

**-SQA-SCOTTISH QUALIFICATIONS AUTHORITY**

**HIGHER NATIONAL UNIT SPECIFICATION**

**GENERAL INFORMATION**

<b>-Unit number-</b>	<b>6451668</b>
<b>-Unit title-</b>	<b>LAW FOR BUSINESS (NORTHERN IRELAND)</b>
<b>-Superclass category-</b>	<b>EC</b>
<b>-Date of publication- (month and year)</b>	<b>JANUARY 1988</b>
<b>-Originating centre for unit-</b>	<b>SQA</b>

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**-DESCRIPTION-**

**GENERAL COMPETENCE FOR UNIT:** Explaining the implications of law for business including contract and employment law.

**OUTCOMES:**

1. explain the implications of the law of contract for business;
2. explain the legal implications of negligence for business;
3. explain the legal implications of employment contracts.

**CREDIT VALUE:** 2 HN Credits

**ACCESS STATEMENT:** Access to this unit is at the discretion of the centre. However, it would be beneficial if the candidate had communication skills and competence in law.

This may be evidenced by possession of National Certificate modules 7110041 Communication 3 and 92351 The Scottish Legal Framework.

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Additional copies of this unit can be obtained from:

The Committee and Administration Unit, SQA, Hanover House, 24 Douglas Street, Glasgow G2 7NQ, (Tel: 0141-242 2168).

At the time of publication the cost is £1.50 per unit (minimum order £5.00).

**HIGHER NATIONAL UNIT SPECIFICATION****STATEMENT OF STANDARDS**

Unit number: 6451668

Unit title: LAW FOR BUSINESS (NORTHERN IRELAND)

Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

**OUTCOME**

1. EXPLAIN THE IMPLICATIONS OF THE LAW OF CONTRACT FOR BUSINESS

**PERFORMANCE CRITERIA**

- (a) Explanation of the law relating to the formation of a contract is accurate.
- (b) Explanation of the law relating to breach and termination of contract is accurate.
- (c) Explanation of the law relating to the sale and supply of goods and services and the provision of credit facilities for the purchase of goods is accurate.
- (d) Advice given in respect of legal issues identified in a particular situation is correct.

**RANGE STATEMENT**

Law relating to: validity, misrepresentation, restrictive covenants, exclusion clauses, breach and frustration.

Sale and supply of goods and services: implied terms.

Provision of credit: regulated agreements.

**EVIDENCE REQUIREMENTS**

All the performance criteria for this outcome must be met and the full range must be covered for this outcome to be credited.

**OUTCOME**

2. EXPLAIN THE LEGAL IMPLICATIONS OF NEGLIGENCE FOR BUSINESS

**PERFORMANCE CRITERIA**

- (a) The concept of tort is accurately described.
- (b) Advice given in respect of legal issues identified in a particular situation is correct.

**RANGE STATEMENT**

Concept of tort: duty of care; defences; strict liability; product liability; vicarious liability.

**EVIDENCE REQUIREMENTS**

All the performance criteria for this outcome must be met and the full range must be covered for this outcome to be credited.

**OUTCOME**

3. EXPLAIN THE LEGAL IMPLICATIONS OF EMPLOYMENT CONTRACTS

**PERFORMANCE CRITERIA**

- (a) The explanation of the nature of the contract of employment is accurate.
- (b) The explanation of the employment protection rights of employees is accurate.
- (c) The explanation of statutory duties of employers relating to health and safety is accurate.
- (d) The explanation of the law on discrimination at work is accurate.
- (e) Advice given in respect of legal issues identified in a particular situation is accurate.

**RANGE STATEMENT**

Relationship of: employer and employee, employer and independent contractor.

Statutory employment rights in relation to: dismissal, redundancy, maternity, time off work.

Health and safety legislation including EC legislation.

Discrimination: race, sex, equal pay and opportunities, religious, political.

## **EVIDENCE REQUIREMENTS**

All the performance criteria for this outcome must be met and the full range must be covered for this outcome to be credited.

**MERIT STATEMENT:** To gain a pass in this unit, a candidate must meet the standards set out in the outcomes, performance criteria, range statements and evidence requirements.

To achieve a merit in this unit, a candidate must demonstrate a superior or more sophisticated level of performance. In this unit this might be shown in the following ways:

- (a) recognising legal issues in a complex situation;
- (b) demonstrating breadth of knowledge of law;
- (c) demonstrating clarity in the application of legal principles.

## **ASSESSMENT**

In order to achieve this unit, candidates are required to present sufficient evidence that they have met all the performance criteria for each outcome within the range specified. Details of these requirements are given for each outcome. The assessment instruments used should follow the general guidance offered by the Scottish Qualifications Authority (SQA) assessment model and an integrative approach to assessment is encouraged. (See references at the end of support notes).

Accurate records should be made of the assessment instruments used showing how evidence is generated for each outcome and giving marking schemes and/or checklists, etc. Records of candidates' achievements should be kept. These records will be available for external verification.

## **SPECIAL NEEDS**

Proposals to modify outcomes, range statements or agreed assessment arrangements should be discussed in the first place with the external verifier.

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**HIGHER NATIONAL UNIT SPECIFICATION****SUPPORT NOTES**

Unit number: 6451668

Unit title: LAW FOR BUSINESS (NORTHERN IRELAND)

**SUPPORT NOTES:** This part of the unit specification is offered as guidance. None of the sections of the support notes is mandatory.

**NOTIONAL DESIGN LENGTH:** SQA allocates a notional design length to a unit on the basis of time estimated for achievement of the stated standards by a candidate whose starting point is as described in the access statement. The notional design length for this unit is 80 hours. The use of notional design length for programme design and timetabling is advisory only.

**PURPOSE**

**CONTENT/CONTEXT** Corresponding to Outcomes 1-3:

1. Elements of a legally binding agreement: offer; acceptance; consideration; intention to create legal relations. Standard form of contracts; contractual terms; scope of the contract.

Types of clauses found in contracts, eg: exclusion; liquidated damages; arbitration.

Legal capacity; Minor's Contracts (N.I.) Order 1988. Error, innocent, negligent, fraudulent misrepresentation. Types of breach; appropriate remedies; contractually stipulated remedies. Termination of contract including frustration.

Implied terms; transfer of ownership and risk; product liability. Consumer rights in respect of regulated agreements, eg: cancellation.

2. Duty of care; standards of care; res ipsa loquitur; contributory negligence; volenti non fit inuria; acts of God; strict liability; product liability (consumer protection legislation) vicarious liability.

3. Status of self employed. Employer/employee relationship: formation and sources of a contract of employment; common law duties.

Fair and unfair dismissal; voluntary redundancy; early retirement; alternative offers of employment; selection procedures; maternity; time off work.

Health and safety legislation including EC legislation. Discrimination: race; sex; marital; equal pay and equal opportunities including, for

example, disabled, religious and political as governed by the Fair Employment (N.I.) Acts 1976 and 1989.

**APPROACHES TO GENERATING EVIDENCE** Use of actual documentation, eg: building contracts; leases; etc, is to be encouraged. Candidates should be encouraged to identify and explain clauses within contracts including HP and credit agreements. Where possible candidates should have sight of documents like a Closed Record to appreciate how issues of negligence are litigated. Candidates should also have sight of statements of terms, authenticated contracts of employment, disciplinary procedures, appropriate health and safety procedures, employers' maternity provision, etc.

## REFERENCES

1. Guide to unit writing, SQA, 1993 (Code: A018).
2. Guide to assessment, SQA, 1993 (Code: B005).
3. Guide to certification, SQA, 1996 (Code: F025).
4. Notes for unit writers, SQA, 1995 (Code: A041).

For details of other SQA publications, please contact staff in the Sales and Despatch section (Tel: 0141-242 2168) who can supply you with a copy of the publication list (Code: X037).

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