

MODULE SPECIFICATION

1. Title of the module

Introduction to Tort Law – PRSN5116

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

Pearson College London

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

Level 5

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

15 credits (7.5 ECTS)

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

This module can be run in any term: Autumn, Spring or Summer

6. Prerequisite and co-requisite modules

None

7. The programmes of study to which the module contributes

- | | |
|--|-------------------|
| • BA (Hons) Business Management | - Optional module |
| • BA (Hons) Business Management with Finance | -Optional module |
| • BA (Hons) Business Management with Global Industries | -Option module |
| • BA (Hons) Business Management with Law | - Core module |
| • BA (Hons) Business Management with Marketing | - Optional module |

8. The intended subject specific learning outcomes.

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

- 8.1 A systematic knowledge and understanding of the essential principles and rules of liability in negligence, including when a duty of care will be owed to another party and the consequences of breach when it causes actionable damage.
- 8.2 A systematic understanding of the law of nuisance, particularly focusing on the liability of businesses deemed to have created an actionable nuisance and the remedies available to affected parties.
- 8.3 The ability to apply the law of negligence and nuisance (in both statutory and common law form) to complex practical business situations, with a view to avoiding / pre-empting and solving related legal difficulties.
- 8.4 The ability to distinguish between those tortious losses which are deemed consequential upon physical damage and those which are categorised as purely economic, and to identify when the latter may be claimed in a business context.
- 8.5 The ability to discern when negligence liability may attach to a business as an employer or occupier of premises.
- 8.6 An appreciation of the inherent risks involved in litigation and a consequent ability to take a nuanced and reasonable approach to potential legal disputes, drafting appropriately worded advice.
- 8.7 The ability to identify and classify problem situations in terms of rules learnt and identify and apply legal solutions in straightforward tort scenarios.

9. The intended generic learning outcomes.

On successfully completing the module students will be able to:

- 9.1 Read and summarise complex legal materials and state legal principles accurately and succinctly.
- 9.2 Work from primary and secondary sources and use these efficiently to identify appropriate rules of law.
- 9.3 Effectively communicate information, arguments and analysis to specialist and non-specialist audiences.

10. A synopsis of the curriculum

Module Aims

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 the law of negligence and nuisance, including the practical consequences of when a party is deemed to be in breach of a duty of care or to have created an actionable nuisance in various applied business situations.

Crucially, the module aims to foster in students an understanding of the relevant law they will need to operate effectively in the commercial world, as well as to develop the associated skills, such as drafting and negotiation, with which they will be able to apply this knowledge to practical effect.

By the end of the module, learners should have a solid grounding in the essential principles of the law of negligence and nuisance and a clear appreciation of how to apply these to practical business situations.

The focus will be on the law of England and Wales, although other jurisdictional variants of this module may be produced in the future.

Overview of syllabus

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

1. Duty of care – looking at when a party will be deemed to owe a duty of care to another, either following precedent or reasoning from first principle.
2. Standard of care and breach of duty – examining what standard of care a party will be expected to meet in particular situations and when will they be deemed to be in breach of duty.
3. Causation – distinguishing causation in fact (and the “but for” test) from causation in law, and when the chain of causation from breach to damage will be deemed to have been broken.
4. Damage – looking at the governing principles on recovery for losses in tort and distinguishing between consequential and pure economic losses.
5. Defences – analysing when a defendant may defend a claim on the basis of consent, illegality or contributory negligence.
6. The liability of employers – both for their own acts or omissions (primary liability) and for those of their employees (vicarious liability).

7. The liability of occupiers – both to visitors and trespassers – and what businesses may do to avoid incurring liability through their occupation of business premises.
8. Product liability – both at common law and under statute.
9. Nuisance liability – both under public / private nuisance and under *Rylands v Fletcher*.
10. The litigation process – looking at such issues as alternative methods of dispute resolution, payments into court and the role of expert witnesses.

11. Reading List (Indicative list, current at time of publication. Reading lists will be published annually)

- Tort Law by Catherine Elliott and Frances Quinn 10th Ed. (Pearson)
- Law for Business Students by Alix Adams 4th Ed (Pearson)
- Strong, SI and Williams, L., Complete Tort Law: Text, Cases and Materials, Oxford University Press, 2nd Edition, 2011
- Murphy, J and Witting, C., Street on Torts, 12th Edition, Oxford University Press, 2012
- A Casebook on Tort by Tony Weir 9th Ed (Sweet & Maxwell)
- Tort Law: Text and Materials by Lunney and Oliphant 5th Ed (Oxford University Press)
- Blackstone's Statutes on Contract, Tort and Restitution 2016-18 (Oxford University Press)

Extensive reference will be made to case law, statute law and selected monographs and articles available through the Online Learning Environment.

12. Learning and Teaching methods

For full details please see the teaching and learning strategy in the programme specification. Students can study this module in the interactive classes model or the mentored independent model. Those on the former will typically experience one lecture and one seminar each week.

Scheduled Hours:	35
Independent Study Hours:	115
Total Study Hours:	150

13. Assessment methods

13.1 Main assessment methods

The module will be assessed by a

- coursework of a maximum of 2,500 words (75% of grade);
- A 15 minute client briefing exercise (25% of grade).

A pass must be achieved in the coursework element of this assessment in order to pass the module.

13.2 Reassessment methods

MODULE SPECIFICATION

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

Module learning outcome		8.1	8.2	8.3	8.4	8.5	8.6	8.7	9.1	9.2	9.3
Learning/teaching method	Hours allocated										
Private Study	115										
Lectures	10	X	X		X	X	X	X			
Seminars	15	X	X	X	X	X	X	X	X	X	X
Assessment method											
Coursework (Assignment)		X	X	X	X	X	X	X	X	X	X
In class briefing		X									X

15. Inclusive module design

The Collaborative Partner recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/ declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

- a) Accessible resources and curriculum
- b) Learning, teaching and assessment methods

16. Campus(es) or Centre(s) where module will be delivered:

Pearson College London

17. Internationalisation

Reference is made to international comparisons in Tort Law where appropriate.

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.

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18. Partner College/Validated Institution:

Pearson College London

19. University School responsible for the programme:

Kent Business 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)

