

**Aim:**

This module will introduce the student to the fundamentals of the law of contract as they apply to contracts between businesses and consumers and certain other kinds of legal obligation.

The student will learn the key concepts relating to contractual obligations between businesses and consumers, from capacity of the parties, formation of the agreement, form of agreements, content and performance, the consequences of breach of contract and the remedies available. Specifically, contracts between businesses and consumers involving supply of goods, services or goods and services between consumer and businesses will be examined.

The student will also learn about other means of securing redress in the absence of a contract. Specifically, the student will be introduced to the part of the law of tort [delict] dealing with negligence actions, and to the regime of strict products liability under the Consumer Protection Act 1987. The student's learning will be consolidated by the application of legal rules to hypothetical scenarios.

Study on this module will form a basic core of knowledge which will allow for further study of law relating to supply of goods and services. While contracts for supply of goods and services are included, the module will only cover these to a level of detail appropriate to a Foundation level module. Similarly, the law of tort [delict] and the Consumer Protection Act 1987 Part I are dealt with at an introductory level only.

**Learning Outcomes**

At the end of this module, the student will be able to:

General

- distinguish between different forms of legal obligation
- compare and contrast contractual and other kinds of liability
- apply relevant legal reasoning to problem scenarios in order to suggest solutions

Contract

- explain the nature of contractual obligations between businesses and consumers
- identify and explain the requirements of contractual capacity
- explain how contracts are formed
- identify and explain types of misrepresentation
- explain the concept, forms and consequences of breach of contract
- describe remedies for breach of contract

Tort [Delict] and Strict Products Liability

- explain the nature of tortious liability, with specific reference to negligence
- explain the regime of strict liability under the Consumer Protection Act 1987 Part 1



The following terms have been used to indicate the level of knowledge required in each element;

**Detailed:** To an in-depth level, and with a fine degree of distinction between concepts

**Working:** With the ability to apply the learning to situations so as to resolve problems

**Basic:** Having an awareness of the rules and concepts

Assessments will reflect the requisite level of knowledge in each given area of the syllabus.

SYLLABUS	EVIDENCE REFERENCE	ASSESSOR COMMENT/AGREEMENT	MODERATOR COMMENT/AGREEMENT
<b>Fundamentals of the law of Contract - Detailed Knowledge</b>			
<ul style="list-style-type: none"> <li>Fundamentals of contract formation: voluntary nature, capacity, intention to create legal relations, agreement, subject matter, form</li> </ul>			
<ul style="list-style-type: none"> <li>Formation of contract – offer and acceptance; invitation to treat</li> </ul>			
<ul style="list-style-type: none"> <li>Express and implied terms in relation to business to consumer contracts</li> </ul>			
<ul style="list-style-type: none"> <li>Misrepresentation in relation to business to consumer contracts</li> </ul>			
<b>Working Knowledge</b>			
<ul style="list-style-type: none"> <li>The law of mistake [in Scotland the Law of Error]</li> </ul>			
<ul style="list-style-type: none"> <li>Exclusion and similar clauses in relation to business to Consumer Contracts</li> </ul>			
<ul style="list-style-type: none"> <li>Controls on exclusions and similar clauses at common law and by legislation in relation to business and consumer contracts and non contractual situations.</li> </ul>			

<b>Specific contracts - Working Knowledge</b>			
• The contract for the sale of goods between a business and a consumer			
• Other contracts for the supply of goods and services between a business and a consumer			
• Implied terms in contracts for supply of goods between a business and a consumer			
• Implied terms in contracts for supply of services between a business and a consumer.			
<b>Non-contractual liability - Basic Knowledge</b>			
• Introduction to tort [delict]			
• The action in negligence			
• Liability under the Consumer Protection Act 1987 Part I			
• Third party rights under contracts			

**Indicative legislation:**

The following is a list of legislation relevant to the topics studied on the module. It should be noted that the list is indicative only, not exhaustive, and is subject to change over time. Nor is it suggested that students should learn all parts of each item mentioned; guidance on relevant areas and the level of knowledge required should be taken from the Detailed Syllabus, above.

- Consumer Rights Act 2015
- Misrepresentation Act 1967 – England & Wales only
- Requirements of writing (Scotland) Act 1995 - Scotland only
- Age of Legal Capacity (Scotland) Act 1999 - Scotland only
- Contracts (Rights of Third Parties) Act 1999 England and Wales only
- Consumer Protection Act 1987 Part I
- Part 4A of the Consumer Protection from Unfair Trading Regulations 2008

and Government policy, guidance, reports, practice and papers relevant to this subject area

**Evidence Reference:** Give all your evidence a reference number and allocate the correct reference, which demonstrate the particular aspect of the syllabus. Please use the following for the reflective statement.

**RS = Reflective Statement**