



Higher National Unit Specification

General information for centres

Unit title: Law and the Communication Industries

Unit code: DH8K 35

Unit purpose: This Unit is about understanding and applying the law as it relates to the restrictions placed on the media industry. It is particularly suitable for candidates aiming for a career in communication and media but is also an appropriate Unit for anyone who wishes to extend their general knowledge of law.

On completion of the Unit the candidate should be able to:

1. Explain and apply the law of defamation.
2. Explain and apply the law of copyright.
3. Analyse the effect of legal restrictions on reporting in the media.

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

**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: Access to this Unit is at the discretion of the centre. It would be beneficial if the candidate had skills in Communication as shown by possession of at least one of the following:

- ◆ National Unit EE3T 12 Communication (NC)
- ◆ Higher English or its component Units
- ◆ Core Skill Communication at Higher
- ◆ Higher Media Studies or its component Units
- ◆ Higher Media Literacy or its component Units

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: 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.

Centres will have discretion in designing assessments so that they can assess outcomes individually or combine outcomes where they consider it appropriate.

General information for centres (cont)

Assessment: Assessment for this Unit may use case studies, either actual or simulated, in order to develop an understanding of legal concepts and their impact on the media industries. The assessment of Outcomes 1, 2 and 3 could involve the application of these legal concepts to case study material, and assessment of knowledge components is therefore through their application. Assessment should be carried out in supervised open-book conditions, where candidates have access to copies of the relevant statutes and personal notes for reference purposes.

Higher National Unit specification: statement of standards

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Unit code: DH8K 35

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

Explain and apply the law of defamation

Knowledge and/or skills

- ◆ Law of defamation
- ◆ Significance of the following terms: injuria; falsehood; innuendo; communication; ordinary meaning.
- ◆ Defences available to an action of defamation covering the following: truth; absolute privilege; qualified privilege; honest opinion; rixa.

Evidence requirements

The candidate will need evidence to demonstrate his/her knowledge and/or skills by showing that he/she can:

- explain legal concepts
- apply legal concepts
- provide a legally correct solution to given situations which commonly occur in the media industry.

Evidence, which will be provided on a sample basis, will take the form of written and/or oral responses to structured questions on case study material that covers three terms and three defences. Assessment should be supervised with open book conditions. Candidates will have access to copies of the relevant statutes and personal notes for reference purposes.

Assessment guidelines

Case study material should contain sufficient information to enable clear application of legal concepts.

Higher National Unit specification: statement of standards (cont)

Unit title: Law and the Communication Industries

Outcome 2

Explain and apply the law of copyright

Knowledge and/or skills

- ◆ The principles of copyright: originality; ownership; co-ownership: intellectual property right
- ◆ The works for which copyright may be claimed
- ◆ Legitimate copyright claimants
- ◆ Possible defences to alleged breaches of copyright: fair dealing for the purposes of research and private study; fair dealing for the purposes of criticism, review and news reporting; incidental inclusion; certain educational uses; certain uses in libraries and archives; public administration.

Evidence requirements

The candidate will need evidence to demonstrate his/her knowledge and/or skills by showing that he/she can:

- ◆ explain legal concepts
- ◆ apply legal concepts
- ◆ provide a legally correct solution to given situations which commonly occur in the media industry

Evidence will take the form of written and/or oral responses to structured questions on case study material that covers three principles of copyright and three defences. Assessment should be supervised with open book conditions. Candidates will have access to copies of the relevant statutes and personal notes for reference purposes.

Assessment guidelines

Case study material should contain sufficient information to enable clear application of legal concepts.

Outcome 3

Analyse the effect of legal restrictions on reporting in the media

Knowledge and/or skills

- ◆ Current legislation affecting reporting in the media
- ◆ Common law and contemporary legislation relating to contempt of court
- ◆ The main provisions of the Official Secrets Act 1989
- ◆ The defences to an action under the Official Secrets Act 1989
- ◆ The defences to an action under the Contempt of Court Act 1981

Higher National Unit specification: statement of standards (cont)

Unit title: Law and the Communication Industries

- ◆ Statutes restricting media advertising
- ◆ Statutes restricting reporting on court cases relating to children
- ◆ Trades Description Act 1968
- ◆ Medicines Act 1968
- ◆ Adoption (Scotland) Act 1975
- ◆ Sex Discrimination Act 1975
- ◆ Race Relations Act 1976
- ◆ Social Work (Scotland) Act 1968
- ◆ Criminal Justice (Scotland) Act 1999
- ◆ Children (Scotland) Act 1995

Evidence requirements

The candidate will need evidence to demonstrate his/her knowledge and/or skills by showing that he/she can:

- ◆ analyse the effect of legal restrictions on reporting in the media

Evidence could be generated in responses to structured questions on case study material which covers significant areas of reporting restrictions in depth. The assessment should be supervised, and responses could total a minimum of 1000 words. Candidates will have access to copies of the relevant statutes and personal notes for reference purposes.

Assessment guidelines

The case study material should contain sufficient detail to enable candidates to provide a detailed in-depth analysis of the impact of legal restrictions on reporting in the media.

Assessment may take at least three hours.

Administrative Information

Unit code:	DH8K 35
Unit title:	Law and the Communication Industries
Superclass category:	EC
Date of publication:	August 2004
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Source:	SQA

History of Changes:

Version	Description of change	Date
03	Law of Defamation (Scotland) – Outcome 1, change of terminology in Defences effective 8 th August 2022. “Veritas” amended to “Truth” and “Fair Comment” amended to “Honest Opinion.”	19/08/2022
02	Assessment guidelines amended to allow centres greater discretion in designing assessments.	26/08/09
	Wording revised relating to guidance for candidates with additional support needs.	

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Higher National Unit specification: support notes

Unit title: Law and the Communication Industries

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

The purpose of the Unit is to develop the candidate's ability to understand and analyse the impact of the restrictions placed on reporting in the media industry.

There are some knowledge areas which, while not apparently necessary to the completion of the Unit, are a necessary background to assist a candidate in linking different legal concepts. For example, it is difficult to deal with legal concepts without a basic understanding of the differences between either common law and statute law and civil and criminal law.

It is important that prior to assessment assessors provide candidates with formative work including examples of actual Scottish and English court cases. These should include practical examples of cases involving breach of copyright in a variety of forms including, where possible, examples from the music industry. Factual examples of defamation should also be given. Candidates should be encouraged to find current examples of breach of reporting restrictions in the media industry throughout the completion of the Unit.

Guidance on the delivery and assessment of this Unit

The Unit is likely to form part of a group award where it is primarily designed to provide candidates with an introduction to legal concepts and their application in the media industry. It must be recognised that many candidates are unlikely to have had any practical or theoretical experience of legal topics and this should be taken into account in delivery and assessment.

Candidates should be encouraged to appreciate the importance of this subject area in relation to the consequences of breach of legal restrictions in reporting in the media industry. Wherever possible, links should be drawn which will enable candidates to understand the connection between knowledge and its application in the context of familiar situations in the media industries.

This Unit should be offered early in the general framework of an HNC/D *Communication with Media*, as many of the Units involve working with material which may be copyright protected.

Higher National Unit specification: support notes (cont)

Unit title: Law and the Communication Industries

Open learning

The Unit could be delivered within an open learning framework if detailed support materials are provided. However, copyright issues may be problematic as exemplar material which is copyright free may be difficult to find. Conditions would need to be in place to assure the authenticity of the candidate's work.

Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website www.sqa.org.uk/assessmentarrangements

General information for candidates

Unit title: Law and the Communication Industries

Law is an important area of study for anyone interested in the Media industries.

The Unit provides an introduction to knowledge and understanding of the law as it affects the Media industries. It requires understanding and application of critical legal concepts although it is not necessary to have any legal knowledge before beginning this Unit.

This Unit will provide essential knowledge of the laws which affect reporting restrictions on the media industry, and will require you to understand and to analyse the implications and consequences of any breach of these restrictions.

You will be asked questions on case studies which will require you to apply legal concepts to real life situations in the media industry. You will have access to the relevant statutes and personal notes for reference purposes.

On completion of the Unit you should be able to:

1. Explain and apply the law of defamation
2. Explain and apply the law of copyright
3. Analyse the effect of legal restrictions on reporting in the media