

WJEC Eduqas GCE AS in
LAW

Component 2 Section A
Law of Contract
Suggested activities



Component 2 Section A – Law of Contract

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Rules of Contract

Key Points:

- Learners should be able to define contract.
- Learners should be able to explain the origins of contract law.
- Learners should be able to explain the function of the law of contract.
- Learners should be able to explain the impact of judicial decisions, legislation and EU provisions relating to contract formation and discharge.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Learners are to explain the difference between a promise and a contract.
2. Learners are to make a list of all the contracts that they have made today. For instance, have they bought anything from a shop, downloaded anything from iTunes or bought something online?
3. Learners are to identify as many reasons as they can think of that indicate the importance of contract law. Learners may need to be helped in identifying reasons and could be asked to consider what would happen if a contractual promise was worthless (e.g. what would the effect if employment contracts or consumer contracts became worthless?). The reasons are to be collated and written on flipchart paper or a spider diagram.

Component 2 Section A –Law of Contract

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Essential requirements of contract

Key Points:

- Learners should be able to explain offer including the requirements of a valid offer, distinguishing offers from invitations to treat, communicating the offer.
- Learners should be able to explain acceptance including the rules of acceptance and the communication of acceptance.
- Learners should be able to explain consideration including the rules of consideration and promissory estoppel.
- Learners should be able to explain the Intention to create legal relations including social and domestic arrangements, and commercial and business agreements.
- Learners should be able to apply the essential requirements of a contract.
- Learners should be able to evaluate the essential requirements of a contract.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
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- Evaluation of the law in order to reach a reasoned conclusion
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- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities

1. Learners are to use the following table and explain the meaning of the different terms.

Term	Meaning
Contract	
Offer	
Invitation to treat	
Acceptance	
Consideration	
Promissory estoppel	
Intention to create legal relations	

2. Learners are to investigate how does the postal rule apply to instant methods of communication; such as fax or email? See the cases: *Entores v Miles Far East Corporation* (1955) *Thomas v BPE Solicitors* (2010).

3. Learners are to consider the following question and draft an answer to it.

The Rare Harry Potter Book

Jeremy owns a rare first edition of Harry Potter and the Philosopher's Stone signed by J K Rowling herself. Jeremy knows Sara likes rare books and he asks her to lunch in a local restaurant where he offers to sell it to her for £10,000. Sara agrees but explains that she needs time to raise the money. Jeremy agrees and promises he will keep the book for her for 10 days. However, if she cannot pay within 10 days, Jeremy makes it clear he will sell it. Sara is so grateful that she pays for both their lunches.

Five days later Jeremy is offered £20,000 for the book by Lousia. He agrees to sell it to her. Sara comes in the next day with the money to buy the book and is very disappointed when Jeremy tells her that he has sold it.

Sara seeks your advice.

4. Read the case of the *BBC v Harper Collins* [2010]

<http://www.bailii.org/ew/cases/EWHC/Ch/2010/2424.html>

What were the facts of the case?

Why was the BBC denied an injunction?

Component 2 – Law of Contract

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Discharge of contract

Key Points:

- Learners should be able to explain discharge by agreement for bilateral agreements and unilateral agreements.
- Learners should be able to explain discharge by breach including for actual breach and anticipatory breach.
- Learners should be able to apply the law on discharge of a contract.
- Learners should be able to evaluate the law on discharge of a contract.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities

1. Learners are to complete the following table and explain the terms.

Term	Meaning
Bilateral agreements	
Unilateral agreements	
Actual breach	
Anticipatory breach	

2. Learners are to research the following three cases:

- *Hochster v De La Tour* [1853]
<http://www.bailii.org/ew/cases/EWHC/QB/1853/J72.html>
- *White & Carter (Councils) Ltd v McGregor* [1961]
<http://www.bailii.org/uk/cases/UKHL/1961/5.html>

What were the key facts of each case?
What was the decision in each case?

Component 2 – The Law of Contract

EXAM LEVEL: A LEVEL

AREA OF STUDY: Remedies

Key Points:

- Learners should be able to describe the types of common law remedies that can be awarded.
- Learners should be able to explain the types of equitable remedies that can be awarded, including specific performance and injunctions.
- Learners should be able to evaluate the limitations on the awarding of remedies under the law of contract.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of misrepresentation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of private areas of law
- Identification and breaking down into constituent parts of the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Class Discussion:

“Evaluate the concept of measuring loss in damages claims for consumers”

Discussion can be facilitated as a debate where one half of the class discusses the positive aspects of the system of measuring damages and the other half discusses the negative aspects. Encourage learners to think about how far the system truly puts the claimant in the position they would have been had the tort not been committed.

2. Learners could be presented with a hypothetical scenario in order to develop their skills of application. An example is provided below:

Anne-Marie, a joiner decides to set up her own business. She contracts with John; a builder, to convert her garage into a workshop. The price is £10,000, and the work is to be completed by 1 March. However, problems with labour and materials mean that John does not finish the work until 1 June. Anne-Marie now wants to know whether she can claim damages to cover:

- (a) *The loss of profit from cancelled joinery jobs for the period between March and June.*
 - (b) *The loss of a special contract she had with a local stately home, to make rather expensive shelving for its library.*
 - (c) *The mental distress which Anne-Marie's inability to get her business up and running has caused to Anne-Marie and her husband, Trevor.*
3. Learners could be split into pairs and set role play scenarios in which one person plays the role of the client and one the role of the legal adviser to advise what damages or remedies would be appropriate in the fictional scenario. The scenarios can be drawn from real cases and newsworthy items.
4. "Damages are normally concerned to compensate the victim of a wrong. They are designed to make good, as far as possible, the pecuniary or non-pecuniary loss suffered by the victim by putting him or her in to as good a position as if no wrong had occurred."
[Source: Law Commission, *Sixth Programme of Law Reform: Damages*]

Learners could be asked to prepare a presentation which explains the way in which contractual rights are perceived more in terms of their breach rather than their performance.

Component 2 Section A: The Law of Tort

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Rules of the Law of Tort

Key Points:

- Learners should be able to explain the origins of the law of tort.
- Learners should be able to explain the different categories of tort.

Provides an opportunity to develop the following skills:

- Analysis of data by identifying the key issues and applying the law in order to form a legal argument.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. The Man on the Clapham Omnibus Activity

Learners are to read Lord Reed's explanation of the 'reasonable man' test in Healthcare at *Home Limited v The Common Services Agency* [2014] UKSC 49 paras 1-4.

https://www.supremecourt.uk/decided-cases/docs/UKSC_2013_0108_Judgment.pdf

What or who is the reasonable person?

2. Learners are to be divided into groups. Each group then investigates one of the following torts:

- Private nuisance
- Defamation
- False imprisonment
- Trespass to land
- Trespass to the person
- *Rule in Rylands v Fletcher*.

Each group then reports back to the other groups with a brief explanation of that tort.

Useful Websites:

YouTube has some interesting examples of people trying to fake an accident such as slipping in a supermarket or being hit by a car.

BBC News has a variety of articles that cover some of the compensation payments made by the NHS.