

Module code	ULAW/6/COMMLW/19/E	NQF level	6
Credit value	30	Study duration	18 weeks

# Commercial Law

## Module description

This is an optional 30 credit level 6 module. Students need to choose two of the Level 6 optional modules and are advised to do so on the basis of their areas of interest and/or career aspirations. This module covers the regulatory regime controlling business and trading activities, and the rights and duties of commercial parties acting in a business or consumer environment.

## This module aims to:

- Consolidate the students' knowledge of the law of contract with a particular focus on the remedies available
- Provide a sound understanding of the law relating to sale of goods
- Provide a starting point for students to undertake independent legal research on commercial law related issues
- Provide students with the knowledge required enabling them to identify key legal issues in a problem/ scenario based question and apply the law to solve the problem

## Learning outcomes

On completion of this module, students will be able to:

- critically evaluate the appropriate remedies available in the event of a breach of a commercial contract
- understand the principle of *nemo dat* and apply its exceptions to scenario type legal problems
- understand and critically evaluate the rules of agency and their effect on commercial practice
- understand the rules relating to the passing of property and the associated risk
- apply the relevant principles and policies to a range of issues
- ability to comprehend and use basic numeracy as part of a problem question

## Syllabus

- Interpretation and scope of the Sale of Goods Act
- Characteristics of the contract for the sale of goods
- Buyer's and seller's duties and remedies
- The principle of *nemo dat quod non habet* and its exceptions
- Misrepresentation
- Product liability
- Exemption clauses and unfair terms
- Buyer and seller remedies
- Auction Sales
- e-Commerce and distance selling
- Unfair trading practices
- Consumer Credit Act 1974
- Creditor's liability
- Enforcement by creditor or owner
- Termination of HP, credit sale, conditional sale, and consumer hire agreements
- The law of agency – creation, duties and rights of agents
- The law of agency – contracts made by agents
- The law of agency – commercial agency and termination of agency

## Learning and teaching methods

Teaching will be delivered through the provision of specified reading materials that will be provided on the University of Essex Online learning platform, and will be supported by specified discussion forums, pre-recorded lecturecasts and biweekly live seminars (using synchronous communication software and application sharing facility).

Students will be provided with indicative guidance on and encouraged to look at relevant websites which are appropriate to the learning outcomes, and to identify and share appropriate web-based resources (as learning support references) with their fellow students.

The pre-recorded lecturecasts and the online question and answer sessions will include referenced use of selected case studies which will be drawn from the reading materials and the practice-based and professional/educational contexts and experience of the tutors.

There will be also provision for weekly meetings with tutors in their office hours supplementing online students' self-managed learning, discussing their individual queries, and directing them to require and indicative reading.

Description of unit of assessment	Length/Duration	Submission date	Weighting
2 assessed discussion activities	2 weeks	N/A	20%
Regular assignment	2,500 words	Mid term	30%
Examination	2 to 3 hours	End term	50%