
PRESCRIPTION: 510 INTRODUCTION TO COMMERCIAL LAW

This prescription replaces *110 Introduction to Commercial Law*.

CORE PRESCRIPTION

LEVEL	5
CREDIT	20
VERSION	1
INTRODUCED	2006
AIM	Students will demonstrate knowledge of commercial law, to enable application of legal reasoning.
PREREQUISITES	Nil

ASSESSMENT WEIGHTINGS

Learning outcomes	Assessment weighting %
1. Students will understand the New Zealand legal system.	22
2. Students will apply the basic principles of the Tort of Negligence.	8
3. Students will apply the basic principles of the law of contract.	32
4. Students will understand the basic principles of consumer law and be able to apply those principles to everyday situations.	28
5. Students will demonstrate an awareness of an aspect of a legal topic affecting business in a given situation.	10
TOTAL	100

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 two does not require assessment of all forms of tortious liability.
3. Learning outcome three key element d) includes the rules of the authority of the agent to bind the principal. This is an important aspect of agency. The phrase 'nature of agency' incorporates 'authority of the agent'.

LEARNING OUTCOME ONE

Students will understand the New Zealand legal system.

Key elements

- a) Nature and sources of New Zealand law:
 - civil and criminal law; private and public law
 - societal context
 - law, ethics and morality
 - Treaty of Waitangi
 - sovereignty of Parliament
 - separation of powers.
- b) Legislation:
 - parliamentary process
 - delegated legislation.
- c) Apply literal rule and purposive approach.
- d) Courts, Common Law and Precedent:
 - courts including the Disputes Tribunal (jurisdiction and hierarchy)
 - doctrine of precedent
 - components of a simple case, and its content.

LEARNING OUTCOME TWO

Students will apply the basic principles of the Tort of Negligence.

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.

Key elements

- a) Creation of the contract:
 - intention to create legal relations
 - offer and acceptance
 - consideration.
- b) Vitiating of the contract:
 - capacity of minors
 - consent – contractual misrepresentation and one of:
 - duress

- undue influence
 - unconscionable bargains.
- c) Discharge and remedies:
- cancellation (current Contractual Remedies Act) and one of :
 - performance
 - frustration
 - accord and satisfaction.
 - one of:
 - specific performance
 - injunction
 - damages.
- d) Law of agency:
- nature of agency including two methods of creation
 - duties between principal and agent.

LEARNING OUTCOME FOUR

Students will understand the basic principles of consumer law and be able to apply those principles to everyday situations.

Key elements

- a) Property:
- real property, personal property, chose in action and chose in possession
 - ownership and possession.
- 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.
- c) Fair Trading Act 1986:
- misleading or deceptive conduct (section 9)
 - false or misleading representations (section 13)
 - remedies and penalties for breach of one of sections 9 or 13.
- d) Current Consumer Guarantees Act:
- application
 - implied guarantees
 - remedies.

LEARNING OUTCOME FIVE

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
- any other current issue.