

Module 2: Law of Contract

Stage		1					
Semester		1 & 2					
Module Title		LLBH-LC					
Module Number		2					
Module Status		Mandatory					
Module ECTS Credits		15					
Module NFQ level		6					
Pre-Requisite Module Titles		None					
Co-Requisite Module Titles		None					
Capstone Module?		No					
List of Module Teaching Personnel		Ciara Fitzgerald					
Contact Hours				Non-contact Hours			Total Effort (hours)
96 (72) ¹				204 (228)			300
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent Work	
72 (48)			24	30		174 (198)	300
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Examination			Total
Percentage Contribution	50			50			100

Intended Module Learning Outcomes

On successful completion of this module, learners will be able to:

1. Distinguish a legally binding agreement from a non-legally binding agreement in light of the legal requirements for the creation of a valid, enforceable contract;
2. Differentiate between warranties and representation, express and implied terms, valid and invalid terms.
3. Identify various vitiating and voiding factors and the contractual consequences of the existence of such factors;
4. Explain the remedy of damages for a breach of contract;
5. Research legal problems in Contract Law using both hard copy sources and online legal databases.

¹ Part time hours shown in brackets where different from full time hours

6. Apply basic contract law principles to practical, abstract factual situations arising in a legal context
7. Engage in basic legal reasoning and predictive analysis demonstrating knowledge of the principles of contract law

Module Objectives

1. To develop the learner's understanding of the fundamental doctrines and principles of the law of contract;
2. To equip the learner with the ability to identify and explain practical problems that arise in contracts;
3. To develop their knowledge of the various vital factors and circumstances of contractual obligations;
4. To create a clear understanding of the performance of contractual obligations and the discharge of liability;
5. To enable the learner to comprehend and apply the appropriate remedies for breach of contract.

Module Curriculum

- Introduction to the Law of Contract
 - Formation of the Contract
 - Offer, acceptance, consideration, intention to create legal relations
- Formalities in the creation of contracts
 - Statute of Frauds 1695, Sale of Goods Act 1893, and Land and Conveyancing Law Reform Act 2009.
- Consumer protection
 - Sale of Goods Act 1893, Sale of Goods and Supply of Services Act 1980, EC (Unfair Terms in Consumer Contract) Regulations 1995 and Consumer Protection Act 2007.
- Terms of a contract
 - Express terms, parole evidence rule, terms implied in law, terms implied in fact.
- Third party rights
 - Privity of contract
- Capacity to contract
 - Capacity of minors, companies, drunk persons, persons suffering from mental incompetence.
- Vitiating and voiding factors
 - Misrepresentation, mistake, undue influence.
- Discharge of a contract
 - Performance, breach, frustration
- Damages

Reading lists and other learning materials

Primary Reading:

Clarke, R. (2013) *Contract Law in Ireland*. Dublin: Round Hall
Enright, M. (2007) *Principles of Irish Contract Law*. Dublin: Clarus Press
McDermott, P.A. (2001) *Contract Law*. Dublin: Tottel Publishing
Cheshire, Fifoot & Furmston (2012) *Law of Contract*. London: LexisNexis

Secondary Reading:

Beale, H.G., Bishop, W.D. & Furmston, M.P. (2007) *Contract: Cases and Materials*. Oxford: OUP
Clark, R. & Clarke, B. (2008) *Contract Cases and Materials*. Dublin: Gill & Macmillan
Furmston, M.P. (2012) *Cheshire, Fifoot and Furmston's Law of Contract*. Oxford: OUP
McDermott, P. (2014) *Contract Law*. Dublin: Bloomsbury
McKendrick, E. (2012) *Contract Law: Text, Cases, and Materials*. Oxford: OUP
Smith, S.A. (2004) *Contract Theory*. Oxford: OUP
Clarke, R. (2013) *Contract Law in Ireland*. Dublin: Round Hall
Enright, M. (2007) *Principles of Irish Contract Law*. Dublin: Clarus Press
White, F. (2012) *Commercial Law*. Dublin: Round Hall

Module Learning Environment

Accommodation

Lectures and seminars take place in a classroom setting. Participants also have access to online teaching resources and Moodle

Library

All learners have access to an extensive range of “physical” and “remote access” library resources. The library monitors and updates its resources on an on-going basis, in line with the College’s Library Acquisition Policy. Lecturers collaborate with the library in updating reading lists for this course on an annual basis as is the norm with all programmes run by Griffith College.

Module Teaching and Learning Strategy

This module is delivered by means of participative lectures which consist of tutorial-style discussions, group work sessions and exercises. The tutorial-style discussions, group work and exercises focus on specific case law and problem based learning requiring the learner to analyse the law and apply it to practical contract law dispute. The lectures are supplemented by structured on-line resources and reading.

In order to support learners through the exam process they engage in the answering of sample exam questions and correction of their own or peers’ papers, thereby familiarising themselves with the module learning outcomes and marking criteria. Learners also engage

in activities whereby they draft their own exam question in order to recap and consolidate a particular topic.

Module Assessment Strategy

Theoretical knowledge is assessed through submission of a written assignment worth 50%. Learners also take an end of semester closed book exam.

Element No.	Weighting	Type	Description	Module Learning outcomes
1	50%	Assignment	Learners are required to produce a report/write an essay on a particular problem/scenario of Contract Law. This involves an element of legal research and legal reasoning.	5 & 7
2	50%	Exam	The examination consists of a choice of both essay and problem style questions. Essay style questions place emphasis on the learners' demonstrating their understanding of the fundamental elements of the formation of a contract, the different types of terms present in a contract, the impact of vitiating and voiding factors on a contract and the role of damages as a remedy for breach of contract thereby assessing learning outcomes 1, 2, 3 and 4. Problem style questions enable learners to apply principles of contract law to factual scenarios, thereby assessing learning outcomes 6 and 7.	1-4 & 6-7

Sample Assessment with Rubrics - see Annex 2