BL2296 – PRINCIPLES OF BUSINESS LAW

Module Number: BL2296

Module Title: Principles of Business Law

Number of Aston Credits: 10

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

Staff Member Responsible for the Module:

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Pre-Requisite(s) for the Module: **BL1104 English Legal System and Contract Law**

Module Learning Outcomes:

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

(a) Demonstrate knowledge of a number of important and interrelated areas of U.K. Business Law: the law of contract in the commercial context, the sale of goods, and commercial agency. The influence of EU legal initiatives will be appreciated.

(b) Analyse the legal liability of major parties in business transactions and be able to distinguish the legal principles applicable to commercial and consumer transactions and the differing motivations in terms of policy.

(c) Understand the legal protection afforded to consumers in transactions for the sale of goods, including fraudulent transactions, in order to raise awareness of consumer rights in that context.

(d) Appreciate the key role of risk and ownership and, therefore, insurance in commercial transactions; and explain the problems of ownership and possession in the context of fraud.

(e) Understand how sales are often conducted by agents and middlemen and to examine the legal liability arising in commercial agency.

(f) Demonstrate a broader understanding of the business and legal context for commercial transactions and recognise the case for reform.

(g) Appreciate that this area of law is also subject to regulation, notably by the criminal law and credit law (although these subjects will not form part of the course of study).

(h) Engage with primary and secondary legal materials, identifying relevant precedents and authorities, use correct form of legal citation (OSCOLA)

(i) Identify and apply relevant legal rules to factual situations, offering advice that is reasoned, accurate and effectively communicated, and informed by independent research and analysis.

Module Content [Topics]:

(a) The foundations of Business Law. The principles of the law of contract and its relationship with the law of tort. The contract of sale.

(b) Terms of the contract. Express and implied terms. Terms implied by statute: the Sale of Goods Act 1979 (as amended), the Supply of Goods (Implied Terms) Act 1973, the Supply of Goods and Services Act 1982. Conditions, warranties and innominate terms. Remedies for breach in common law and under the Sale of Goods Act 1979 (as amended).

(c) The legal liability of wholesalers and retailers. Implied Terms under the Sale of Goods Act 1979 (as amended): (1) right to sell; (2) correspondence with description.

(d) Implied terms under the Sale of Goods Act (as amended): (3) satisfactory quality; (4) fitness for purpose; (5) correspondence with the sample.

(e) Exemption clauses and their regulation in the business context, with particular reference to the Unfair Contract Terms Act 1977 (as amended). Exclusion of terms implied by the Sale of Goods Act 1979 (as amended).

(f) The transfer of ownership and risk under the Sale of Goods Act 1977 (as amended). Passing of Property. Title, delivery and possession. Specific and unascertained goods. Goods forming part of a bulk.

(g) Passing of risk in business and consumer sales. Reservation of title clauses.

(h) Fraudulent sales under the Sale of Goods Act. Transfer of property by a non-owner. The protection of commercial transactions.

(i) Agency: the sale of goods and other commercial transactions through agents and middlemen. Distinctive features of commercial agency. Types of agency and authority.

(j) The relationship of principal with the agent and third party. Sales where the identity of the principal is secret or undisclosed. Liability of principal and agent to third parties.

Module Content [Schedule]

Week 14 : Introduction to Business law – Sale of Goods and Agency Law. Sales, services, contracts of work and materials and contracts of hire. Meaning of 'sale', 'goods' etc. Distinguishing commercial and consumer contracts.

Weeks 15 and 16 : Sale of Goods/Services : Statutory implied terms

Week 17 : Passing of Property and Risk

Week 18 : Reading Week

Weeks 19 and 20 : Nemo dat etc, Reservation of Title Clauses

Week 21 : Remedies – Damages, Price, Cure

Weeks 22 -24 : Agency Law [DS]

Week 25 : Revision

The curriculum is designed to transmit knowledge and to assist students to understand key features of the module by a step by step exploration in a structured manner. The lectures, recommended reading and supporting VLE materials build into a corpus of knowledge which is tested and developed through class discussions and the assessment package.

International Dimensions:

The influence of European developments is considered throughout the module and it provides a foundation and prerequisite for the study of International Sales and Transportation Law (BL3371) in the final year.

Corporate Connections:

Professor Jill Poole is a barrister of Lincoln's Inn and a Fellow of the Chartered Institute of Arbitrators. She has held a chair in commercial law since 2003, has written extensively on commercial law subjects and has delivered invited lectures to international audiences.

Dr David Salmons is an expert in the law of tort and has a PhD in a related area.
Actual case examples and practical illustrations are used throughout. Questions are based on hypothetical evidential documents and statements. The module is firmly sited in a business context and informed by commercial and not merely legal considerations.

Links to Research :

Professor Jill Poole is a well-known author in the field of contract and commercial law and has written extensively about all aspects of the material covered by this module. Her books and articles have informed the reform agenda, particularly in the areas of remedies.

Learning and Teaching Rationale and Methods:

Method of teaching – Lectures, discussion boards on the VLE, practical research exercises and independent study.

Lectures are used to introduce the legal principles, primary and secondary sources of relevant law, and to explain their practical operation whilst highlighting areas of difficulty and reform. Their aim is to provide a framework for students' independent study and research.

Tutorial support and practice questions are made available online and there will also be a lecture explaining how to answer legal problem questions (give advice on a hypothetical set of facts). This work is supplemented by means of tutorial discussion boards and some inter-active lectures.

Contact and directed learning:

Contact and directed learning

Lectures (including revision)	22 hours
Legal research/preparation for class discussion/directed learning/discussion boards	60½ hours
Coursework	16 hours
Examination	1½ hours
Total	**100 hours**

Ethical Approval:

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

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Assessment and Feedback Rationale and Methods:

The module is assessed by means of a 1½ hour examination (70%) and a piece of legal advice (30%) of not more than 1,500 words. Common errors identified in generic feedback on summative work are posted on the VLE and detailed, more formal, individual feedback is provided.

The examination is closed book (except for the ability of students to use their own copy of an **unannotated** approved statute book). The examination is of 1½ hours' duration and will comprise a total of 5 questions: 3 hypothetical problems and 2 essay questions. Students are required to answer 2 examination questions, of which at least one must be an answer to a problem question. Generic examination feedback is posted on the VLE once results have been issued.

Opportunities for formative feedback exist in the form of seminar feedback, whether in relation to oral contributions or written answers to particular seminar questions. Feedback is also provided in seminars as responses to student answers to tasks set for these classes and any questions raised. Discussion Boards on the VLE are also employed to supplement student debate and ensure understanding.