

## MODULE SPECIFICATION

1. **Title of the module**

Law of Tort

2. **School or partner institution which will be responsible for management of the module**

Pearson Business School

3. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 4

4. **The number of credits and the ECTS value which the module represents**

15 (7.5 ECTS)

5. **Which term(s) the module is to be taught in (or other teaching pattern)**

The module will always be taught in the first term of a student's studies (whether or not they start in September or January).

6. **Prerequisite and co-requisite modules**

Co-requisite: English Legal System

7. **The programmes of study to which the module contributes**

Certificate of Higher Education

Diploma of Higher Education

LLB (Honours)

LLB Law with Accounting

LLB Law with Business

MLaw (Integrated Masters) Professional Legal Practice

8. **The intended subject specific learning outcomes.**

**On successfully completing the module students will be able to demonstrate:**

**Subject Specific Knowledge and Skills**

1. A knowledge and understanding of the underlying concepts and principles of the law of tort, including those pertaining to: liability in negligence (duty of care; breach; causation, damages; and defences); applied negligence (e.g. employers' and occupiers' liability, product liability); the law of nuisance; and defamation.
2. An ability to apply the law of tort (in both statutory and common law form) to practical business legal problems and recognise potential alternative outcomes and solutions to them in the context of reasoned analysis.

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3. An ability to construct and present a reasoned legal argument, exercising judgment informed by evaluation and analysis of relevant data.
4. An ability to use legal terminology correctly and utilise accepted methods of referencing and citation.

### General Transferable Skills

1. An ability to use the English language accurately and reliably.
2. An ability to communicate the results of their study accurately and reliably.
3. An ability to evaluate simple mathematical data with a view to deriving appropriate conclusions e.g. in relation to quantum of damages.

### 9. A synopsis of the curriculum

The aim of this module is to give students a practical introduction to the law of tort. It aims to introduce them to the key concepts involved in negligence liability, and the areas in which negligence claims most commonly arise in practice. Further, it aims to introduce students to other torts such as nuisance and defamation, which operate under quite different principles whilst still amounting to actionable civil wrongs. Crucially, the module aims to foster in students an understanding of the relevant law they will need to operate effectively in the commercial world. By the end of the module, students should have a solid grounding in the essential principles of the law of tort and a clear appreciation of how to apply these to practical business situations.

### Outline Syllabus

In the course of studying this module, students will cover the following key areas:

1. Negligence liability – including: duty of care (covering contentious areas such as nervous shock and pure economic loss as well as general principles); standard of care and breach; causation (including factual and legal causation); damages; and defences.
  2. Product liability.
  3. Employers' liability – covering both employers' primary and secondary vicarious liability.
  4. Occupiers' liability.
  5. Nuisance – including *Rylands v Fletcher*
10. **Reading List (Indicative list, current at time of publication. Reading lists will be published annually)**

All textbooks and practitioner materials will be updated annually. Textbooks will be held in the latest edition and older editions will be withdrawn.

	<ul style="list-style-type: none"> <li>• <b>Title, author, publisher</b></li> </ul>
<b>Core Text</b>	<ul style="list-style-type: none"> <li>• Tort Law, Elliott, C &amp; Quinn, F, Pearson</li> </ul>
<b>Recommended Reading</b>	<ul style="list-style-type: none"> <li>• Street on Torts, Murphy, J &amp; Witting, C., OUP</li> <li>• Tort Law: text and materials, Lunney &amp; Oliphant, OUP</li> </ul>

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	<ul style="list-style-type: none"> <li>• Blackstones Statutes on Contract, Tort &amp; Restitution, Rose, F, OUP</li> <li>• Tort, Giliker, P, Sweet &amp; Maxwell</li> <li>• Tort, McBride, N &amp; Bagshaw, R, Pearson</li> </ul>
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### 11. Learning and Teaching methods

This module *will be taught by means of a 1 hour lecture and 2 hour seminar for ten weeks.*

**The lecture** is designed to provide an overall context and explanation of the particular topic within the law of tort, drawing out links to past and future areas of study.

Lectures may be viewed live or online. Students may ask questions, in real time if attending live or via electronic means if listening and watching online. It is envisaged that students will have completed introductory reading prior to experiencing the lecture.

**The seminar** is the forum in which students will typically contextualise their independent reading and study, alongside their learning from the lecture, in the context of realistic problem scenarios requiring the application of relevant law to factual disputes. Tutors will use a variety of techniques and pedagogic approaches in seminar delivery, including: tutor led discussion; group / team work; targeted and open questions; moots; debates; presentations (individual and group).

Activity	Notional Hours of Study
Lectures	12 (10+2 revision lectures)
Independent lecture preparation	20
Seminars	20
Independent seminar preparation	50
Group presentation (including use of online discussion forum)	10
Assessment preparation and completion	38 (35 + 3)
Total	150

### 12. Assessment methods.

This module will be assessed in two parts comprising:

Part A - objective testing of 1.5 hours duration (50%);

Part B - a more traditional exam of 1.5 hours duration, in which students will be required to answer 2 questions from a choice of 5 (50%).

Since the learning outcomes tested by each part overlap (see further detail below) an overall pass of 40% will be sufficient to pass the assessment.

#### Rationale

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This methodology reflects two key objectives: firstly, and most importantly, to assess that the learning outcomes set out above have been achieved by the students. Secondly, to align our assessment regime with that proposed by the Solicitors Regulation Authority for the new Solicitors Qualifying Exam.

According to the SRA's recent consultation paper, this assessment will use "Objective testing" to assess "Functioning legal knowledge", with the former defined as requiring "... a candidate to choose or provide a response to questions whose correct answer is predetermined. This might include multiple choice questions, matching questions, assertion/ reason questions or single best answer." They further state that "All assessments will be computer-based and will take place in timed conditions at secure assessment centres."<sup>1</sup>

It is clear that the SRA does not intend objective testing to be a matter of mere recall, noting that the aim is to assess "candidates' ability to draw on sufficient knowledge to practise effectively" and "the application of knowledge and legal processes...Questions will require candidates to identify relevant legal principles and apply them to factual issues to produce a solution which addresses a client's needs."<sup>2</sup>

The proposed assessment methodology combining objective testing with more traditional long form answers to problems question, we feel will combine an assessment of the outcomes of the SQE test with the broader skills outcomes for the module.

### 13. *Map of Module Learning Outcomes (sections 8 & 9) to Learning and Teaching Methods (section 12) and methods of Assessment (section 12)*

Module learning outcome		SS1	SS2	SS3	SS4	GTS1	GTS2	GTS3
Learning/ teaching method	Hours allocated		S	S				
Private Study	108	X			X		X	
Group Study	10				X			X
Lecture	12	X						
Seminar	20	X	X	X	X	X	X	X
Assessment method								
Objective testing (in		X	X		X			X

<sup>1</sup> Consultation, Training for Tomorrow: assessing competence 7 December 2015 at page 58, available at: <http://www.sra.org.uk/sra/consultations/t4t-assessing-competence.page#download>

<sup>2</sup> Ibid.

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<i>exam conditions)</i>								
<i>Examination</i>		X	X	X	X	X	X	X

14. **The Collaborative Partner recognises and has embedded the expectations of current disability equality legislation, and supports students with a declared disability or special educational need in its teaching. Within this module we will make reasonable adjustments wherever necessary, including additional or substitute materials, teaching modes or assessment methods for students who have declared and discussed their learning support needs. Arrangements for students with declared disabilities will be made on an individual basis, in consultation with the Collaborative Partner’s disability/dyslexia student support service, and specialist support will be provided where needed.**

15. **Centre where module will be delivered:**

Pearson College London

**If the module is part of a programme in a Partner College or Validated Institution, please complete sections 17 and 18. If the module is not part of a programme in a Partner College or Validated Institution these sections can be deleted.**

16. **Partner College/Validated Institution:**

Pearson Business School, part of Pearson College

17. **University School responsible for the programme:**

Kent Law School

### FACULTIES SUPPORT OFFICE USE ONLY

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

Date approved	Major/minor revision	Start date of the delivery of revised version	Section revised	Impacts PLOs (Q6&7 cover sheet)