

MODULE:	APPLIED BUSINESS LAW
CODE:	BABS-1-2-09
Stage:	I
Credit Points:	4 semester credits / 6 quarter units
Theme:	Human Resource Management / Business Environment
Assessment Weighting:	40% Coursework 60% Examination

INTRODUCTION

This module presents business students with an introduction to the legal system and its operation. An Irish jurisdictional focus is used, particularly in relation to the analysis of legal structures. However, where possible within the scope of an introductory module, reference is also made to trends in European and International law. The application of law to and within business is the central focus of the module.

AIMS

This module aims to provide students with:

An understanding and knowledge of the general principles of Irish law as it relates to business

A recognition of how legislation directs, constrains and protects businesses and business customers

An understanding of the general principles of negligence.

An understanding of employment related law

A knowledge of the key legal responsibilities of managers and directors (e.g. Health & Safety, financial reporting, etc.)

The ability to examine the advantages and disadvantages of incorporation in company law.

The ability to appraise the functions and duties of various company officers.

LEARNING OUTCOMES

On module completion, students will be in a position to:

Identify and discuss the various sources of business law.

Identify the necessary elements for a valid contract.

Discuss and apply the principles of negligence.

Identify the important elements of a contract of employment.

Describe the legal consequences of incorporating a company.

Identify and discuss the duties and obligations of various company officers.

Compare and contrast the institutions of the European Union.

SYLLABUS

An Introduction to the Irish Legal System

The Historical background

Common law and equity

The Sources of Law

Legislative interpretation.

The Constitution and Constitutional Rights

The Court System.

Contract Law

Formation of a Contract: Offer, Acceptance, Consideration and intention to create legal relations

Contents of a Contract: Express and Implied Terms, Exclusion clauses and Restraint of Trade clauses.

Vitiating Factors: Mistake, Misrepresentation, illegal contracts and void contracts

Discharge of a contract: Performance, Breach, Agreement and Frustration.

Remedies for breach of contract

An overview of the Sale of Goods & Supply of Services Act 1980

Law of Torts

Introduction: Tort vs. Crime, Tort vs. Contract.

Principles of Negligence

Defences to Negligence

Professional Negligence

Vicarious Liability

Defamation

EMPLOYMENT LAW

Employee vs. Independent Contractor

Formation of the contract of employment

Termination of the contract of employment

An introduction to the following legislation:

Unfair Dismissals Act 1977 – 2001

Health, Safety and Welfare at Work Act 1989

The Employment Equality Act 1998

The Maternity Protection Act 1994

THE LEGAL STRUCTURING OF BUSINESS

The Sole Trader, Partnership

Incorporation: Separate Legal Entity, Veil of Incorporation.

Types of Companies: Public, Private, Limited and Unlimited

Business Transactions: Leases, hire-purchase instruments

Corporate Governance: Registration, Memorandum & Articles of Association, the *ultra vires* doctrine.

Corporate Finance: Shares, Debentures, Charges etc.

Management: Powers and Duties of Directors, Appointment and Disqualification, Retirement and Removal, Board Meetings, Auditors etc.

Corporate Insolvency: Receiverships, Liquidations, Winding-up.

Developments Governing Business Law

EU and International Institutions and Structures

Examples of Influence:

Free Movement of Persons, Goods, Capital and Services

Freedom of Information Act

Competition Law

Product liability

Environmental Legislation: Green issues

TEACHING AND LEARNING METHODS

This module is a first year introductory module to the study of the legal environment governing business. Teaching of the course will primarily take place with formal lectures. Students will be required to prepare for lectures by reading certain prescribed materials, which will form the basis of lectures.

ASSESSMENT METHODS

60% of the marks are allocated to an end of term examination, which will include essay style questions assessing students' comprehension and analytical capabilities. The remaining 40% of the marks are allocated to coursework designed to assess the students' ability to apply legal principles to solving business problems presented in case studies.

