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**Prescription: 510 Introduction to Commercial Law**


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**Elective prescription**

<b>Level</b>	5
<b>Credit</b>	20
<b>Version</b>	2
<b>Aim</b>	Students will demonstrate knowledge and skills in law relevant to business.
<b>Prerequisites</b>	nil

**Assessment weightings**

Learning outcomes	Assessment weighting %
1. Students will explain core elements of the New Zealand legal system and apply section 5 (1) of the Interpretation Act to a legislative provision.	22
2. Students will apply the basic principles of the Tort of Negligence to a given situation.	8
3. Students will apply the basic principles of the law of contract to given situation(s).	30
4. Students will explain the basic principles of property law and apply relevant provisions of the Sales and Goods Act to given situations.	15
5. Students will apply basic principles of consumer law to given situations.	15
6. Students will demonstrate an awareness of an aspect of a legal topic affecting business in a given situation.	10
<b>Total</b>	<b>100</b>

All learning outcomes must be evidenced; a 10% aggregate variance is allowed.

**Assessment notes**

1. Assessment materials should reflect relevant and current legislation, standards, regulations and acknowledged good industry/business practices.
2. Learning outcome three key element d) the contract type given may be for a sale and purchase, employment, insurance, provision of services or any other relevant business contract.

**Learning outcome one**

Students will explain core elements of the New Zealand legal system and apply section 5 (1) of the Interpretation Act to a legislative provision.

Key elements:

- a) Nature and sources of New Zealand law:
  - law, ethics/morality and societal context
  - Treaty of Waitangi
  - New Zealand Constitution
  - classifications of Law.
- b) Legislation:
  - parliamentary process
  - delegated legislation
  - apply section 5 (1) of the Interpretation Act 1999.
- c) Courts, Common Law and Precedent:
  - overview of the role of courts and tribunals
  - doctrine of precedent within the hierarchy of courts
  - role of case law.

**Learning outcome two**

Students will apply the basic principles of the Tort of Negligence to a given situation.

Key elements:

- a) Vicarious liability.
- b) Either negligent action or negligent misstatement.

**Learning outcome three**

Students will apply the basic principles of the law of contract to given situation(s).

Key elements:

- a) Creation of the contract:
  - intention to create legal relations
  - offer and acceptance
  - consideration.
- b) Vitiating of the contract:
  - capacity of minors and companies
  - consent – contractual misrepresentation and one of:
    - undue influence
    - unconscionable bargains
  - legality – restraint of trade provisions.
- c) Remedies:
  - cancellation (Contractual Remedies Act)
  - damages
  - debt recovery.
- d) Interpretation of contractual terms for a given type of contract:
  - identification of parties and their main obligations
  - dispute resolution or termination clause
  - two other common clauses relevant to the type of contract.

**Learning outcome four**

Students will explain the basic principles of property law and apply relevant provisions of the Sale of Goods Act to given situations.

Key elements:

- a) Land:
  - title to land including indefeasibility
  - basic nature of a lease of land.
- b) Current Sale of Goods Act:
  - provisions for the passing of property and risk
  - terms implied into contracts by the current Sale of Goods Act.

**Learning outcome five**

Students will apply basic principles of consumer law to given situations.

Key elements:

- a) Fair Trading Act 1986:
  - misleading or deceptive conduct
  - false or misleading representations
  - remedies and penalties for breach.
- b) Current Consumer Guarantees Act:
  - application
  - implied guarantees
  - remedies.

**Learning outcome six**

Students will demonstrate an awareness of an aspect of a legal topic affecting business in a given situation.

Key elements:

- a) One of the following topics:
- employment law
  - privacy law
  - law of legal entities
  - ethics and the law
  - intellectual property or competition law
  - societal access to justice system
  - alternative dispute resolution
  - MMP in the commercial environment
  - business, the law and the Treaty of Waitangi
  - law of agency
  - any other current issue.

**Status information and last date for assessment for superseded versions**

<b>Process</b>	<b>Version</b>	<b>Date</b>	<b>Last Date for Assessment</b>
Introduced	1	2006	30 June 2015
Review	2	June 2013	31 December 2020