Severn Business College

Qualifi Level 5 Extended Diploma in Law

Course Handbook

Qualification
Qualifi Level 5 Extended Diploma in Law

Ofqual Number
610/3349/2

Level
5

Total Qualification Time
2400

Credit Value
240

Aim of the Course
The aim of the Qualifi Level 4 Diploma in Law is to provide learners the opportunity to acquire a broad range of knowledge and understanding and develop a range of skills essential for a successful career in law. There is also the opportunity to progress to a higher-level qualification in law. The suite of qualifications in this sector will aim to provide the underpinning knowledge of the law contributing to preparation for the Solicitor' Qualifying Examination Successful completion of the Qualifi Level 4 Diploma in Law provides learners with the opportunity to progress to further study or employment. The aim of the Qualifi Level 5 Diploma in Law is to provide learners the opportunity to acquire a broad range of knowledge and understanding and develop a range of skills essential for a successful career in law. There is also the opportunity to progress to a higher-level qualification in law including a bachelor's degree final year. The suite of qualifications in this sector will aim to provide the underpinning knowledge of the law contributing to preparation for the Solicitor' Qualifying Examination

Assessment
Assessment is through practical assignments, with no exams - to more accurately reflect the real working environment.

Course Structure

Qualifi Level 5 Extended Diploma in Law			
Unit number	**Mandatory Units**	**Unit level**	**Unit credit**
T/650/3137	Contract Law	4	30
Y/650/3138	Criminal Law	4	30
A/650/3139	Legal Methods	4	30
H/650/3140	Public Law	4	30
J/650/3141	Equity and Trusts	5	30
K/650/3142	EU Law	5	30
L/650/3143	Land Law	5	30
M/650/3144	Law of Tort	5	30

Assessment Grades

Marks Ranges %	Assessment Criteria
Fail (0-39)	Insufficient information about each assessment criteria
Pass (40-59)	Describe main ideas with evidence on each assessment criteria
Merit (60-69)	Evaluation of ideas with evidence on each assessment criteria
Distinction (70-100)	Critical evaluation of ideas with evidence on each assessment criteria
No Marks	Plagiarism

UNIT SPECIFICATIONS

Unit Title
Contract Law

Level
4

Learning Time Hours
300

Credit Value
30

Unit aim
This unit aims to equip learners with knowledge and understanding of the key principles of contract law, such as: validity of contract; terms of contract; vitiating elements that affect the validity of the contract; the ways in which the contract can come to an end and remedies for breach of contract available. Learners will gain an appreciation to the significance of contract law in commercial, consumer and social contexts.

Learning outcomes and assessment criteria
In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria determine the standard required to achieve the unit.

Learning Outcome	Assessment Criteria
1. Understand the principles of formation of agreements	1.1 Distinguish between an offer and an invitation to treat. 1.2 Identify and explain the legal rules applicable to acceptance of an offer. 1.3 Assess the requirements for a valid consideration.
2. Understand the rules that govern the content of a contract.	2.1 Compare and contrast terms and representations. 2.2 Identify the sources of contractual terms. 2.3 Distinguish between conditions, warranties and in nominate terms.
3. Understand the vitiating elements that may affect the validity of a contract.	3.1 Identify the elements of actionable misrepresentation. 3.2 Differentiate between fraudulent, negligent and innocent misrepresentation. 3.3 Analyse the development of the doctrine of duress.
4. Understand how a contract can be discharged.	4.1 Explain the different ways in which a contract can be terminated. 4.2 Examine the difference between breach of conditions, warranties and in nominate terms. 4.3 Examine the 'doctrine of frustration.
5. Understand the remedies available for breach of contract.	5.1 Distinguish between liquidated and un-liquidated damages. 5.2 Assess the aim of damages in Contract Law. 5.3 Compare and contrast the different measures used for assessing damages.

Suggested Resources
- Mckendrick, E. (2018). Contract Law.
- Chen-Wishart, M. (2018). Contract law. Oxford, United Kingdom: Oxford University Press. Copyright.
- Whittaker, S. (2011). The Optional Instrument of European Contract Law and Freedom of Contract. European Review of Contract Law, 7(3).
- Beale, H.G. and Tallon, D. (2002). Contract law. Oxford England; Portland, Or.: Hart Pub.

UNIT SPECIFICATIONS

Unit Title
Criminal Law

Level
4

Learning Time Hours
300

Credit Value
30

Unit aim
This unit will equip learners with knowledge of the general foundations of criminal liability and with understanding of the major types of offences and their constituent elements. The unit aims to enable learners to determine whether specific offences have been committed and whether any defences may be applicable. Learner will explore the aims and nature of criminal law and its function as a protector of the State.

Learning outcomes and assessment criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria determine the standard required to achieve the unit.

Learning Outcome	Assessment Criteria
1. Understand aims and general principles of criminal law.	1.1 Evaluate the aims of criminalisation of specific acts and the function of criminal punishment. 1.2 Analyse the role of public prosecution and criminal standard of proof. 1.3 Explain capacity to commit a crime.
2. Understand the elements of the different offences against a person	2.1 Analyse the components of murder. 2.2 Illustrate circumstances giving rise to voluntary and involuntary manslaughter. 2.3. Assess the nature of non-fatal offences against the person.
3. Understand property offences.	3.1 Explain the components of property offences. 3.2 Distinguish between lack of honesty under s.2(1) TA 1968 and dishonesty under common law. 3.3 Compare and contrast robbery with burglary.
4 Understand the general principles of inchoate offences.	4.1 Assess the types of inchoate offences. 4.2 Explain the meaning of assisting or encouraging crime. 4.3 Distinguish intention to commit crime from an attempt
5. Understand the nature and application of defences.	5.1 Examine specific and general defences. 5.2 Illustrate the defence of insanity, duress, mistake and involuntary intoxication. 5.3 Illustrate the application of self- defence rule.

Suggested Resources

- Jefferson, M. (2015). Criminal law. Boston: Pearson.
- Husak, D. (2019). Criminal Law at the Margins. Criminal Law and Philosophy.
- Herring, J. (2019). Criminal law. London: Red Globe Press.
- Lafave, W.R. (2017). Criminal law. St. Paul, Mn: West Academic Publishing.

UNIT SPECIFICATIONS

Unit Title
Legal Methods

Level
4

Learning Time Hours
300

Credit Value
30

Unit aim
This unit will equip learners with the knowledge and understanding of the identification, interpretation and analysis of legal sources and materials. The acquired skills will enable the learner to apply the law to the facts of problems in any given legal area, to communicate clearly and persuasively and to reach satisfactory solutions to legal disputes. Learners will explore fundamental principles and components of the English Legal System, the judiciary and the civil and criminal process and will gain an appreciation of how the main principles underpin all substantive and procedural areas of law.

Learning outcomes and assessment criteria
In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria determine the standard required to achieve the unit.

Learning Outcome	Assessment Criteria
1. Understand the sources of law.	1.1 Distinguish between primary, secondary and delegated legislations. 1.2 Explain the hierarchy within statutory sources and the case law. 1.3 Explain the impact of the Human Rights Act. 1.4 Explain the way in which organisational policies and procedures inform equality, diversity and inclusive practice.
2. Understand the principles of legal interpretation.	2.1 Explain the doctrine of judicial precedent. 2.2 Distinguish between binding, non-binding and persuasive decisions.

	2.3 Illustrate the operation of literal Golden and purposive rules of statutory interpretation.
3. Understand the structure of the legal profession, the judiciary, the jury and magistrates.	3.1 Analyse the structure of the criminal and civil courts. 3.2 Analyse the role of the judiciary and the judicial appointment process. 3.3 Analyse the function of the jury in criminal trials
4 Understand the civil and criminal justice system and the alternative methods of dispute resolution.	4.1 Assess the duty and powers of the police 4.2 Assess the role of the Crown Prosecution Service 4.3 Examine the latest reforms to the civil justice process.
5 Know how to use Legal Writing and Mooting Skills.	5.1 Explain the importance of a bundle in mooting exercises. 5.2 Analyse and apply relevant cases and statutory provisions to a given scenario. 5.3 Present the arguments for the parties involved in a given mooting scenario.

Suggested Resources

- Ginsburg, J.C. (2008). Legal methods: cases and materials. New York: Foundation Press; [St. Paul, Minn.
- Ginsburg, J.C. (2014). Legal methods. St. Paul, Mn: Foundation Press.
- Yong, B. (2020). Book Review: Routledge Handbook of Socio-Legal Theory and Methods. Social & Legal Studies, p.096466392096254.
- Markovits, D. (2012). Contract law and legal methods. New York, Ny: Foundation Press, Thomson/West.

UNIT SPECIFICATIONS

Unit Title
Public Law

Level
4

Learning Time Hours
300

Credit Value
30

Unit aim
This unit will equip learners with knowledge of the general foundations of constitutional and administrative law, with a particular focus on the main elements of the United Kingdom's constitution. The unit will enable learners to identify the significance of the separation of power and the sovereignty of Parliament, as well as the importance of human rights norms. Learners will also be introduced to the basic principles of administrative law and judicial review process.

Learning outcomes and assessment criteria
In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria determine the standard required to achieve the unit.

Learning Outcome	Assessment Criteria
1. Understand the features of the UK constitution.	1.1 Assess the role of the UK constitution. 1.2 Evaluate the characteristics of the UK constitutional system. 1.3 Explain the history and origins of the UK constitutional system.
2. Understand the meaning and consequences of separation of powers.	2.1 Explain the distinct roles of the legislature, the executive and the judiciary. 2.2 Evaluate reforms to the judicial appointment system. 2.3 Assess the significance of the separation of powers' principle.
3. Understand the meaning and consequences of the rule of law and parliamentary sovereignty	3.1 Illustrate the impact of the Human Rights Act 1998 on the 'rule of law'. 3.2 Explain the meaning of the 'royal prerogative'. 3.3 Assess the limits of parliamentary sovereignty
4 Understand the composition and operation of the legislature and the UK governments.	4.1 Illustrate the passage of an Act of Parliament. 4.2 Explain the structure of the devolved powers in the UK. 4.3 Appraise the extent of devolved powers of the Scottish Parliaments, Welsh Assembly and the Executive Committee of Northern Ireland.
5. Understand the nature of and procedures for judicial review.	5.1 Appraise the scope of judicial review. 5.2 Evaluate the procedural steps of judicial review. 5.3 Distinguish between substantive breaches and procedural impropriety.

Suggested Resources

- Elliott, M. and Thomas, R. (2017). Public law. Oxford: Oxford University Press. Copyright.
- Heo, S. (2020). Liberty and Right as Fundamental Conceptions of Public Law. Public Law, 48(4), pp.1–27.
- Clements, R. (2018). Public law. Oxford: Oxford University Press.
- Grout, T.J. (1984). Public law. Plymouth: Macdonald & Evans.

UNIT SPECIFICATIONS

Unit Title
Equity and Trusts

Level
5

Learning Time Hours
300

Credit Value
30

Unit aim
This unit will equip learners with in-depth knowledge and understanding of the principles governing the law of Equity and Trusts. The unit aims to enable learners to understand and apply equitable rules to fact-based scenarios, to identify and resolve issues that potential clients may face in the context of different types of trusts and equitable remedies. Learners will explore how equity interrelates with other legal topics and how equitable principles apply in domestic and commercial context.

Learning outcomes and assessment criteria
In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria determine the standard required to achieve the unit.

Learning Outcome	Assessment Criteria
1. Understand historical events leading to the development and nature of Equity.	1.1 Explain key historical events leading to the development of Equity. 1.2 Examine the relationship between law and equity. 1.3 Explain the meaning of equitable maxims.
2. Understand the requirements for the creation of valid trusts.	2.1 Analyse the features of different types of trusts. 2.2 Apply statutory rules and their case law interpretations in appropriate scenarios. 2.3 Analyse the impact of illegality on legal presumptions.
3. Understand the concept of the beneficiary principle and exceptions.	3.1 Examine the need for a human beneficiary in private express trusts. 3.2 Illustrate established exceptions to the beneficiary principle. 3.3 Describe the various methods by which gifts to unincorporated associations may be affected.
4 Understand equitable remedies	4.1 Evaluate conditions for tracing in law and in equity. 4.2 Appraise the application of the change of position defence. 4.3 Assess when specific performance or injunction can be granted.
5 Understand trustees' administrative powers and duties.	5.1 Explain when power of advancement and maintenance can be utilised by the trustees. 5.2 Differentiate correctly between administrative duties and fiduciary duties. 5.3 Evaluate trustees' defences for the breach of administrative duties.

Suggested Resources

- Duddington, J. (2019). Equity and trusts. Harlow, England: Pearson Education Limited.
- Evans, M., Jones, B.L. and Power, T.M. (2016). Equity and trusts. Chatswood Nsw, Australia: Lexisnexis Butterworths.
- JGG (2005). Opinion: REFLECTIONS ON EQUITY AND PURPOSE TRUSTS. Trusts & Trustees, 11(9), pp.4–5.
- Hayton, D. (2012). Trusts & Equity – STAR trusts. Amicus Curiae, 1998(4).

UNIT SPECIFICATIONS

Unit Title
EU Law

Level
5

Learning Time Hours
300

Credit Value
30

Unit aim
This unit will equip learners with knowledge of the European Union legal system and the main substantive aspects of the European Union laws. The unit aims to enable learners to understand the history that led to the creation of the union, the political institutions of the EU, the role and the jurisdiction of the Court of Justice. Learners will be introduced to the fundamental rights given to individuals guaranteed by the Union and to the relationship between European and national laws.

Learning outcomes and assessment criteria
In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria determine the standard required to achieve the unit.

Learning Outcome	Assessment Criteria
1. Understand the rationale for the European union's creation.	1.1 Examine the historical events of the 20th century leading to the creation of the EU. 1.2 Evaluate the original objectives of the EU. 1.3 Compare and contrast the original objectives of the European Union with its current position.
2. Understand the institutions of the European Union.	2.1 Evaluate the functions and powers of the EU institutions. 2.2 Examine the extent of the jurisdiction of the European Court of Justice. 2.3. Explain the voting system of the EU Council
3. Understand how European Union laws are enforced.	3.1 Evaluate the doctrine of supremacy. 3.2 Compare and contrast Treaties, regulations and directives. 3.3 Assess direct and indirect effect.
4 Understand EU law on the free movement of goods.	4.1 Explain the meaning of freedom of 'goods' and 'services. 4.2 Evaluate the prohibition of fiscal and regulatory barriers to free movement. 4.3 Analyse justifiable derogations from the principle of free movement of goods.
5. Understand EU law on the free movements of persons and the freedom of establishment.	5.1 Explain the terms `worker' and `establishment' in relation to EU law on free movement. 5.2 Examine the rights of workers under the EU law on free movement. 5.3 Analyse the exemptions to the EU law on free movement.

Suggested Resources
- Foster, N.G. (2018). EU Law Directions. Oxford: Oxford University Press. Copyright.
- Utrilla Fernández-Bermejo, D. (2019). Market freedoms and private interactions under EU law. China-EU Law Journal.
- Ruffert, M. (2013). Personality under EU Law: A Conceptual Answer towards the Pluralisation of the EU. European Law Journal, 20(3), pp.346–367.
- Kirk, E. (2019). EU law. Harlow, England: Pearson Education Limited.

UNIT SPECIFICATIONS

Unit Title
Land Law

Level
5

Learning Time Hours
300

Credit Value
30

Unit aim

This unit will equip learners with an in-depth knowledge and understanding of the principles governing land law. The unit aims to enable leaner to appreciate the scope of estates and interests in land and their method of protection. Learners will explore the meaning of real property, the types of legal and equitable interests in land, the principles of registration and its purpose and the rules behind the operation of selected proprietary rights.

Learning outcomes and assessment criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria determine the standard required to achieve the unit.

Learning Outcome	Assessment Criteria
1. Understand the nature of interests in real property.	1.1 Compare and contrast between legal and equitable interests inland. 2.2 Differentiate between personal and proprietary interests. 2.3 Explain different types of licences and ownership.
2. Understand the concept and application of proprietary estoppel.	2.1 Explain the meaning of proprietary estoppel. 2.2 Analyse the conditions for its creation 2.3 Examine available remedies.
3. Understand the nature and purpose of easements.	3.1 Explain the rules for creation and acquisition of legal and equitable easements. 3.2 Distinguish between negative and positive easements. 3.3 Explain how easements are extinguished.
4 Understand the nature and purpose of freehold covenants.	4.1 Distinguish between positive and restrictive covenants. 4.2 Explain how the benefit and burden run in law and in equity. 4.3 Explain how free hold covenants are discharged or modified.
5. Understand the application of adverse possession.	5.1 Explain how adverse possession is established. 5.2 Illustrate registered owners' protection against adverse possession under the LRA 2002. 5.3 Illustrate the advantages of registered proprietor in the context of adverse possession.

Suggested Resources

- Clarke, S. and Greer, S. (2018). Land law. Oxford: Oxford University Press.
- Duddington, J. (2018). LAW EXPRESS: land law.
- Kim, N.-W. (2019). The footsteps of administrative law and public land law - Focusing on land planning law -. Korean Public Land Law Association, 87, pp.259–285.
- Land Use Law & Zoning Digest. (1983). Land Use Law & Zoning Digest, 35(12), pp.3–3.

UNIT SPECIFICATIONS

Unit Title

Law of Tort

Level

5

Learning Time Hours

300

Credit Value

30

Unit aim

This unit will equip learners with in-depth knowledge and understanding of the principles governing the law of tort. The unit aims to enable leaner to understand the foundations of tortious liability, remedies and defences. It further aims to enable learners to apply rules governing a variety of specific torts to fact-based scenarios and to identify and resolve issues that claimants and defendants may face. Learners will explore how tort interrelates with criminal law and how social and political decisions impact on the understanding of negligence.

Learning outcomes and assessment criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria determine the standard required to achieve the unit.

Learning Outcome	Assessment Criteria
1. Understand the nature and purpose	1.1 Analyse the aims of tortious liability.

of liability in tort.	1.2 Analyse main examples of torts, their essential components, defences and remedies. 1.3 Appraise the rules for prevention of harassment and intentional harms.
2. Understand the duty of care for the purpose of establishing liability in tort.	2.1 Assess when a duty of care will be imposed. 2.2Assess the consequences of third parties' interventions. 2.3 Illustrate circumstances when psychiatric harm can be compensated.
3. Understand the nature of employers' and occupiers' liability.	3.1 Distinguish between primary and vicarious liability. 3.2 Explain employers' duties to provide safe system and place of work. 3.3 Examine occupiers' duties to visitors and non-visitors.
4. Understand the principles of nuisance claims.	4.1 Distinguish between private and public nuisance claims. 4.2 Compare and contrast effective and ineffective defences. 4.3 Appraise the rule in Rylands v Fletcher.
5. Understand the principles of defamation.	5.1 Define libel and slander. 5.2 Assess the conditions for a claim in defamation. 5.3 Evaluate the utility of available remedies.

Suggested Resources

- Martín-Casals, M. (2010). The Impact of the Principles of European Tort Law (PETL) in Spanish Case Law. Journal of European Tort Law, 1(3), pp.306–327.
- Gandhi, B.M. (1990). Law of tort. Lucknow: Eastern Book Co. New York, N.Y.
- Grubb, A. (2002). The law of tort. London Butterworths Lexisnexis C.
- Harpwood, V. (1996). Law of tort. London: Cavendish.

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