

YEAR 1: COURSE 3 – BUSINESS AND COMMERCIAL LAW

Prescription Title:	Business and Commercial Law
Prescription Number:	DC503
Level:	5
Credits:	20
Version:	1
Introduced:	2008
Hours:	Total 200
Prerequisites	Nil

AIM / PURPOSE

The purpose of this course is to enable the student to develop the knowledge of various aspects of the law relating to tort, trusts, consumer protection, agency and I.P that relates to business and conveyancing.

DESIRED OUTCOMES

- a. Explain the concept and legal principles of a trust.
- b. Discuss the importance of tort liability in business.
- c. Discuss the rights and obligations of consumers and suppliers under the appropriate and relevant laws.
- d. Discuss the elements and legal principles of agency law.
- e. Describe the implications and effects of attorneys (under the Act) in regards to conveyancing practice.

LEARNING OUTCOME 1

Students will be able to explain the concept and legal principles of a trust.

- 1.1 Examine the different types of trust including discretionary trusts, constructive trusts and trading trusts.
- 1.2 Consider the powers and legal obligations of a trustee and the effect of legislation including the Trustee Act 1956 and amendments.

LEARNING OUTCOME 2

Students will be able to discuss the importance of tort liability in business.

- 2.1 Define torts which may impact on a business including:
 - Negligence, Public Nuisance, Trespass against land and Defamation
- 2.2 Discuss the application of the tort of negligence in the context of negligent misstatement, occupiers liability and work related accidents.

LEARNING OUTCOME 3

Students will be able to discuss the rights and obligations of consumers and suppliers under the appropriate and relevant laws.

- 3.1 Identify government institutions that administer and enforce consumer laws.
- 3.2 Examine legislation that protects the public from unfair trading practices including the Consumer Guarantees Act 1993 and the Fair Trading Act 1986.
- 3.3 Examine the obligations of suppliers to consumers including implied guarantees.
- 3.4 Consider services that have to be provided with due care and skill and the options of consumers where that is not done.

LEARNING OUTCOME 4

Discuss the elements and legal principles of agency law.

- 4.1 Define Agency Law and consider how agency may be created.
- 4.2 Identify the role of a principle, Agent and a Third Party in Agency Law.
- 4.3 Discuss the types of Agents and examine the rights and duties of Agents.
- 4.4 Consider Actual and Apparent authority of Agents and the effect that may have on the formation of a contract.

LEARNING OUTCOME 5

Describe the implications and effects of attorneys (under the Act) in regards to conveyancing practice

- 5.1 Discuss the reasons for the creation of a power of attorney.
 - 5.2 Consider how an attorney is appointed.
 - 5.3 Identify what steps need to be followed where a party to a transaction is being represented by their attorney.
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CROSS CREDIT

510 - *Introduction to Commercial Law* – [New Zealand Diploma of Business](#).

REQUIRED COURSE TEXTS AND MATERIALS

Gerbic & Lawrence, "Understanding Commercial Law", 6th edition, 2006, LexisNexis