



# **Business and Technology International Campus**

## **B-TIC Level 4 Extended Diploma in Law**

**Qualification Specification**



**Version - 02 - 2024**

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# Changes of Specification with Previous Version

<b>Previous Version Number</b>	01	<b>Current Version Number</b>	02
<b>Summary of Changes</b>			<b>Page number</b>
N/A			N/A

<b>Qualification Title</b>			B-TIC Level 4 Extended Diploma in Law		
<b>Qualification Number (QN)</b>			N/A		
<b>Level</b>			4		
<b>Duration</b>			1 Year		
<b>Grading System</b>			Pass/Resubmission		
<b>Awarding Organization</b>			Business and Technology International Campus		
<b>Credit Value</b>			120		
<b>Total Qualification Time (TQT)</b>	1200	<b>Guided Learning Hours (GLH)</b>	480	<b>Independent Learning Hours (ILH)</b>	720
<b>Entry Requirements</b>			A Level 3 Qualification in law or legal studies or equivalent Learners must be 18 years old or older at the beginning of the Qualification		
<b>Mode of Delivery</b>			Full Time, Part Time, Face to Face Blended Distanced or any other mode that meet the Learner needs without any unlawful or unfair discrimination to any Learner		
<b>Assessment Method</b>			Course work and appropriate methods		
<b>Language of Instruction and Assessment</b>			English		
<b>Placement Requirements</b>			N/A		

# About this Qualification

## Qualification Objectives

1. To provide knowledge, skills and understanding to achieve high performance
2. To assist every Learner a successful completion of the Qualification meeting Learner needs through a variety of delivery modes with the preferred choice of location
3. To allow every Learner a successful completion of Qualification at their own pace
4. To make opportunities to enter employment or to progress in the current employment or to set up a business
5. To make the Learners eligible to progress to Higher Education Qualifications in related fields
6. To provide navigation map for Professional Body memberships

## Meeting the Qualification Objectives

1. Teaching and assessing up to date skill, knowledge and understanding for higher performance
2. Assisting a range of delivery and learning assessment modes
3. Allowing flexible timeframes and duration to compete the Qualifications
4. Help to ground in employment or to progress in current employment as Learners apply to diversified roles and responsibilities in the relevant industry and to help start up businesses of their preferred choice
5. Developing University partnerships and developing academic skills for Learners and helping appropriate Unit selection to advanced entry progression to Higher Education in Universities
6. Assisting progression to professional Qualifications from Professional Bodies.

## Developing Transferable Skills

Transferable skills (Employability skills) are core to improve the career prospect and personal professional development of Learners.

Business and Technology International Campus Qualifications intend to develop the following transferable skills:

### Problem-solving skills

- Critical thinking
- Creative skill to solve routine and non-routine problems
- Digital technology skills

### Independent skills

- Self-awareness and self-management
- Adaptability and resilience
- Reflection
- Planning and
- Prioritising

### Interpersonal skills

- Leadership skills
- Communication skills
- Presentation skills
- Team-ability skills
- Negotiating skills

**Commercial skills**

- Awareness of the relevant industry sector
- Understanding customer needs
- Finance and Budgeting
- Management Skills

# Qualification Framework

Business and Technology International Campus commits all the necessary actions to design its Qualification in accordance with Framework for Higher Education Qualifications (FHEQ) in England, Wales and Northern Ireland, Regulated Qualifications Framework (RQF), Quality Assurance Agency (QAA), Subject Sector Benchmarks and European Qualification Framework. Further Business and Technology International Campus sought to design the Qualification in accordance with relevant Professional Body's requirements.

## Equivalences

B-TIC Level 4 diplomas have been designed equivalent to Level 4 of Regulated Qualifications Framework (RQF).

**Collaboration in Qualification Design**

Learners completing Business and Technology International Campus Qualifications may enter employments or progress to Higher Education. Thus our Qualifications are designed in collaboration with employers, Universities, Higher Education Institutes, professionals, Professional Bodies, businesses and educational institutions, Learners and Centres to ensure that Qualifications meet needs and expectations of stakeholders.

## Progression

Business and Technology International Campus develop articulation arrangements with Universities locally and internationally that provide advanced entry for Business and Technology International Campus Learners from Level 3 to Level 8. However University admission criteria may change time to time and remain at the discretion of them.

On successful completion of the B-TIC Level 4 Extended Diploma in Law Learners may:

- Progress to B-TIC Level 5 Extended Diploma in Law
- Find an employment
- Continue current employment with progressive competencies
- Commit to Continuing Professional Development (CPD) and
- Start a career related to Law field

# Prior Learning Assessment and Recognition (PLAR)

PLAR is where Learners can meet entry criteria to be eligible to meet the entry requirement of the Qualification or Unit assessment through skill, knowledge and understanding which they already possess.

PLAR can be referred by different institution as follows:

- Accreditation of Prior Learning (APL)
- Accreditation of Prior Achievement (APA)
- Accreditation of Prior Experiential Learning (APEL)
- Accreditation of Prior Learning and Achievement (APLA)

Business and Technology International Campus has developed PLAR Policy that allow Learners to skip formal learning which Learner already possess with appropriate demonstration as per the B-TIC PLAR Policy.

# Equality and Diversity

In accordance with the B-TIC Equality and Diversity Policy, Business and Technology International Campus offers equal opportunity to all Learners without regard to age, disability, gender, marital status, civil partnership, pregnancy, maternity, race, colour, nationality, ethnicity, national origins, religion, sexual orientation, or any other basis.

When a certain certification's characteristic disadvantages a particular set of Learners, we explicitly state this in the qualification specification.

## Qualification Structure

The B-TIC Level 4 Diploma in Law consists of 4 mandatory Units:

Unit Number	Core Units	Credit	TQT	GLH	ILH
4EDIL1	English Legal System	30	300	120	180
4EDIL2	Criminal Law	30	300	120	180
4EDIL3	Contract Law	30	300	120	180
4EDIL4	Public Law	30	300	120	180

## Total Qualification Time (TQT)

Total Qualification Time (TQT) is the total number of hours a learner commits to engage on all forms of activities that demonstrate their mastery of a particular Qualification's Learning Outcomes.

TQT consists of “Guided Learning Hours” (GLH) activities and all the other forms of “Independent Learning Hours” (ILH) activities.

## Guided Learning Hours (GLH)

Guided Learning Hours (GLH) are the estimated time duration that the Learner is guided to learn in facilitation of Lecturers, Supervisors, Tutors, Trainers and facilitated workshops (hereafter called “FACILITATORS”) etc., for Learners enabling to complete Unit Learning Outcomes at the appropriate standard.

GLH counts real time activities completed by the Learner under direct instruction, supervision and / or immediate guidance) via Physical or Virtual Attendance such as:

- Assignments Reviews
- Building a poster with facilitator
- Classroom-based learning supervised by a teacher
- Class room lectures
- Class room discussions
- E-learning supervised by a teacher in real time
- E-mail conversations
- Formative assessment and feed back
- Invigilated examinations or assessments
- Interview
- Learner feedback with a teacher in real time
- Live webinar or telephone tutorial with a teacher in real time

- Presentation and feedback
- Personal meetings
- Professional discussions
- Question and answer sessions
- Reviewing cases with lecturers
- Supervised induction sessions
- Supervised independent learning
- Supervised literature review
- Summative assessment and feedback
- Work-based learning supervised by a teacher

All other forms of learning activities that are under immediate guidance, instruction, observation or supervision of a facilitator may be counted into Guided Learning Hours (GLH).

## Independent Learning Hours (ILH)

“Independent Learning Hours” (ILH) are hours of learning activities that Learners undertake without direct instruction, supervision or immediate guidance.

Depending on the Qualifications and level of Qualifications, a number of autonomous learning activities without direct instruction, supervision, or immediate guiding of the facilitator may occur, such as:

- Independent preparation for classes
- Independent reading and research
- Independent work on projects and work-based learning
- Independent compilation of a portfolio of work experience
- Independent e-learning
- Independent e-assessment
- Independent coursework
- Independent watching of a pre-recorded podcast or webinar
- Independent discussion
- Independent voluntary work

Any other form of learning, education or training, in absence of direct instruction, supervision or immediate guidance of facilitator may be counted as Independent Learning Hours (ILH).

## Credit

A Learner who has studied and evaluated the Learning Outcomes of a Unit at a particular level standard of a Qualification will receive the specified number of credits, according to the credit value.

The awarded credits are recorded in a credit transcript that can lead to a Qualification that support the entry to the next progress of Higher Education.

Each credit represents 10 hours of learning time which is equivalent to 10 hours of “TOTAL QUALIFICATION TIME”.

The credit value of the Unit is constant in all contexts regardless of result (Pass or Resubmission), the assessment method or the mode of delivery.

Learners will only be awarded credits for the successful completion of the whole Unit.

Specific requirement of individual Learners and the differing delivery styles that may cause variation in the actual time to complete a Qualification thus values for Total Qualification Time, Guided Learning Hours, Independent Learning Hours and Credit are estimates.



# Unit Specifications

# English Legal System

<b>Unit Title</b>	English Legal System
<b>Unit Code</b>	4EDIL1
<b>Unit Level</b>	Level 4
<b>Credit Value</b>	30
<b>Guided Learning Hours</b>	120
<b>Independent Learning Hours</b>	180
<b>Unit Type</b>	Core
<b>Grading System</b>	Pass / Resubmission

## Unit Aims

- To understand the different sources of law in the English Legal System
- To understand the structure of the legal interpretation
- To understand the civil and criminal justice systems and the judiciary system
- To understand the Alternative Methods of Dispute Resolution (ADR)

## Assessment

Assignment briefs are part of this Unit specification and available to all the Centres and Learners. Centres assess all the Units internally and Business and Technology International Campus externally verify for quality assurance

<b>Learning Outcomes to meet</b>	All 4 Learning Outcomes
<b>Assessment Criteria to cover</b>	All ACs of each Learning Outcome
<b>Assessment method</b>	Course work and appropriate methods
<b>Word count</b>	Minimum 4500 words approximately

On completion of this Unit the Learner should:

<b>LO - 01</b>	<b>Be able to understand the different sources of law in the English Legal System</b>
AC – 1.1	Compare and contrast primary and secondary legislations
AC – 1.2	Illustrate the order of precedence found in legislative sources and case law
AC – 1.3	Analyse the process of the making of Primary and Secondary Legislations
AC – 1.4	Explain the impact of European Convention on Human Rights and The Human Rights Act 1998 on the UK legal system
<b>LO - 02</b>	<b>Be able to understand the structure of the legal interpretation</b>
AC – 2.1	Distinguish between <i>ratio decidendi</i> and <i>obiter dicta</i>
AC – 2.2	Differentiate between binding and persuasive precedents
AC – 2.3	Illustrate the operation of literal, golden and purposive rules of statutory interpretation
AC – 2.4	Examine the constitutional responsibility of the judiciary in relation to statutory interpretation
<b>LO - 03</b>	<b>Be able to understand the civil and criminal justice systems and the judiciary system</b>
AC – 3.1	Describe the hierarchy of the courts system
AC – 3.2	Distinguish between the different legal roles, function and the specific qualification requirements essential for legal professionals
AC – 3.3	Explain the difference between first instance and appellate courts
AC – 3.4	Analyse the change of the Constitutional Reform Act 2005 made to the head of the judiciary of England and Wales
<b>LO - 04</b>	<b>Be able to understand the Alternative Methods of Dispute Resolution (ADR)</b>
AC – 4.1	Compare and contrast the different forms of ADR
AC – 4.2	Distinguish the benefits and the drawbacks of the different forms of ADR
AC – 4.3	Explain the role of the Crown protection Service
AC – 4.4	Examine the latest reforms to the civil justice process

## Unit Teaching Content:

<b>Learning Outcome - 01: Be able to understand the different sources of law in the English Legal System</b>
AC – 1.1 Compare and contrast primary and secondary legislations
Introduction to the English Legal System; introduction to the sources of law: Law made by Parliament, Law decided in the courts, EU Law, ECHR; classification of Law: common law and statute law, public and private law, civil and criminal law
AC – 1.2 Illustrate the order of precedence found in legislative sources and case law
Methods of legal reasoning covering precedent and statutory interpretation; statutory sources and case laws; basic structures of civil and criminal justice; structure of the Parliament/Statute; Structure of Case Law
AC – 1.3 Analyse the process of the making of Primary and Secondary Legislations
Constitutional principles: the separation of powers, the sovereignty of Parliament; Who can make the Primary and Secondary Legislations and how: draft bill, green paper, white paper, Royal Assent; first reading; second reading etc; Act of Parliament; Statutory instruments; Bylaws; The power to make delegated legislation; Substantive <i>ultra vires</i> ;
AC – 1.4 Explain the impact of European Convention on Human Rights and The Human Rights Act 1998 on the UK legal system
The rule of law; substantive and procedural law; European Convention on Human Rights and The Human Rights Act 1998; The Impact of the Human Rights Act
<b>Learning Outcome - 02: Be able to understand the structure of the legal interpretation</b>
AC – 2.1 Distinguish between <i>ratio decidendi</i> and <i>obiter dicta</i>
Doctrine of judicial precedent: the concept of binding precedent, binding and persuasive precedents, vertical and horizontal precedent; <i>ratio decidendi</i> and <i>obiter dicta</i> ; role of the judiciary in the operation of precedent;
AC – 2.2 Differentiate between binding and persuasive precedents
Doctrine of judicial precedent: the concept of binding precedent, binding and persuasive precedents, vertical and horizontal precedent; <i>ratio decidendi</i> and <i>obiter dicta</i> ; role of the judiciary in the operation of precedent;
AC – 2.3 Illustrate the operation of literal, golden and purposive rules of statutory interpretation
What is statutory interpretation and its importance; approaches to interpretation: the literal rule (Fisher v Bell), the golden rule (Adler v. George), the mischief rule (Corkery v. Carpenter), purposive interpretation (Regina v. Secretary of State for Health ex parte Quintavalle (on behalf of Pro-Life Alliance)- 2003)
AC – 2.4 Examine the constitutional responsibility of the judiciary in relation to statutory interpretation
Statutory Interpretation and Constitutional Legislation; Parliamentary sovereignty; General approaches to statutory interpretation; Constitutional role of the judiciary; The Constitutional Reform Act 2005; The rule of law; Judicial review

<b>Learning Outcome - 03: Be able to understand the civil and criminal justice systems and the judiciary system</b>
AC – 3.1 Describe the hierarchy of the courts system
The court system; civil and criminal cases; hierarchy of courts: Supreme Court and the Court of Appeal, Criminal Division, Civil Division
AC – 3.2 Distinguish between the different legal roles, function and the specific qualification requirements essential for legal professionals
The function of different legal roles; the distinction between barristers, solicitors, legal executives, paralegals, the qualification requirements, and their specific rights and duties and forms of practice; Parliamentary and governmental efforts to widen access to the legal profession
AC – 3.3 Explain the difference between first instance and appellate courts
Introduction to first instance and appellate courts; meaning of appellate jurisdiction; difference between first instance and appellate jurisdiction; role of appellate jurisdiction;
AC – 3.4 Analyse the change of the Constitutional Reform Act 2005 made to the head of the judiciary of England and Wales
The changes made by the Constitutional Reform Act 2005; new supreme court; the Judicial Appointments Commission; Arrangements to modify the office of Lord Chancellor; The Rule of Law

<b>Learning Outcome - 04: Be able to understand the Alternative Methods of Dispute Resolution (ADR)</b>
AC – 4.1 Compare and contrast the different forms of ADR
What is ADR; Forms of ADR: mediation, arbitration, and neutral evaluation, benefits and drawbacks of ADR,
AC – 4.2 Distinguish the benefits and the drawbacks of the different forms of ADR
What is ADR; Forms of ADR: mediation, arbitration, and neutral evaluation, benefits and drawbacks of ADR,
AC – 4.3 Explain the role of the Crown protection Service
The role of the Crown Prosecution Service; The police force; the duty and the powers of the Police: Pre Arrest Powers, police detention, powers to search premises
AC – 4.4 Examine the latest reforms to the civil justice process
Reforms to the civil justice process: The Lord Chancellor of England and Wales, Lord Woolf, Civil Procedure Rules (CPR) 1999; Miscarriages of Justice: Prevention of Terrorism Act of 1974 (PTA), 'The Guildford Four', the Maguire Seven, Birmingham Six case

## Essential Reading and Resource List

### Core Text books

- Bailey, S. and Gunn, M. (2002) *Smith and Bailey on the Modern English Legal System*. 2nd ed. London: Sweet & Maxwell.
- Elliott, C. and Quinn, F (2010) *English Legal System*. 11th ed. England: Pearson.
- Slapper, G. and Kelly, D. (2014) *The English Legal System*. 15th ed. Abingdon: Routledge.

### Additional Reading

- Decker, C. (2021) Reform and ‘modernisation’ of legal services in England and Wales: motivations, impacts and insights for the OECD PMR Indicators. Available at: <https://www.oecd.org/competition/reform/Reform-and-modernisation-of%20legal-services-in-England-and-Wales.pdf>.
- The Judiciary of England and Wales. (2019) The Civil Justice System in a Time of Change. Available at <https://www.judiciary.uk/wp-content/uploads/2019/01/lclcba-lecture-jan-2019.pdf>.
- The Law Society of Scotland. (n.d) Fair Access to the Legal Profession. Available at: <https://www.lawscot.org.uk/media/6187/fair-access-for-publication-300114.pdf>.
- UK Parliament (2022). Judgments- White and Others v. Chief Constable of South Yorkshire and Others. Available at <https://publications.parliament.uk/pa/ld199899/ldjudgmt/jd981203/white01.htm>
- Zander, M. and Henderson, P. (1993) *Crown Court Study*. London: HMSO.

### Websites:

- Website of the judiciary of England and Wales - [www.judiciary.gov.uk](http://www.judiciary.gov.uk)
- Website of the Ministry of Justice - [www.gov.uk/government/organisations/ministry-of-justice](http://www.gov.uk/government/organisations/ministry-of-justice)
- Website of the UK Parliament - [www.parliament.uk](http://www.parliament.uk)
- Law Society - [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

# Criminal Law

<b>Unit Title</b>	Criminal Law
<b>Unit Code</b>	4EDIL2
<b>Unit Level</b>	Level 4
<b>Credit Value</b>	30
<b>Guided Learning Hours</b>	120
<b>Independent Learning Hours</b>	180
<b>Unit Type</b>	Core
<b>Grading System</b>	Pass / Resubmission

## Unit Objectives:

- To understand the elements of criminal law
- To understand the different types of offences in criminal law
- To understand the defences and the application of defences in criminal law
- To understand the principles of non fatal offences
- To understand property offences

## Assessment

Assignment briefs are a part of this Unit Specification and available to all the Centres and Learners. Centres assess all the Units internally and Business and Technology International Campus externally verify for quality assurance

<b>Learning Outcomes to meet</b>	All 5 Learning Outcomes
<b>Assessment Criteria to cover</b>	All ACs of each Learning Outcome
<b>Assessment method</b>	Course work and appropriate methods
<b>Word count</b>	Minimum 4500 words approximately

On completion of this Unit the Learner should:

<b>LO - 01</b>	<b>Be able to understand the elements of criminal law</b>
AC – 1.1	Analyse the elements of criminal law
AC – 1.2	Examine the capacity to commit a crime
AC – 1.3	Evaluate the functions of criminal punishment
AC – 1.4	Critique the arguments in favour and against strict liability
<b>LO - 02</b>	<b>Be able to understand the different types of offences in criminal law</b>
AC – 2.1	Examine the components of murder
AC – 2.2	Distinguish between voluntary and involuntary manslaughter
AC – 2.3	Explain the term ‘legal causation’ and ‘joint enterprise’
AC – 2.4	Illustrate the application of constructive and gross negligence manslaughter
<b>LO - 03</b>	<b>Be able to understand the defences and the application of defences in criminal law</b>
AC – 3.1	Assess the specific and general defences
AC – 3.2	Examine the M’Naghten rules for defences
AC – 3.3	Illustrate the application of the defences of insanity, automatism, duress, mistake and intoxication
<b>LO - 04</b>	<b>Be able to understand the principles of non fatal offences</b>
AC – 4.1	Examine the nature of non-fatal offences against the person
AC – 4.2	Analyse the types of inchoate offences
AC – 4.3	Compare and contrast between accomplices and secondary parties and derivative
<b>LO - 05</b>	<b>Be able to understand property offences</b>
AC – 5.1	Assess the components of property offences
AC – 5.2	Compare and contrast between theft, robbery and burglary
AC – 5.3	Explain the general offences of fraud
AC - 5.4	Examine the defences for property offences



## Unit Teaching Content:

<b>Learning Outcome - 01: Be able to understand the elements of criminal law</b>
AC – 1.1 Analyse the elements of criminal law
<p>What is criminal law; role and nature of criminal law; sources of criminal law; actus reus and mens rea = criminal offence (Woolmington v DPP - 1935); types of actus reus: action crimes, state of affairs crimes, result crimes, R v Larsonneur; causation; omission; s. 8 of the Criminal Justice Act 1967;</p> <p>Elements of criminal law: actus reus and mens rea; the need for coincidence between both elements, meaning of causation, remoteness principles; Foresight as a mere evidence of intention</p> <p>Principles of criminal law: Criminal Act, Criminal Intent, Concurrence, Causation, Responsibility, Defences; categories of crime: Felonies and Misdemeanours; criminal procedure and evidence</p> <p>Mens rea: Intention (R v Woollin - 1998, recklessness (MPC v Caldwell); Foresight and mens rea; Negligence in criminal law: McCrone v Riding (1938), House of Lords' judgment of R v Adomako (1994)</p>
AC – 1.2 Examine the capacity to commit a crime
<p>Burden of Proof: Woolmington v DPP (1935), Salabiaku v France (1991); the burden of production and the burden of persuasion; Burden of Proof in a Civil and criminal cases; Capacity to commit crimes: s13 of the Criminal Code, Balance of Probabilities, capacity and responsibility, infants, insanity</p>
AC – 1.3 Evaluate the functions of criminal punishment
<p>Function of criminal punishment: incapacitation, retribution, deterrence, rehabilitation; Role of Crown Prosecution Service</p>
AC – 1.4 Critique the arguments in favour and against strict liability
<p>Crimes of strict liability (Gammon (Hong Kong) Ltd v Attorney-General - 1985); four factors: The wording of the Act, Issue of social concern, Regulatory offence, The smallness of the penalty; Arguments in favour of strict liability; Arguments against strict liability</p>
<b>Learning Outcome - 02: Be able to understand the different types of offences in criminal law</b>
AC – 2.1 Examine the components of murder
<p>Unlawful homicide: murder, voluntary manslaughter and involuntary manslaughter; Murder: components of murder, Actus reus (Intent) and Mens rea (Purpose), Concurrence, Causation and Harm; Factual causation: 'But For' Test and De minimis test;</p>

### AC – 2.2 Distinguish between voluntary and involuntary manslaughter

Voluntary manslaughter: Adequate and Inadequate Provocation, Concurrence of the Killing and the Heat of Passion; Misdemeanour Manslaughter; The Homicide Act 1957, s. 3; The objective test; Burden of proof; diminished responsibility: The defence of diminished responsibility was created by s. 2 of the Homicide Act 1957

Involuntary manslaughter; Gross Negligence Manslaughter: Death of human being caused by defendant, risk of death, gross negligence, breach of duty of care, (R v Adomako - 1994);

### AC – 2.3 Explain the term ‘legal causation’ and ‘joint enterprise’

Legal causation: The original injury was an operative and significant cause of death, The intervening act was reasonably foreseeable, The ‘thin skull’ test Foresight and causation (R v Corbett - 1996); Joint enterprise; Proposals for reform: Review of murder, Abolish mandatory life sentence, Abolish murder and manslaughter distinction; Euthanasia

### AC – 2.4 Illustrate the application of constructive and gross negligence manslaughter

Application of constructive and gross negligence manslaughter; criticism of gross negligence manslaughter; Vehicular Manslaughter; s. 1 of the Road Traffic Act 1988; R v Skelton (1995); Milton v DPP (2007); Road Safety Act 2006; Reforms of involuntary manslaughter: Home Office Proposals

## Learning Outcome - 03: Be able to understand the defences and the application of defences in criminal law

### AC -3.1 Assess the specific and general defences

Complete and partial defences; General and specific defences; Insanity (R v Dickie - 1984); automatism: Involuntary act (Bratty v Attorney-General for Northern Ireland - 1963), External cause (Quick and Hennessy) , Self-induced automatism (R v Bailey - 1983); Mistake and *mens rea*; Intoxication (R v Coley, McGhee and Harris - 2013); Involuntary intoxication; duress: Duress by threats, Voluntary exposure to duress, Duress of circumstances; Mistake; Consent: An informed consent, Capacity to consent

### AC – 3.2 Examine the M’Naghten rules for defences

The M’Naghten rules: Defect of reason, Disease of the mind, The nature and quality of the act, Knowledge that the act was wrong

### AC – 3.3 Illustrate the application of the defences of insanity, automatism, duress, mistake and intoxication

Complete and partial defences; General and specific defences; Insanity (R v Dickie - 1984); automatism: Involuntary act (Bratty v Attorney-General for Northern Ireland - 1963), External cause (Quick and Hennessy) , Self-induced automatism (R v Bailey - 1983); Mistake and *mens rea*; Intoxication (R v Coley, McGhee and Harris - 2013); Involuntary intoxication; duress: Duress by threats, Voluntary exposure to duress, Duress of circumstances; Mistake; Consent: An informed consent, Capacity to consent

<b>Learning Outcome - 04: Be able to understand the principles of non fatal offences</b>
AC – 4.1 Examine the nature of non-fatal offences against the person
Nature of Non-fatal offences: Assault, battery, GBH; Offences Against the Person Act 1861, s. 47; Offences Against the Person Act 1861, s. 20; Offences Against the Person Act 1861, s. 18
AC – 4.2 Analyse the types of inchoate offences
Types of inchoate offences: Incitement, Attempting to commit an offence, Recklessness, Conspiracy  Rape: The defendant, The victim, Sexual intercourse, Absence of victim's consent s. 74 of the Sexual Offences Act 2003; Capacity to consent; Consent obtained by deception; The burden of proof; Section 75 of the Sexual Offences Act 2003; The rebuttable presumption; The irrebuttable presumption; Assault by penetration is defined in s. 2 of the Sexual Offences Act 2003; Section 3 of the Sexual Offences Act 2003 -sexual assault; Sexual offences against children under 13; Sexual offences against children aged 13 to 16; Criticism and reform
AC – 4.3 Compare and contrast between accomplices and secondary parties and derivative
Accomplice Liability; Meaning of assisting or encouraging crime; Accomplice Elements; accomplice act; accomplice intent

<b>Learning Outcome - 05: Be able to understand property offences</b>
AC – 5.1 Assess the components of property offences
Theft: Actus reus, Property, Appropriation, Belonging to another, Mens rea; s.1 of the Theft Act; meaning of dishonesty under s.2(2) of the Theft Act and under the common law (R v Gosh)  Robbery: Actus reus, Mens rea; s.8 and s.9 of the Theft Act 1968  Burglary: Burglary under s. 9(1)(a), Burglary under s. 9(1)(b), Aggravated Burglary; Squatting in a residential building; Blackmail; Handling; Taking without consent; Criminal damage endangering life; Arson;
AC – 5.2 Compare and contrast between theft, robbery and burglary
Theft: Actus reus, Property, Appropriation, Belonging to another, Mens rea; s.1 of the Theft Act; meaning of dishonesty under s.2(2) of the Theft Act and under the common law (R v Gosh)  Robbery: Actus reus, Mens rea; s.8 and s.9 of the Theft Act 1968  Burglary: Burglary under s. 9(1)(a), Burglary under s. 9(1)(b), Aggravated Burglary; Squatting in a residential building; Blackmail; Handling; Taking without consent; Criminal damage endangering life; Arson;

AC – 5.3 Explain the general offences of fraud
General offence of fraud: False representation, Failure to disclose information, Abuse of position; The Fraud Act 2006; reasons for 2006 change from result offences to conduct offences; criticism of the Fraud Act
AC – 5.4 Examine the defences for property offences
Self-defence, defence of property and public defence: Public defence — s. 3 of the Criminal Law Act 1967, Defence of property, Self-defence, Elements of the defence

## Essential Reading and Resource List

### Core Text books

Bergman, P. and Berman-Barrett, S.J. (2007) *The Criminal Law Handbook: Know Your Rights, Survive the System*. 9th ed. CA: Nolo.

Samaha, J. (2014) *Criminal Law*. 11th ed. Belmont: Cengage Learning.

Sangero, B (2006) *Self-Defence in Criminal Law*. Oxford: Hart Publishing.

### Additional Reading

Donald, A., Gordon, J. and Leach, P. (2012) *The UK and the European Court of Human Rights*. Manchester: Equality and Human Rights Commission.

Martin, J. (2014) *Criminal Law: Key Facts Key Cases*. Oxon: Routledge.

Yaffe, G. (2008) *Trying, acting and attempted crimes*. CA: University of South California.

Leverick, F (2008) *Killing in Self-Defence*. Oxford: Oxford University Press.

# Contract Law

<b>Unit Title</b>	Contract Law
<b>Unit Code</b>	4EDIL3
<b>Unit Level</b>	Level 4
<b>Credit Value</b>	30
<b>Guided Learning Hours</b>	120
<b>Independent Learning Hours</b>	180
<b>Unit Type</b>	Core
<b>Grading System</b>	Pass / Resubmission

## Unit Aims

- To understand what is a contract and the prerequisites of a binding contract
- To understand the factors that may affect the validity of a contract/breach of contract
- To understand the remedies available for breach of contracts
- To understand how a contract can be invalidated and the doctrine of frustration

## Assessment

Assignment briefs are a part of this Unit specification and available to all the Centres and Learners. Centres assess all the Units internally and Business and Technology International Campus externally verify for quality assurance

<b>Learning Outcomes to meet</b>	All 4 Learning Outcomes
<b>Assessment Criteria to cover</b>	All ACs of each Learning Outcome
<b>Assessment method</b>	Course work and appropriate methods
<b>Word count</b>	Minimum 4500 words approximately

On completion of this Unit the Learner should:

<b>LO - 01</b>	<b>Be able to understand what is a contract and the prerequisites of a binding contract</b>
AC – 1.1	Compare and contrast between an offer and an invitation to treat
AC – 1.2	Distinguish between a unilateral and a bilateral offer
AC – 1.3	Examine the circumstances where the postal acceptance rules does not operate
AC – 1.4	Assess the essential elements of the concept of ‘consideration’
AC – 1.5	Explain the concept of doctrine of ‘promissory estoppel
<b>LO - 02</b>	<b>Be able to understand the factors that may affect the validity of a contract/breach of contract</b>
AC – 2.1	Distinguish between terms and representations
AC – 2.2	Examine the effects of breach of conditions, warranties and innominate terms
AC – 2.3	Critically examine the process carried out by the court to decide whether an exemption clause is valid or invalid
AC – 2.3	Critically evaluate the doctrine of privity
<b>LO - 03</b>	<b>Be able to understand the remedies available for breach of contracts</b>
AC – 3.1	Differentiate between liquidated and unliquidated damages
AC – 3.2	Critically analyse the measures available for assessing damages
AC – 3.3	Assess the remedies available for fraudulent, negligent and innocent misrepresentation
AC – 3.4	Distinguish the effects of misrepresentation and mistake on a contract
<b>LO - 04</b>	<b>Be able to understand how a contract can be invalidated and the doctrine of frustration</b>
AC – 4.1	Discuss the ways in which a contract may be invalidated
AC – 4.2	Examine the instances where a person may be able to avoid their contractual obligations by claiming economic duress
AC – 4.3	Analyse the doctrine of frustration

Unit Teaching Content:

<b>Learning Outcome - 01: Be able to understand what is a contract and the prerequisites of a binding contract</b>
AC – 1.1 Compare and contrast between an offer and an invitation to treat
Difference between and offer and invitation to treat: <i>Storer v Manchester City Council</i> [1974] 3 All ER 824, <i>Gibson v Manchester City Council</i> [1979] 1 All ER 972; A statement of intention; An invitation to treat: A display of goods is generally an invitation to treat, An advertisement is an invitation to treat where a bilateral contract is anticipated, A request for tenders is an invitation to treat and the tender is the offer, An auctioneer’s request for bids is an invitation to treat
AC – 1.2 Distinguish between a unilateral and a bilateral offer
Difference between and offer and invitation to treat: <i>Storer v Manchester City Council</i> [1974] 3 All ER 824, <i>Gibson v Manchester City Council</i> [1979] 1 All ER 972; A statement of intention; An invitation to treat: A display of goods is generally an invitation to treat, An advertisement is an invitation to treat where a bilateral contract is anticipated, A request for tenders is an invitation to treat and the tender is the offer, An auctioneer’s request for bids is an invitation to treat
Exceptions to the need for communication of the acceptance: Where the offeror has waived the requirement of communication, Unilateral offers ( <i>Carlill v Carbolic Smoke Ball Company</i> - 1893)
AC – 1.3 Examine the circumstances where the postal acceptance rules does not operate
Communication and acceptance of an offer; definition of acceptance: by merely expressing gratitude for ‘instructions’ will not constitute acceptance ( <i>Arcadis Consulting v AMEC (BSC)</i> [2016] EWHC 2509 (TCC); Contractual acceptance <i>Brogden v Metropolitan Railway Company</i> - 1877); counter-offer <i>Hyde v Wrench</i> (1840) 49 ER 132; communication of the acceptance: <i>Felthouse v Bindley</i> ; Exceptions to the need for communication of the acceptance: Where the offeror has waived the requirement of communication, Unilateral offers ( <i>Carlill v Carbolic Smoke Ball Company</i> - 1893), The postal acceptance rule ( <i>Adams v Lindsell</i> [1818] 106 ER 250 and <i>Household Fire and Carriage Accident Insurance Co Ltd v Grant</i> [1879] 4 Ex D 216)
The end of an unaccepted offer: revocation, If a condition in the offer is not fulfilled, the offer terminates, Death: if the offeror dies, the offer may lapse, Lapse of an offer
AC – 1.4 Assess the essential elements of the concept of ‘consideration’
Consideration; The definition of consideration: Consideration must be ‘sufficient’ but need not be ‘adequate’; Existing obligations as good consideration: Obligations which arise under the law, independently of any contract, Obligations which are owed under a contract with a third party, Obligations to perform an existing obligation under a contract to the same contracting party; Past consideration ( <i>Re McArdle</i> - 1951)
AC – 1.5 Explain the concept of doctrine of ‘promissory estoppel’
Promissory estoppel; The limitations on promissory estoppel

<b>Learning Outcome - 02: Be able to understand the factors that may affect the validity of a contract/breach of contract</b>
AC -2.1 Distinguish between terms and representations
What are terms and representations; Incorporating terms into oral contracts; Written contracts: The rule in L'Estrange v Graucob, The parol evidence rule; Sources of terms: express terms, implied Terms; Collateral contracts
AC -2.2 Examine the effects of breach of conditions, warranties and innominate terms
Conditions and warranties; The effect of a breach: The breach of a warranty only entitles the innocent party to damages, The breach of a condition results in a choice for the innocent party; Innominate terms – the Hong Kong Fir approach; Approaches taken by the courts in distinguishing between types of terms Breach of a warranty: damages; Breach of a condition: repudiation or damages
AC -2.3 Critically examine the process carried out by the court to decide whether an exemption clause is valid or invalid
Exemption clauses: limitation clauses – where a party limits liability in a contract, exclusion clauses – where a party tries to avoid any liability at all in a contract; Incorporation; Construction: The main purpose rule, The contra proferentem rule, An overriding oral statement, An overriding misrepresentation; Legislation: The Unfair Contract Terms Act 1977, The Unfair Terms in Consumer Contract Regulations 1999; Consumer Rights Act 2015
AC -2.4 Critically evaluate the doctrine of privity
The rule of privity; Established exceptions to the doctrine of privity of contract: Statutory exceptions, Agency, Collateral contracts, Covenants which run with the land; The Contracts (Rights of Third Parties) Act 1999

<b>Learning Outcome - 03: Be able to understand the remedies available for breach of contracts</b>
AC – 3.1 Differentiate between liquidated and unliquidated damages
Damages can be: Liquidated (where a fixed amount is set by the parties), Unliquidated (where the court decides the amount of the award); Liquidated damages may be: substantial (a normal claim), nominal (a minimum amount), exemplary (an unusually large amount)
AC – 3.2 Critically analyse the measures available for assessing damages
Damages: compensatory and non compensatory; Assessing damages: Expectation damages, Reliance damages, Restitution; Measures for assessing damages: remoteness, causation, mitigation; where damages are claimed must have caused a loss to claimant; claimant must show they were induced by the claim to enter into contract; statement must have been false (fraudulent, negligent or innocent)



AC – 3.3 Assess the remedies available for fraudulent, negligent and innocent misrepresentation
Remedies for Fraudulent misrepresentation (Derry v Peek - 1889); Remedy for Non-fraudulent misrepresentation; The Misrepresentation Act 1967; Indemnity; Rescission; damages
AC – 3.4 Distinguish the effects of misrepresentation and mistake on a contract
Effects of misrepresentation and mistake: mistake (common, mutual, unilateral); effects (rescission, void ab initio, voidable, unenforceable)

**Learning Outcome - 04: Be able to understand how a contract can be invalidated and the doctrine of frustration**

AC – 4.1 Discuss the ways in which a contract may be invalidated
Vitiating factors: Duress – threats which leave no alternative, Undue influence – plain unfair pressure, Misrepresentation – they lied to me, Mistake – we got it wrong, Illegality – a contract to break the law; the doctrine of duress: Cumming v Ince (1847), Kauffman v Gerson (1904); Williams v Roffey (1990); development of economic duress; Undue influence: Where there is no special relationship between the parties, Where a fiduciary relationship exists; Four factors of a breach of contract: performance, agreement, breach, frustration; Breach: Where one party fails to perform their contractual obligations
AC – 4.2 Examine the instances where a person may be able to avoid their contractual obligations by claiming economic duress
Doctrine of duress: the development of the Doctrine of Duress; economic duress
AC – 4.3 Analyse the doctrine of frustration
Doctrine of frustration; The Law Reform (Frustrated Contracts) Act (1943)

**Essential Reading and Resource List**

**Core Text books**

Anson, W. (2008) *Principles of the English contract law*. Oxford: Clarendon Press.  
 Chapman, M. (2007) *Contract Law*. 4th ed. Devon: Willion.  
 Elliot, C. and Quinn, F. (2007) *Contract Law*. 7th ed. Harlow: Pearson.

**Additional Reading**

Andrews, N. (2011). *Contract law*. Cambridge: Cambridge University Press.  
 Cartwright, J. (2007). *Contract law*. Oxford: Hart Publishing.  
 Finch, E. and Fafins, S. (2017) *Contract Law*. 5th ed. Harlow: Pearson Education.  
 McKendrick, E. (2007) *Contract Law: Text, Cases and Materials*. 5th ed. Oxford: Oxford University Press.  
 Paterson, J., Robertson, A. & Heffey, P., (2005). *Principles of Contract Law*. 2nd Edition. Melbourne: Thomson Law Book Co.

# Public Law

<b>Unit Title</b>	Public Law
<b>Unit Code</b>	4EDIL4
<b>Unit Level</b>	Level 4
<b>Credit Value</b>	30
<b>Guided Learning Hours</b>	120
<b>Independent Learning Hours</b>	180
<b>Unit Type</b>	Core
<b>Grading System</b>	Pass / Resubmission

## Unit Aims

- To understand the UK constitution
- To understand the roles of the legislature, the executive and the judiciary
- To understand the concept of the rule of law and Parliamentary sovereignty
- To understand the composition of the UK governments and procedures of the judicial review

## Assessment

Assignment briefs are part of this Unit specification and available to all the Centres and Learners. Centres assess all the Units internally and Business and Technology International Campus externally verify for quality assurance

<b>Learning Outcomes to meet</b>	All 4 Learning Outcomes
<b>Assessment Criteria to cover</b>	All ACs of each Learning Outcome
<b>Assessment method</b>	Course work and appropriate methods
<b>Word count</b>	Minimum 4500 words approximately

On completion of this Unit the Learner should:

<b>LO - 01</b>	<b>Be able to understand the UK constitution</b>
AC – 1.1	Explain the origin and the development of the British constitutional system
AC – 1.2	Analyse the role of the UK constitution
AC – 1.3	Compare and contrast the characteristic of the UK constitution
AC – 1.4	Explain the development and the structure of the devolved powers
<b>LO - 02</b>	<b>Be able to understand the roles of the legislature, the executive and the judiciary</b>
AC – 2.1	Compare and contrast the distinct roles of legislature, the executive and the judiciary
AC – 2.2	Analyse the importance of the principle of the separation of powers
AC – 2.3	Examine the changes that was made by the Constitutional Reform Act 2005
<b>LO - 03</b>	<b>Be able to understand the concept of the rule of law and Parliamentary sovereignty</b>
AC – 3.1	Analyse the different theories of 'the rule of law'
AC – 3.2	Examine the relationship between the Human Rights Act 1998 and the rule of law
AC – 3.3	Explain the term 'royal prerogative' and 'Parliamentary sovereignty'
AC – 3.4	Illustrate the passage of an Act of Parliament
<b>LO - 04</b>	<b>Be able to understand the composition of the UK governments and procedures of the judicial review</b>
AC – 4.1	Illustrate the structure and the composition of the Parliament
AC – 4.2	Examine the judicial appointment system
AC – 4.3	Explain the process of the judicial review
AC – 4.4	Analyse the grounds and remedies of the judicial review

## Unit Teaching Content:

<b>Learning Outcome - 01: Be able to understand the UK constitution</b>
AC – 1.1 Explain the origin and the development of the British constitutional system
What is the UK constitution; The beginnings and growth of the British constitutional system; History and the development of the UK constitution; The European Convention on Human rights and the Magna Carta of 1215
AC – 1.2 Analyse the role of the UK constitution
Structure of the UK constitution; Role of UK Constitution; Significance of constitutional conventions in the UK
AC – 1.3 Compare and contrast the characteristic of the UK constitution
Classifications/characteristics of the constitution: Written and unwritten, Rigid and flexible, Republican and monarchical, Unitary and federal; The ‘Westminster model’; Relationship between government and Parliament
AC – 1.4 Explain the development and the structure of the devolved powers
European Communities Act 1972 Acts of Union (with Scotland 1707, and Ireland 1800); Structure of the devolved powers in the UK

<b>Learning Outcome - 02: Be able to understand the roles of the legislature, the executive and the judiciary</b>
AC – 2.1 Compare and contrast the distinct roles of legislature, the executive and the judiciary
The origin of the separation of powers; Separation of powers: legislature, the executive and the judiciary; The distinct roles of the legislature, the executive and the judiciary
AC – 2.2 Analyse the importance of the principle of the separation of powers
UK constitution’s adherence to the separation of powers’ principle; significance of the separation of powers’ principle; the role and function of the judiciary, the issues of independence of the judiciary, the criticism of judicial appointments
AC – 2.3 Examine the changes that was made by the Constitutional Reform Act 2005
The Constitutional Reform Act 2005; The changes made by the Constitutional Reform Act 2005

<b>Learning Outcome - 03: Be able to understand the concept of the rule of law and Parliamentary sovereignty</b>
AC -3.1 Analyse the different theories of 'the rule of law'
The rule of law: Accessibility, clarity and predictability, Application of the law equally to all, subject to objective distinctions, Ministers and public officials should act in good faith, fairly, within their powers and not unreasonably, Protection of human rights, Access to civil justice without excessive cost or delay; Bingham’s eight ‘sub-rules’; Dicey’s description of the rule of law; Criticisms of Dicey

AC -3.2 Examine the relationship between the Human Rights Act 1998 and the rule of law
Protection of the rule of law by the courts; Protection of the rule of law by Parliament; Protection of the rule of law by the Lord Chancellor; relationship between the Human rights act 1998 and the rule of law
AC – 3.3 Explain the term ‘royal prerogative’ and ‘Parliamentary sovereignty’
What is Parliament privilege; Doctrine of implied repeal; Parliament Acts 1911 and 1949; The Act of Union 1706 The Human Rights Act 1998; Parliamentary supremacy and the European Union; The royal prerogative; Limits of Parliamentary sovereignty
AC – 3.4 Illustrate the passage of an Act of Parliament
Passage of an Act of Parliament; The royal prerogative; Limits of Parliamentary sovereignty

<b>Learning Outcome - 04: Be able to understand the composition of the UK governments and procedures of the judicial review</b>
AC – 4.1 Illustrate the structure and the composition of the Parliament
The structure and composition of the Parliament : House of Lords, reforms of the House of Lords, House of Commons; members of the houses
AC – 4.2 Examine the judicial appointment system
What is judicial review; Judicial appointment system; Procedures for conducting judicial reviews The scope and limitations of judicial review; relationship between judicial review and the appeal process
AC – 4.3 Explain the process of the judicial review
The process of the judicial review: pre-action protocol, permission stage, time limits, the right to initiate judicial review
AC – 4.4 Analyse the grounds and remedies of the judicial review
Grounds for review: illegality, relevant / irrelevant considerations, the issue of fiduciary duties, improper purposes, bad faith, irrationality, procedural impropriety; Judicial review remedies: quashing order, prohibiting order, mandatory order, declaration, injunction, interim declaration, substitutionary remedy

## Essential Reading and Resource List

### Text books

Barnett, H. (2011) *Constitutional & Administrative Law*. Oxon: Routledge.

Elliott, C. and Quinn, F (2010) *English Legal System*. 11th ed. England: Pearson.

Slapper, G. and Kelly, D. (2014) *The English Legal System*. 15th ed. Abingdon: Routledge.

### Additional Reading

Anthony, G. (2002) *UK Public Law and European Law*.

Bartlerr, G and Everett, M. (2017) The Royal Prerogative. Available at: <https://researchbriefings.files.parliament.uk/documents/SN03861/SN03861.pdf>

Burrows, N. (2000) *Devolution*. London: Sweet & Maxwell.

Carrol, A. (2009) *Constitutional and Administrative Law*. 5th ed.

Thomas, R. (2000) *Legitimate Expectations and Proportionality in Administrative Law*. Oxford: Hart Publishing.

Ryan, M. and Foster, S. (2014) *Unlocking Constitutional and Administrative Law*. 3rd ed.