

Unit 7: Business Law

Unit code H/617/0736

Unit level 4

Credit value 15

Introduction

The aim of this unit is to enhance students' understanding of how business law is applied to the running of a business organisation. Students will gain knowledge of business law and examine the impact of the law on business operations and decision-making. Throughout the unit students will identify legal solutions available to business owners and assess their suitability. Their experiences in this unit will help them better understand the different areas of law that apply. They will be able to illustrate the impact of the law on normal business operations and when registering a company and inviting shareholders to invest in it. They will gain an understanding of the law in relation to market abuse and director responsibilities. Students will be able to recognise the application of employment law between employers and employees.

This is a prerequisite unit for those students studying the Law pathway.

Learning Outcomes

By the end of this unit a student will be able to:

- 1 Explain the nature of the legal system.
- 2 Illustrate the potential impact of the law on a business.
- 3 Examine the formation of different types of business organisations.
- 4 Recommend appropriate legal solutions to resolve areas of dispute.

Essential Content

LO1 Explain the nature of the legal system

The legal system:

What constitutes a legal system?

The purpose of law, the evolution of law and different sources of law e.g. legislation, directives, case law and treaties relevant to country.

Divisions and key terminology of the legal system e.g. court structures.

The differences between civil and criminal law.

The justice system:

The role of government in law-making and the justice system.

Organisation of the judiciary.

LO2 Illustrate the potential impact of the law on a business

The impact of Law:

Contract law e.g. the formation of contracts, the elements and terms of contract

Competition Law

Data protection

The tort of negligence, consumer protection, health and safety and product liability

Duties of employer and employee e.g. the employment contract, employer obligations and employee rights in the work place.

Managing cases of dismissal, redundancy, discrimination, health and safety.

LO3 Examine the formation of different types of business organisations

The nature and formation of a company:

Unincorporated V's incorporated legal structures

Different types of business organisations and legal structures e.g. Sole trader, partnership and registered company

Classification of companies e.g. public and private companies, limited and unlimited

Starting up a business organisation and registration requirements

The management of a company e.g. appointment of directors, company secretary, auditor. The role of the shareholders.

The application of company law in forming different types of business organisations and companies, raising capital and liquidation.

LO4 Recommend appropriate legal solutions to resolve areas of dispute

Legal solutions for different types of dispute resolution:

Areas of employment e.g. health and safety, equality of pay claims, compromise and severance agreements, wrongful or unfair dismissal claims.

Corporate and commercial disputes e.g. breach of contract, contesting a damages claim, dispute between directors.

Commercial property e.g. commercial lease transactions, real estate and investment properties.

Alternative Dispute Resolution:

The role of Alternative Dispute Resolution (ADR)

Civil litigation procedures and funding

Tribunals

The role of unions

Citizens Advice.

Learning Outcomes and Assessment Criteria

Pass	Merit	Distinction
LO1 Explain the nature of the legal system		LO1 and LO2 D1 Provide a coherent and critical evaluation of the legal system and law, with evidence drawn from a range of different relevant examples to support judgements.
P1 Explain different sources of law. P2 Explain the role of government in law-making and how statutory and common law is applied in the justice courts.	M1 Evaluate the effectiveness of the legal system in terms of recent reforms and developments.	
LO2 Illustrate the potential impact of the law on a business		
P3 Using specific examples illustrate how company, employment and contract law has a potential impact upon business.	M2 Differentiate between legislation, regulations and standards to analyse potential impacts upon business.	
LO3 Examine the formation of different types of business organisations		D2 Critically evaluate the formation of different types of business organisations.
P4 Explore how different types of business organisations are legally formed. P5 Explain how business organisations are managed and funded.	M3 Assess the advantages and disadvantages of the formation of different types of business organisations.	
LO4 Recommend appropriate legal solutions to resolve areas of dispute		
P6 Recommend legal solutions for resolving a range of disputes using examples to demonstrate how a party might obtain legal advice and support.	M4 Compare and contrast different sources of legal advice and support for dispute resolution.	D3 Evaluate the effectiveness of legal solutions, legal advice and support for dispute resolution.

Recommended Resources

Textbooks

ADAMS, A. (2016) *Business Law for Students*. 9th ed. London: Pearson.

ANDREWS, N. (2011) *Contract Law*. Cambridge: Cambridge University Press.

ELLIOTT, C and QUINN, F. (2015). *The English Legal System*. 16th Ed. London: Pearson

HONEYBALL, S. (2016) *Honeyball and Bowers Text to Employment Law*. 14th ed. Oxford: Oxford University Press.

MARSON, J and FERRIS, M. (2015) *Business Law*. 4th ed. Oxford: Oxford University Press.

Links

This unit links to the following related units:

Unit 1: Business and the Business Environment

Unit 19: Resource and Talent Planning

Unit 20: Employee Relations

Unit 29: Managing and Running a Small Business

Unit 48: Law of Contract and Tort

Unit 49: Company Law and Corporate Governance

Unit 50: Sales and Consumer Law