exercises and problem questions.

Students are encouraged to utilise lecturer office hours to obtain more detailed feedback and advice.