



Higher National Unit specification

General information

Unit title: Retail Law (SCQF level 7)

Unit code: HJ3H 34

Superclass: EC

Publication date: March 2017

Source: Scottish Qualifications Authority

Version: 01

Unit purpose

This unit is designed to enable learners to recognise and understand the main legal issues which affect retailers in their day-to-day dealings and transactions with customers. This unit will allow those seeking employment, mainly at management and supervisory levels in the retail industry to develop knowledge of retail law and its role in the retail process.

Outcomes

On successful completion of the unit the learner will be able to:

- 1 Explain the current law of contract in relation to retail transactions.
- 2 Explain the current law in relation to the sale of goods.
- 3 Explain relevant current consumer protection law.

Credit points and level

1 Higher National Unit credit at SCQF level 7: (8 SCQF credit points at SCQF level 7)

Recommended entry to the unit

Although previous awareness/knowledge of (retail) law would be an advantage, no specific prior knowledge of the subject area is required. It would be advantageous that learners have a good level of communication, particularly written skills. Access is at the discretion of the centre.

Higher National Unit Specification: General information (cont.)

Unit title: Retail Law (SCQF level 7)

Core Skills

Opportunities to develop aspects of Core Skills are highlighted in the support notes for this unit specification.

There is no automatic certification of Core Skills or Core Skill components in this unit.

Context for delivery

This unit is a core unit in the framework of the HNC/HND Retail Management Group Award.

Equality and inclusion

This unit specification has been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners should be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence.

Further advice can be found on our website www.sqa.org.uk/assessmentarrangements.

Higher National Unit specification: Statement of standards

Unit title: Retail Law (SCQF level 7)

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

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. Learners 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 the current law of contract in relation to retail transactions.

Knowledge and/or skills

- ◆ Formation of a valid contract
- ◆ Invitations to treat
- ◆ Factors that may affect the validity of a contract
- ◆ Exclusion clauses
- ◆ Breach of contract
- ◆ Termination of contractual obligations
- ◆ Unfair contract terms

Outcome 2

Explain the current law in relation to the sale of goods.

Knowledge and/or skills

- ◆ Specific goods and unascertained goods
- ◆ Implied terms
- ◆ Transfer of ownership and risk
- ◆ Remedies for breach of a sale of goods contract

Outcome 3

Explain relevant current consumer protection law.

Knowledge and/or skills

- ◆ False trade descriptions and misleading price indications
- ◆ Product quality and liability
- ◆ Consumers' rights in relation to refunds/repair/replacement of faulty goods
- ◆ Protection for consumers when purchasing electronically including delivery
- ◆ Rights of consumers in relation to digital content
- ◆ Protection when paying by credit or debit card

Higher National Unit specification: Statement of standards (cont)

Unit title: Retail Law (SCQF level 7)

Evidence requirements for this unit

Learners will need to provide evidence to demonstrate their knowledge and/or skills across all outcomes by showing that they can:

Outcome 1

Learners will be required to produce evidence to demonstrate their knowledge and/or skills in four out of the seven areas above. The learner should be able to identify the area of law, explain it and apply that law to the given situation.

Outcome 2

Learners will be required to produce evidence to demonstrate their knowledge and/or skills for the outcome. The learner should be able to identify the area of law, explain it and correctly apply that law to the given situation.

Outcome 3

Learners will be required to produce evidence to demonstrate their knowledge and/or skills for the outcome. The learner should be able to identify the area of law, explain it and correctly apply that law to the given situation.



Higher National Unit Support Notes

Unit title: Retail Law (SCQF level 7)

Unit support notes are offered as guidance and 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

In Outcome 1, the learner will study the current law of contract, concentrating on the main areas that affect retailers and consumers, because every time a retailer sells goods — it is a contract. Contracts can be verbal as well as written, and aims to clarify when contracts are made, offer and acceptance, when contracts are void, and how contracts are concluded/terminated:

- ◆ Focus here is on how contracts come into being and that they do not have to particularly be in writing
- ◆ Contracts can be from the smallest to the largest 'purchases' in retail
- ◆ How contracts become valid
- ◆ The need for an offer and acceptance for a contract to be valid, eg 'no true consent'
- ◆ Misrepresentation by either party, eg 'untrue statements'
- ◆ What an 'offer to treat' is and that prices on offer, at that point, are not strictly binding on buyer or seller
- ◆ Exclusion of liability where and when this is, and is not, applicable
- ◆ How either party can be in breach of contract, with mitigation and remoteness of loss
- ◆ How 'frustration of contract' can come about and consequences therein
- ◆ Indicate how rights that are enshrined in law cannot be removed particularly when a contract, written or verbal may bring that about

In Outcome 2, the learner will examine the existing sale of goods legislation which gives the consumer certain legal rights when buying goods, who owns these goods and the risk that is inherent in ownership. The learner will also look at terms which are 'implied' when goods are bought and sold, and the remedies for breach of a sale of goods contract when one party in the transaction decides not to hold up their end of the contract:

- ◆ What is 'corporeal moveable property'?
- ◆ What is meant by transfer of ownership and how 'good title' is obtained/received, with the consequential risks associated with that transfer of risk in the property?
- ◆ Meaning of 'identified bulk', linking with ownership and risk as outlined above
- ◆ Breach of contract with consequences including damages

Higher National Unit Support Notes (cont)

Unit title: Retail Law (SCQF level 7)

In Outcome 3 the learner will examine some of the other main pieces of legislation that affect retailers and consumers including consumer credit, false trade descriptions and liability for defective products. The learner will also examine the protection offered to the consumer when purchases are made electronically, including those products which are downloaded onto devices such as music or literature:

- ◆ How goods supplied should be of satisfactory quality, as described, be fit for purpose and last a reasonable length of time
- ◆ How goods should match any descriptions made of them either in writing or verbally by any sales staff; this relates to content, size, shape, use (i.e. indicated fitness for purpose), colour, content of materials, etc
- ◆ The significant changes in the law from the 'old' Sale of Goods Act which includes 'digital content' with the consequences for the retailer of faulty downloads which are either faulty in themselves or cause damage to the customer's equipment
- ◆ What consumers can expect in terms of delivery and the consequences for the retailer of late/damaged/missing deliveries, and how this ties in with customer care
- ◆ The rights of the consumer with regard the right-to-reject within 30 days and the rights when outwith this timescale which leads on to under and then over a six-month period
- ◆ What a 'service' is and how provision and delivery of this service is also covered in consumer law

This unit forms part of the group award of the HNC/HND Retail Management award and provides learners with the essential basic knowledge of the legal issues which affect retailers in their dealings and transactions with their customers and the public at large.

Guidance on approaches to delivery of this unit

It is suggested that this unit is taught sequentially, allowing the learner to develop knowledge and understanding of one outcome prior to moving onto the next, this will allow learners to draw on previous learning.

Centres may wish to draw upon case studies/examples used in other units, eg *Creating a Culture of Customer Care*, *Stock Management and Stock Presentation* demonstrating where there is overlap in items of interest. This would be particularly useful and relevant where the teaching is serviced out to other departments of the delivering centre.

Examples of current legal issues, eg pricing discrepancies which appear on occasion, in consumer/current affairs newspapers/television programmes should be used to highlight (a) what went wrong, (b) who was at 'fault' (c) the eventual outcome and highlighting the importance of adhering to the law/company policies and procedures.

Whilst the topic may come across as highly theoretical, centres may wish to use group-working activities where, once teaching input has taken place, one group creates problems/issues with other groups attempting to solve these set problems. This can help alleviate theoretical-overload and assist in contextualising the subject matter in question.

Higher National Unit Support Notes (cont)

Unit title: Retail Law (SCQF level 7)

Novel ideas including having inaccurate posters on display which demonstrate pricing/labelling/description issues, 'advice shops' where learners role-play issues, for example on faulty products, refusal by an internet retailer to refund monies paid, etc. can all enhance the learning environment.

Guidance on approaches to assessment of this unit

Whilst centres can decide on their own instruments of assessment, it is suggested that the outcomes are delivered and assessed in order. Each assessment should be open book with learners having access to lecture notes, handouts and textbooks. Assessment should be undertaken in controlled conditions lasting approximately one to one and a half-hours. Please see opportunities for e-assessment below.

Evidence can be generated using different types of assessment. The following are suggestions only. There may be other methods that would be more suitable to learners.

Learners could produce evidence to demonstrate their knowledge and/or skills by correctly answering a series of case studies and/or short answer restricted response questions in each of the outcomes.

Centres are reminded that prior verification of centre-devised assessments would help to ensure that the national standard is being met. Where learners experience a range of assessment methods, this helps them to develop different skills that should be transferable to work or further and higher education.

Opportunities for e-assessment

This unit lends itself very well to e-assessment in that restricted response question and answers could be produced by centres in such a way that objective test questions could be used to quickly and effectively assess learners

Feedback to learners may be undertaken by working through the e-assessment and, with discussion, highlight areas where learners may have been lacking. A second e-assessment or oral questioning may be used to ensure sufficiency across all areas of knowledge and skills.

The most up-to-date guidance on the use of e-assessment to support SQA's qualifications is available at www.sqa.org.uk/e-assessment.

Opportunities for developing Core and other essential skills

This unit will give learners the opportunity to naturally develop and enhance their critical thinking and analysis skills and apply these in given situations in assessment and ultimately in the larger world of the retail workplace. Innovative teaching approaches will not only enhance written skills when using, at a minimum, differing formative assessments, but also oral communication, given opportunities in role-play and other learning opportunities.

Higher National Unit Support Notes (cont)

Unit title: Retail Law (SCQF level 7)

Ultimately in the workplace, learners will come up against situations where the legal situation is in question, and, using the knowledge and skills in this unit with customers external to their employing organisation, can diffuse potentially damaging situations by not only the use of this knowledge, but their use of core skills developed in this unit.

History of changes to unit

Version	Description of change	Date

© Scottish Qualifications Authority 2017

This publication may be reproduced in whole or in part for educational purposes provided that no profit is derived from reproduction and that, if reproduced in part, the source is acknowledged.

Additional copies of this unit specification can be purchased from the Scottish Qualifications Authority. Please contact the Business Development and Customer Support team, telephone 0303 333 0330.

General information for learners

Unit title: Retail Law (SCQF level 7)

This section will help you decide whether this is the unit for you by explaining what the unit is about, what you should know or be able to do before you start, what you will need to do during the unit and opportunities for further learning and employment.

This unit has been developed to enable you to recognise, understand and deal with the main legal issues that are likely to affect retailers in their day-to-day dealings/transactions with consumers. This will help both you and your employer in your day-to-day work to ensure that the activities both that which you undertake and any that you assign to colleagues remain within the law.

This unit has three outcomes, each of which is covered by separate assessments. Firstly, in Outcome 1, you will learn about the general law of contract, concentrating on the main areas that affect retailers and consumers, because every time a retailer sells goods — it is a contract. Contracts can be verbal as well as written, and aims to clarify when contracts are made, offer and acceptance, when contracts are void, and how contracts are concluded/terminated.

In Outcome 2, you will examine the existing law relating to the sale of goods which gives the consumer certain legal rights when buying goods, who owns these goods and the risk that is inherent in ownership. You will also look at terms which are 'implied' when goods are bought and sold, and the remedies for breach of a sales of goods contract when one party to the contract decides not to hold up their end of the contract.

Finally, in Outcome 3 you will examine some of the other main pieces of legislation that affect retailers and consumers including consumer credit, false trade descriptions and liability for defective products. You will also examine the protection offered to the consumer which purchases are made electronically, including those products which are downloaded onto devices such a music or literature.

This unit aims to be an integrative part of the HNC/HND Retail Management award and you will see 'threads' passing through each and every unit which builds on and complements each other.

As noted above, as well as being able to keep within the law in your retail workplace, you will be able to use this unit, as well as others, to establish and maintain good working relationships within your team, and build a superior level of customer service using core skills which will be enhanced by your participation in this award, which will bring benefits for both you and your employer.

In order to complete this unit successfully, you will be required to achieve a satisfactory level of performance in the unit assessments. These assessments will cover each of the above outcomes. The instrument of assessment is at the discretion of the centre. However, it is recommended for this unit that each assessment will be undertaken in class and whilst they are open book (ie you may bring in your lecture notes/handouts and/or textbooks during assessment), they are under controlled conditions with your teacher/lecturer being present and your answers being handed in at the end of the period set for assessment.