

Module Title:	Contract Law
Language of Instruction:	English
Credits:	15
NFQ Level:	8
Module Delivered In	3 programme(s)
Teaching & Learning Strategies:	Lectures - communication of knowledge and ideas from the lecturer to the student. Problem Solving Exercises - student will work as part of a team and will work together to resolve various legal scenarios. Class Discussion/Debate - Students will be encouraged to actively participate in the class sessions which will develop their analytical and communication skills. E-Learning - It is envisaged that the module will be supported with on-line learning materials. Self-Direct Independent Learning - the emphasis on independent learning will develop a strong and autonomous work and learning practices.
Module Aim:	The aim of this module is to guide the learner through a course of study, which will enable him/her gain knowledge of the principal theories of contract law. It aims to provide a learning environment, which will enable the student develop the analytical skills required to apply their legal knowledge to various scenarios.

Learning Outcomes	
<i>On successful completion of this module the learner should be able to:</i>	
LO1	Appreciate the legal elements required to form a binding contract and be able to assess and evaluate the impact of these required elements upon various legal scenarios.
LO2	Distinguish between various types of contract terms, understand their relative importance and effect, and appreciate the impact of the distinction between such terms.
LO3	Assess the impact of mistake and misrepresentation on a contract and be able to discuss the approach of the courts to these invalidating factors.
LO4	Critique the concept of equitable intervention on a contract and will be able to identify cases of duress, undue influence and unconscionable bargains.
LO5	Appreciate how public policy considerations have impacted upon both illegal and void contracts and be able to analyse the contractual capacity of both individuals and corporations to enter into enforceable contracts.
LO6	Discuss and explain the various methods of discharging contracts and identify and select the appropriate common law and equitable remedies for breach of contract.
LO7	Independently research aspects of contract law
LO8	Appreciate the inter-relationship between the various elements on the syllabus and apply this integrated knowledge

Pre-requisite learning
Module Recommendations <i>This is prior learning (or a practical skill) that is recommended before enrolment in this module.</i>
No recommendations listed
Incompatible Modules <i>These are modules which have learning outcomes that are too similar to the learning outcomes of this module.</i>
No incompatible modules listed
Co-requisite Modules
No Co-requisite modules listed
Requirements <i>This is prior learning (or a practical skill) that is mandatory before enrolment in this module is allowed.</i>
No requirements listed

Module Content & Assessment

Indicative Content
<p>Formation of a Binding Contract (25%)</p> <ul style="list-style-type: none"> • Definition of a contract • The rules of offer and acceptance • Consideration • Intention to create legal relations • Formal and Evidentiary requirements
<p>Construction of a Contract (15%)</p> <ul style="list-style-type: none"> • Contractual Terms and Representations • Express Terms – distinction between representations and terms, the parole evidence rule, collateral contracts • Implied Terms – implied terms at common law, good faith obligations as implied terms, terms implied under statute, terms implied under the Constitution, terms implied by custom. Sale of Goods and Supply of Services Implied Terms. • Exemption Clauses – definition, incorporation of exemption clauses, construction of the exemption clause, the core obligation and exclusion clauses, fundamental breach, refusal to apply exemption clauses, exemption clauses and third parties. • Consumer Protection – standard form contracts • Importance and relative effect of contractual terms
<p>Invalidity (10%)</p> <ul style="list-style-type: none"> • Mistake – operative mistake (mistake of law, mistake of law in equity, common mistake of fact, common mistake of fact in equity, mistake as to the terms of the agreement, mistake in executing a deed or document, mistake as to title, mistake as to identity), remedies for operative mistake (rescission, rectification, damages), plea of non est factum • Misrepresentation – the statement (including silence as a misrepresentation), the causes of action (fraudulent, negligent and innocent misrepresentation, remedies and rescission. • Importance and relative effect of contractual terms
<p>Equitable Intervention (5%)</p> <ul style="list-style-type: none"> • Introduction • Duress • Undue Influence – the presumption of undue influence, undue influence as of fact, discharging the onus of proof, delay in seeking relief. • Unconscionable Bargains – approach of the Irish courts, upholding unconscionable bargains.
<p>Public Policy (10%)</p> <ul style="list-style-type: none"> • Illegal Contracts – Illegal contracts at common law, statutory illegality, gaming and wagering contracts, the consequences of common law and statutory illegality, exceptions to ex turpi causa and in pari delicto, separate transactions, severance, pleading illegality, remedies. • Void contracts – contracts void at common law (including contracts in restraint of trade), severance of void provisions, repudiatory breach and enforceability.
<p>Capacity to Contract (5%)</p> <ul style="list-style-type: none"> • Infants or Minors – necessities, beneficial contracts of service, voidable contracts, Infants Relief Act 1974, reform • Convicts • Mental Incompetents • Drunkards • Corporations – doctrine of ultra vires, statutory modification, other remedies.
<p>Third Party Rights (5%)</p> <ul style="list-style-type: none"> • Concept of privity of contract – origins, equity's response to actions brought by third parties, agency, covenants running with the land, statutory exceptions to the privity doctrine, reform
<p>Discharge of Contractual Obligations (10%)</p> <ul style="list-style-type: none"> • Discharge of contract through performance (including entire and divisible contracts), fault of one party preventing performance, tender of performance • Discharge through agreement – rescission through accord and satisfaction, variation, waiver and estoppel. • Discharge following a breach of contract (including repudiatory breach, fundamental breach, breach of condition and employment contracts; consequences of breach). • Discharge through operation of law – the doctrine of frustration – theoretical basis of frustration, frustration of the business venture frustration and illegality, self-induced frustration, contracts of employment, frustration of a lease, effects of the doctrine of frustration.
<p>Remedies for Breach of Contract (5%)</p> <ul style="list-style-type: none"> • Underlying principles • Damages –Classification of the measure of compensation, punitive damages, unjust enrichment, “speculative” damages, quantification of damages, remoteness of the damage, mitigation of loss, contributory negligence, interest, penalty and liquidated damages clauses, quantum meruit • Equitable Remedies - specific performance, injunctive relief, rescission, rectification
<p>Specific Types of Contract (10%)</p> <ul style="list-style-type: none"> • Electronic Contracts E-Commerce Contracts including formation, applicable legislation, jurisdiction and the validity of electronic signatures. • Employment Law Employees and independent contractors Formation of employment contracts Terms of employment contracts Protective legislation.

Assessment Breakdown	%
Continuous Assessment	40.00%
End of Module Formal Examination	60.00%

Continuous Assessment				
Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Other	In class examination mid-way through term 1- or an assessment which will focus on application of legal principles to an unseen problem scenario	1	20.00	n/a
Project	Problem Scenario which students will be required to solve or in class examination	1,2,7	20.00	n/a

No Project
No Practical

End of Module Formal Examination				
<i>Assessment Type</i>	<i>Assessment Description</i>	<i>Outcome addressed</i>	<i>% of total</i>	<i>Assessment Date</i>
Formal Exam	End-of-Semester Final Examination	1,2,3,4,5,6,7,8	60.00	End-of-Semester

ITCarlow reserves the right to alter the nature and timings of assessment

Module Workload

Workload: Full Time		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	Every Week	3.00
Independent Learning Time	Every Week	4.00
Total Hours		7.00

Workload: Part Time		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	Every Week	1.50
Total Hours		1.50

Module Delivered In

Programme Code	Programme	Semester	Delivery
CW_BBLAW_B	Bachelor of Business (Honours) in Business with Law	2	Mandatory
CW_BBLAW_C	Higher Certificate in Business with Law	2	Mandatory
CW_HHLAW_B	Honours Bachelor of Laws Degree - LLB	2	Mandatory