

## Liverpool John Moores University

Title: COMMERCIAL LAW  
Status: Definitive  
Code: **6511CP** (103595)  
Version Start Date: 01-08-2013

Owning School/Faculty: Arts, Professional and Social Studies  
Teaching School/Faculty: Dublin Business School

Team	Leader
Alistair Beere	Y

**Academic Level:** FHEQ6  
**Credit Value:** 24.00  
**Total Delivered Hours:** 77.00  
**Total Learning Hours:** 240  
**Private Study:** 163

### Delivery Options

Course typically offered: Standard Year Long

Component	Contact Hours
Lecture	50.000
Tutorial	25.000

**Grading Basis:** 40 %

### Assessment Details

Category	Short Description	Description	Weighting (%)	Exam Duration
Essay	AS1	Individual Project	40.0	
Exam	AS2	Examination	60.0	2.00

### Aims

*To facilitate an understanding in the learner of the protection afforded to consumers and the constraints these place on commercial operations.*  
*To familiarise learners with the key areas of employment law.*  
*To enable learners to gain a comprehensive understanding of the leading legal issues that impact the functioning of normal business environments, as well as managerial decision-making in order to reduce their legal exposure and to recognise when it is necessary to engage professional legal advice.*

*To acquaint learners with the wider legal issues/constraints that may impact the operation of a business in Ireland.*

*To enable learners to build on prior learning and attain a deeper knowledge of the strengths and weaknesses of existing laws and the need for reform.*

## **Learning Outcomes**

After completing the module the student should be able to:

- 1 Critically analyse the rules of employment law and their applications to the business environment.
- 2 Assess the legal constraints imposed in respect of certain business transactions, in respect of advertising law and the protection afforded to consumers.
- 3 Appraise the use and development of the law of intellectual property, data protection and confidentiality, insurance and information and communication technology.
- 4 Evaluate insolvency law and competition law and the contingent rationale and applicability to the commercial world.
- 5 Apply business and commercial legal rules and principles to fact based situations and propose legally sound arguments as to the likely outcomes.

## **Learning Outcomes of Assessments**

The assessment item list is assessed via the learning outcomes listed:

PROJECT	1	5		
EXAM	2	3	4	5

## **Outline Syllabus**

*1. Employment Law – Employment Relationship:• Essential features of a contract of employment • Terms and conditions of employment • Employment Equality • Stress, Bullying and Harassment • Statutory leave*

*2. Employment Law – Termination:• Unfair dismissals, Redundancy, Transfer of Undertakings*

*3. Consumer Law:• Sale of Goods Act• Consumer Protection Act• EU legislation protecting consumers – including the EU Directive on Unfair Contract Terms – European Communities (Unfair Terms in Consumer Contracts) Regulations, 1995*

*4. Law on Personal Credit:• Consumer Credit Act• Bankruptcy legislation*

*5. Insurance Law:• The nature of the contract of insurance and the various express and implied terms therein• The duty of disclosure and the impact of a material non-disclosure.• The nature of warranties and conditions and the repercussions from breaching these obligation*

*6. Intellectual Property:• Copyright law, patent and trademark protection including the EU and WIPO initiative• Licensing• Protection of commercial secrets and confidentiality• Defences, remedies and enforcement*

*7. Confidentiality and the Protection of Trade Secrets:• Elements of an actionable*

*breach of confidence*• *Defences*• *Data protection obligations*

8. *Information Technology Law*:• *Contract issues – particularly electronic contracts and the e signature in the context of the E Commerce Act 2000*• *The nature of computer crime – unlawful use of a computer, hacking, planting viruses*

9. *Competition Law*:• *Irish and EU sources of regulation – as well as their institutional structures*• *Unenforceable agreements – price-fixing, anti-competition clauses, and predatory clauses, as well as other actionable wrongs*• *Abuse of a dominant position, breaches of anti-trust law, monopolies and mergers*

10. *The Regulation of Advertising*:• *Restrictions imposed by the Broadcasting Acts and by the Broadcasting Authority of Ireland*• *Censorship of advertising*• *Restrictions imposed by the Advertising Standard Authority of Ireland's Code of Advertising Standards*• *Advertising and passing-off and Injurious falsehood.*

## Learning Activities

Lectures and tutorials.

## References

<b>Course Material</b>	Book
<b>Author</b>	Forde, M
<b>Publishing Year</b>	2005
<b>Title</b>	Commercial Law
<b>Subtitle</b>	
<b>Edition</b>	3rd
<b>Publisher</b>	Tottel Publishing
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	White, F
<b>Publishing Year</b>	2012
<b>Title</b>	Commercial Law
<b>Subtitle</b>	
<b>Edition</b>	2nd
<b>Publisher</b>	Roundhall, Dublin
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Buckley, A
<b>Publishing Year</b>	2012
<b>Title</b>	Insurance Law in Ireland
<b>Subtitle</b>	
<b>Edition</b>	3rd
<b>Publisher</b>	Roundhall, Dublin
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Daly, B. And Doherty, M.
<b>Publishing Year</b>	2010
<b>Title</b>	Principles of Irish Employment Law
<b>Subtitle</b>	
<b>Edition</b>	
<b>Publisher</b>	Clarus Press
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Regan, M. (ed.)
<b>Publishing Year</b>	2009
<b>Title</b>	Employment Law
<b>Subtitle</b>	
<b>Edition</b>	
<b>Publisher</b>	Tottel
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Long, I.
<b>Publishing Year</b>	2004
<b>Title</b>	Consumer Law
<b>Subtitle</b>	
<b>Edition</b>	1st
<b>Publisher</b>	Roundhall
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	O'Reilly, P (ed)
<b>Publishing Year</b>	2000
<b>Title</b>	Commercial and consumer law
<b>Subtitle</b>	
<b>Edition</b>	1st
<b>Publisher</b>	Bloomsbury
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Dunleavy, N.
<b>Publishing Year</b>	2010
<b>Title</b>	Competition Law
<b>Subtitle</b>	A Practitioner's Guide
<b>Edition</b>	1st
<b>Publisher</b>	Bloomsbury
<b>ISBN</b>	

<b>Course Material</b>	Book
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<b>Author</b>	McCarthy & Power
<b>Publishing Year</b>	2012
<b>Title</b>	Irish Competition Law
<b>Subtitle</b>	The Competition Act 2002
<b>Edition</b>	2nd
<b>Publisher</b>	Bloomsbury
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	McMahon, B & Binchy W.
<b>Publishing Year</b>	2005
<b>Title</b>	Casebook on Irish Law of Torts
<b>Subtitle</b>	
<b>Edition</b>	4th
<b>Publisher</b>	Butterworths
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Carey, P.
<b>Publishing Year</b>	2010
<b>Title</b>	Data Protection
<b>Subtitle</b>	A practical guide to Irish and EU law
<b>Edition</b>	1st
<b>Publisher</b>	Roundhall
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Kelleher & Murray
<b>Publishing Year</b>	2007
<b>Title</b>	Information Technology Law in Ireland
<b>Subtitle</b>	
<b>Edition</b>	2nd
<b>Publisher</b>	Bloomsbury
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Buckley, A.
<b>Publishing Year</b>	2012
<b>Title</b>	Insurance Law in Ireland
<b>Subtitle</b>	
<b>Edition</b>	3rd
<b>Publisher</b>	Roundhall
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Nagle, E.
<b>Publishing Year</b>	2012

<b>Title</b>	Intellectual Property Law
<b>Subtitle</b>	
<b>Edition</b>	1st
<b>Publisher</b>	Roundhall
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Clark, Smyth & Hall
<b>Publishing Year</b>	2010
<b>Title</b>	Intellectual Property Law In Ireland
<b>Subtitle</b>	
<b>Edition</b>	3rd
<b>Publisher</b>	Bloomsbury
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Kelleher, D.
<b>Publishing Year</b>	2013
<b>Title</b>	Privacy and Data Protection Law in Ireland
<b>Subtitle</b>	
<b>Edition</b>	2nd
<b>Publisher</b>	Bloomsbury
<b>ISBN</b>	

<b>Course Material</b>	Book
<b>Author</b>	Hyland, M (ed)
<b>Publishing Year</b>	2008
<b>Title</b>	Technology and IP Law
<b>Subtitle</b>	
<b>Edition</b>	1st
<b>Publisher</b>	Bloomsbury
<b>ISBN</b>	

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## Notes

This module is designed to provide learners with an in-depth understanding of specific areas of commercial law and the leading legal issues influencing the functioning of the commercial environment on a domestic, European and International level. The module is aimed at learners who have an interest in developing their knowledge and understanding of the regulatory restraints and obligations imposed upon the operation of commercial entities.