

Higher National Unit Specification

General information for centres

Unit title: Music Law 1

Unit code: DJ2V 34

Unit purpose: This unit is designed to introduce the candidate to the framework of law as it applies within the music industry. The unit will examine the types of contractual relationships between parties, clauses found within these agreements and the principles of protection of intellectual property within the music industry. It is primarily intended for candidates who will require a working knowledge of legal matters as it applies in the music industry environment and is therefore aimed at all HNC/D Music and HNC/D Music Business candidates.

On completion of the Unit, the candidate will be able to:

1. Identify and explain the law of contract.
2. Evaluate standard music industry contracts.
3. Explain the principles of music copyright protection.

Credit points and level: 1 HN Credit at SCQF level 7 (8 SCQF credit points at SCQF level 7*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Candidates should have good communication skills. These may be demonstrated by the achievement of core skill Communication at Higher level or by possession of Higher English and Communication or a suitable NQ Communication Unit (SCQF level 5/6).

Core skills: There may be opportunities to gather evidence towards core skills in this Unit, although there is no automatic certification of core skills or core skills components.

Context for delivery: This is a mandatory Unit in the frameworks for HNC/D Music Business and an optional Unit in the frameworks for HNC/D Music and HNC/D Sound Production group awards. If this Unit is delivered as part of a group award, it is recommended that it should be taught and assessed within the subject area of the group award to which it contributes.

General information for centres (cont)

Assessment: Assessment for this unit will involve written responses to case studies.

Outcome 1 should be carried out under controlled conditions.

Outcomes 2 and 3 will be based on case studies and assessments carried out under controlled conditions by closed-book exercises using restricted response questions on contracts specific to the candidate's course. Each of these assessments should be completed in one sitting with a maximum total duration of two hours.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, knowledge and/or skills, and evidence requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Identify and explain the law of contract.

Knowledge and/or skills

- ◆ Essentials of a contract
- ◆ Definitions of a contract
- ◆ Rules of offer and acceptance
- ◆ Illegality and errors including misrepresentation
- ◆ Express/implied terms and other clauses relating to a contract
- ◆ Performance of contract or breach leading to termination
- ◆ Remedies for breach of contract

Evidence requirements

Candidates will need evidence to demonstrate their knowledge and/or skills by showing that they can, with reference to a particular aspect of the law, provide an accurate and clear explanation of the legal situation, as it is contextualised within a case study, or case studies.

The evidence for this Outcome may be presented in response to a specific question or questions based on a sample of four out of the seven knowledge and/or skills items above and should be assessed by a closed book exercise, completed in one sitting with a maximum total duration of two hours.

In order to ensure that candidates will not be able to predict what items will be assessed, a different sample of four of the seven knowledge and/or skills items is required each time the Outcome is assessed. Candidates must provide a satisfactory response to all four items.

Higher National Unit specification: statement of standards (cont)

Unit title: Music Law 1

Assessment guidelines

The case study or case studies can be given to candidates 7-10 days before the assessment takes place. Candidates will be allowed to bring to the assessment a copy of the case study and two sides of an A4 sheet of paper with relevant written notes. This material must be submitted with the candidate's written answer.

Textbook and class handouts will not be permitted.

Should there be ambiguity regarding a candidate's response, oral questioning may be used to eliminate any doubt as to the candidate's understanding. The lecturer should note questions and responses.

Outcome 2

Evaluate standard music industry contracts

Knowledge and/or skills

- ◆ Functions of music industry contracts
- ◆ Evaluation of standard clauses
- ◆ Factors affecting validity
- ◆ Fiduciary relationships
- ◆ Undue influence
- ◆ Unequal bargaining power
- ◆ Unequal obligations
- ◆ Restraint of trade
- ◆ Lack of independent legal advice

Evidence requirements

Candidates will need evidence to demonstrate their knowledge and/or skills by showing that they can, with reference to a particular aspect of the law, provide an accurate and clear explanation of the legal situation, as it is contextualised within a case study, or case studies.

The evidence for this Outcome may be presented in response to a specific question or questions based on a sample of six out of the nine knowledge and/or skills items above.

Evidence should be generated under controlled conditions and be assessed by a closed-book exercise using restricted response questions on contracts specific to the candidates course. This should be completed in one sitting with a maximum total duration of two hours.

Higher National Unit specification: statement of standards (cont)

Unit title: Music Law 1

Assessment guidelines

Should there be ambiguity regarding a candidate's response, oral questioning may be used to eliminate any doubt as to the candidate's understanding. The lecturer should note questions and responses.

Outcome 3

Explain the principles of music copyright protection

Knowledge and/or skills

- ◆ Existence of copyright in musical works
- ◆ Copyright infringement
- ◆ Copyrighting musical works
- ◆ Workings of collection societies

Evidence requirements

Candidates will need evidence to demonstrate their knowledge and/or skills by showing that they can, with reference to a particular aspect of the law, provide an accurate and clear explanation of the legal situation, as it is contextualised within a case study, or case studies.

The evidence for this Outcome may be presented in response to a specific question or questions based on a sample of three out of the four knowledge and/or skills items above.

Evidence should be generated under controlled conditions and be assessed by a closed-book exercise using restricted response questions specific to the candidates course. This should be completed in one sitting with a maximum total duration of two hours.

Assessment guidelines

Should there be ambiguity regarding a candidate's response, oral questioning may be used to eliminate any doubt as to the candidate's understanding. The lecturer should note questions and responses.

Administrative Information

Unit code:	DJ2V 34
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Superclass category:	EC
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Higher National Unit specification: support notes

Unit title: Music Law 1

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

This unit is primarily intended to give candidates a practical insight into aspects of the law as it applies to contracts and intellectual property.

The unit should be approached by using relevant case studies which are related to events which require to be acted upon, or explained in terms of legal solutions or relevant case law. Wherever possible, centres should adopt a proactive approach towards the teaching of this Unit by using reported cases from current law journals and other relevant sources. Likewise, candidates should also be encouraged to use these articles as discussion topics in the classroom environment.

Candidates are encouraged to study all relevant agreements (performance, distribution, internet licensing, producer, etc.) rather than the main types (recording, songwriting, management) although it is important that these are covered also.

Guidance on the delivery and assessment of this Unit

Centres are recommended to follow the sequence of Outcomes which will provide the candidates with an introduction to contract law, followed by types of music contracts and clauses found within them and, finally, look at music copyright legislation.

Candidates will be expected, as much as possible, to demonstrate their ability to relate the theoretical legal position to the assessments, which will be based on a case study or short case studies. A bank of case studies should be prepared to cover the knowledge and understanding of all outcomes within this Unit.

Open learning

If this Unit is delivered by open or distance learning methods, additional resources will be required for candidate support, assessment and quality assurance. Delivering centres will be responsible for ensuring authenticity of candidates' work.

For further information and advice please refer to the SQA guide: *Assessment and Quality Assurance for Open and Distance Learning* (A1030, February 2001).

Higher National Unit specification: support notes (cont)

Unit title: Music Law 1

Candidates with additional support needs

This Unit specification is intended to ensure that there are no artificial barriers to learning or assessment. The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments or considering alternative Outcomes for Units. For information on these, please refer to the SQA document *Guidance on Special Assessment Arrangements for Candidates with Additional Support Needs* (BA 2399, SQA, due 2004).

General information for candidates

Unit title: Music Law 1

This unit introduces you to the legal side of the music industry, looking at Scottish contract law, the types of agreement you would expect find (relevant to your music course) and the principles of UK copyright legislation. There are three Outcomes in this unit, which will be assessed separately.

In this unit, you will cover:

- ◆ the Law of Contract
- ◆ music industry contracts
- ◆ copyright legislations

Assessments will take the form of written answers, which you will provide in response to a specific question or questions based on a case study or studies.