

Module 7: Legal Aspects of Business

| | | | | | | | |
|--|------------------------------|-----------------|------------------|---------------------------|------------------|-------------------------|-----------------------------|
| Stage | | | | 1 | | | |
| Semester | | | | 2 | | | |
| Module Title | | | | Legal Aspects of Business | | | |
| | | | | | | | |
| | | | | | | | |
| Module NFQ level | | | | 6 | | | |
| Pre-Requisite Module Titles | | | | N/A | | | |
| Co-Requisite Module Titles | | | | N/A | | | |
| Capstone Module? | | | | No | | | |
| List of Module Teaching Personnel | | | | | | | |
| Contact Hours | | | | Non-contact Hours | | | Total Effort (hours) |
| 46 | | | | 154 | | | 200 |
| Lecture | Practical | Tutorial | Seminar | Assignment | Placement | Independent Work | |
| 36 | | 10 | | 30 | | 124 | 200 |
| Allocation of Marks (Within the Module) | | | | | | | |
| | Continuous Assessment | Project | Practical | Final Examination | Total | | |
| Percentage Contribution | 50% | | | 50% | 100% | | |

Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Discuss the importance of law to the operation of business in Ireland
2. Identify, discuss and apply the sources of law, including where relevant EU law
3. Explain the nature and structure of the Irish legal system
4. Explain the essential aspects of the law of contract and recognise the essential features of the law of negligence
5. Explain the basic concepts of insurance and negotiable instruments
6. Discuss the legal structure of business
7. Describe the duties and responsibilities of the various officers of the business and define the rights and responsibilities of shareholders
8. Apply the core principles of employment law in a practical manner

Module Objectives

This module is an introductory law module for business learners, which provides an overview of the Irish legal system with particular emphasis on aspects of law which impinge on businesses as they operate. The focus is on Irish law but many aspects of European Law is also highlighted and discussed. The primary and central focus of the module is the application of law within business structures after the skills and knowledge have been taught. The focus of this module is to provide learners with a comprehensive overview of the important aspects of law which affect businesses in operation in Ireland and the European Union.

Module Curriculum

An Introduction to the Irish Legal System.

- The Sources of Law
- The Court System including the structure of the Irish Court system.
- The jurisdiction of the Irish Courts and the changes under the Courts and Civil Law (Miscellaneous Provisions) Act 2013

Contract Law

- Formation of contract: offer, acceptance, consideration and intention to create legal relations;
- Terms of a contract, exclusions clauses;
- Mistake, misrepresentation, undue influence;
- Void, voidable and illegal contracts: understanding the difference;
- Discharge of a contract: performance, breach, agreement and frustration;
- Remedies for breach of contract

Law of Tort

- The law of negligence, including negligent misstatement
- Obligations under the Occupier's Liability Legislation

Consumer Law

- An overview of the Sales of Goods and Supply of Services Acts 1893-1980;
- Consumer Act 2007 in particular misleading, aggressive and prohibited consumer practices;

Employment Law

- Employee or an independent contractor
- Essential terms in a contract of employment;
- Overview of Employment legislation with focus on:
 - Employment Equality
 - Unfair and Wrongful Dismissal

Business Law

- Introduction to the Law of insurance;
- The Law of Agency including Commercial Agents

Company Law

- Forms of business: partnerships, sole traders, private limited companies, public limited companies;
- Incorporation and its consequences;
- Corporate Governance: corporate structure, key company documentation, company meetings, ultra vires doctrine
- Directors' Duties;
- Disqualification and restriction of Directors;
- Insolvency: receivership, liquidations, winding up, examinership

Introduction to EU Law

- Sources of EU law and structures of the EU
- Free movement of workers, goods and services

Reading lists and other learning materials

Primary reading List

Doolan, B., (2011), *Principles of Irish Law 8th edition*. Gill & MacMillan: Dublin

Keenan, A., (2012) *Essentials of Irish Business Law, 6th edition*. Gill and Macmillan; Dublin,

Murphy, E., (2014) *Business and Company Law for Irish Students 2nd Edition*. Gill and Macmillan: Dublin.

Recommended Reading List

Byrne, J., McCutcheon, J.P., (2014) *The Irish Legal System, 6th edition*. Bloomsbury

Carolan, B., (2009) *EU Law for Irish Students 2nd Edition*. Gill & Macmillan: Dublin

McMahon & Binchy (2013) *Law of Torts 4th Edition*. Bloomsbury

Davenport, R. (2012), *Make that Grade: Fundamentals of Irish Law 2nd Edition*. Gill and Macmillan: Dublin

Bolger, Kimber & Bruton (2012) *Employment Equality Law*. Round Hall

Donovan, D. (2006), *Employment Law*. Round Hall: Dublin

Redmond, M. *Dismissal Law in Ireland 2nd Edition*

Clarke R (Year) *Contract Law in Ireland 7th Edition*. Round Hall

Enright, M. (2007) *Principles of Irish Contract Law*. Clarus Press: Dublin

Farry, M. (2006), *Concise Contract Law*. Blackhall Press: Dublin

McDermott (2014) *Contract Law 2nd Edition*. Bloomsbury

Courtney T. (2012) *The Law of Companies 3rd Edition*. Bloomsbury

Murphy, E. (2011) *Make that Grade: Irish Company Law 4th Edition*. Gill and Macmillan: Dublin

Module Learning Environment

Lecture rooms are used for teaching purposes for the delivery of this module. Active involvement in learning is encouraged especially via tutorials and Moodle. Tutorials are structured to facilitate group discussion especially on case law. All lecture material is also available to learners on Moodle.

Module Teaching and Learning Strategy

Primarily, teaching is conducted through the use of formal lectures with extensive notes supplied to learners which are explained in detail, using practical and contemporary examples during lectures. Learners are encouraged to answer and ask questions to ensure that material is understood. Learners are required to apply the knowledge learned in lectures to practical examples by completing problem questions.

Module Assessment Strategy

Coursework accounts for 50% of the marks. It assesses the learners' achievement of the relevant learning outcomes by asking them to identify the relevant area of law, present detailed research on that area and furthermore to apply that research to a practical scenario. The remaining 50% is examined by way of an exam comprised of both problem and essay type questions. Learners are assisted through the module with the preparation of mock exam questions.

