

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 the legal solutions available to business owners and assess their suitability. The experience that students gain in this unit will help them to better understand the different areas of law that apply.

The unit will enable students 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 while gaining a practical understanding of the skills and experiences undertaken by those practising in a business law context.

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

Learning Outcomes

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

- LO1 Explain the nature of the legal system
- LO2 Illustrate the potential impact of the law on a business
- LO3 Examine the formation of different types of business organisations
- LO4 Recommend appropriate legal solutions to resolve areas of dispute.

Essential Content

LO1 Explain the nature of the legal system

The legal system:

Defining 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 workplace.

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

LO3 Examine the formation of different types of business organisations

The nature and formation of a company:

Unincorporated vs incorporated legal structures.

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

Classification of companies.

The digital role of Companies House or role of equivalent international organisation.

Starting up a business organisation and the 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.

A history and understanding of relevant case law, indicating the importance of both common law and legislation to the development of company law and business formation and practice.

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.

Professional skills:

A range of professional skills required for dispute resolution, e.g. negotiation skills, communication skills, critical analysis skills, problem solving.

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 judgments.
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 Analyse the potential impact on business through differentiation between legislation, regulations and standards.	
LO3 Examine the formation of different types of business organisations		D2 Critically analyse 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 Analyse the advantages and disadvantages of the formation of different types of business organisations.	
LO4 Recommend appropriate legal solutions to resolve areas of dispute.		D3 Critically evaluate the effectiveness of legal solutions, legal advice and support for dispute resolution.
P6 Compare and contrast different sources of legal advice and support for dispute resolution to make appropriate recommendations to legal solutions.	M4 Recommend legal solutions for resolving a range of disputes, using examples to demonstrate how a party might obtain legal advice and support.	

Recommended Resources

Textbooks

ADAMS, A. (2020) *Business Law for Students*. 11th Ed. London: Pearson.

ELLIOTT, C. and QUINN, F. (2019). *The English Legal System*. 20th Ed. London: Pearson.

HONEYBALL, S. (2016) *Honeyball and Bowers' Textbook on Employment Law*. 14th Ed. Oxford: Oxford University Press.

MACINTYRE, E. (2018) *Business Law*. 9th Ed. London: Pearson.

MARSON, J. and FERRIS, M. (2016) *Business Law*. 4th Ed. Oxford: Oxford University Press.

Websites

www.chambersstudent.co.uk	Chambers Student (General reference)
www.lawdonut.co.uk	Business Law Donut (General reference)
www.lawinfo.com	Law Info Legal resources (General reference)

Links

This unit links to the following related units:

Unit 1: Business and the Business Environment

Unit 29: Managing and Running a Small Business

Unit 31: Employee Relations

Unit 38: Law of Contract and Tort

Unit 39: Company Law and Corporate Governance

Unit 40: Consumer and Intellectual Property Law