

# University of the West of Scotland

## Module Descriptor

Session: 2024/25

| Title of Module: Advanced Law of Obligations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                  |                   |                                               |
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| Code: LAWW10017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | SCQF Level: 10<br>(Scottish Credit and Qualifications Framework) | Credit Points: 20 | ECTS: 10<br>(European Credit Transfer Scheme) |
| School:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | School of Business & Creative Industries                         |                   |                                               |
| Module Co-ordinator:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Nishant Gokhale                                                  |                   |                                               |
| Summary of Module                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                  |                   |                                               |
| <p>This module will explore advanced concepts and contentious issues relating to voluntary and involuntary obligations, the main emphasis being upon the Law of Contract and the Law of Delict.</p> <p>The syllabus in law of contract will examine the latest developments in the Law of Contract from formation of a contract to breach of contract and termination of contracts. The module will cover different areas selected by the lecturer in each academic year and will involve a critical appraisal of the current state of the law in each particular area as well as an assessment of approaches in other jurisdictions. This may, for example, involve the issues of controlling or restricting liability in contracts, developments in the law relating to error in the Law of Contract and issues of frustration of contract.</p> <p>The same approach will be taken in respect of the Law of Delict. The primary focus will be on developments in the law of negligence, including liability for psychiatric injury, though some consideration may also be given to statutory liability, such as occupiers' liability and liability for animals, and specific delicts, including defamation and verbal injury, nuisance, and fraud. Once again, this section will involve a critical appraisal of the current state of the law in each particular area as well as an assessment of approaches in other jurisdictions. This may, for example, involve the issues of causation and scope of liability, pure economic loss, alternatives to a nuisance based approach and developments in the law of confidence.</p> <ul style="list-style-type: none"><li>• This module is developed in accordance with the UWS Graduate Attributes and helps students to develop the range of skills, qualities and abilities which will prepare them for success both outwith university and beyond their period of study at UWS. This module will help the student develop academic skills such as gaining knowledge, being a critical thinker, being analytical, being a problem solver, being digitally literate and being an autonomous learner.</li></ul> |                                                                  |                   |                                               |

| Module Delivery Method         |                                     |                          |                          |                          |                          |
|--------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Face-To-Face                   | Blended                             | Fully Online             | HybridC                  | Hybrid 0                 | Work-Based Learning      |
| <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| See Guidance Note for details. |                                     |                          |                          |                          |                          |

| Campus(es) for Module Delivery                                                                                                                                        |                          |                          |                          |                          |                           |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---------------------------|----------|
| The module will <b>normally</b> be offered on the following campuses / or by Distance/Online Learning: (Provided viable student numbers permit) (tick as appropriate) |                          |                          |                          |                          |                           |          |
| Paisley:                                                                                                                                                              | Ayr:                     | Dumfries:                | Lanarkshire:             | London:                  | Distance/Online Learning: | Other:   |
| <input checked="" type="checkbox"/>                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | Add name |

| Term(s) for Module Delivery               |                                     |        |                          |        |                          |
|-------------------------------------------|-------------------------------------|--------|--------------------------|--------|--------------------------|
| (Provided viable student numbers permit). |                                     |        |                          |        |                          |
| Term 1                                    | <input checked="" type="checkbox"/> | Term 2 | <input type="checkbox"/> | Term 3 | <input type="checkbox"/> |

| Learning Outcomes: (maximum of 5 statements)<br>These should take cognisance of the SCQF level descriptors and be at the appropriate level for the module.<br>At the end of this module the student will be able to: |                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| L1                                                                                                                                                                                                                   | Critically evaluate developments in the Law of Contract                                                                                    |
| L2                                                                                                                                                                                                                   | Critically evaluate developments in the Law of Delict                                                                                      |
| L3                                                                                                                                                                                                                   | Critically evaluate the reports of relevant court decisions and assess their significance within the law of contract and the law of delict |
| L4                                                                                                                                                                                                                   | Make effective use of physical and electronic resources in order to acquire specialist legal information.                                  |
| Employability Skills and Personal Development Planning (PDP) Skills                                                                                                                                                  |                                                                                                                                            |
| SCQF Headings                                                                                                                                                                                                        | During completion of this module, there will be an opportunity to achieve core skills in:                                                  |
| Knowledge and Understanding (K and U)                                                                                                                                                                                | SCQF Level <b>10</b><br><br>Understanding of the ways in which the Law of Obligations has developed.                                       |

|                                                  |                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                             |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                  | <p>Understanding issues relating to the Law of Obligations and maintaining the currency of the subject knowledge.</p> <p>Evaluating the effectiveness of the Law of Obligations in relation to its defined purposes</p>                                                                                                       |                                                                                                                                                                             |
| Practice: Applied Knowledge and Understanding    | <p>SCQF Level <b>10</b></p> <p>Interpreting and explaining complex legal concepts.</p> <p>Retrieving, interpreting and manipulating primary and secondary information from a variety of sources including electronic sources.</p>                                                                                             |                                                                                                                                                                             |
| Generic Cognitive skills                         | <p>SCQF Level <b>10</b></p> <p>Giving reasoned opinions, identifying flaws in arguments and discriminating between the legally relevant and irrelevant.</p> <p>Bringing together information from a variety of sources, including academic research publications</p>                                                          |                                                                                                                                                                             |
| Communication, ICT and Numeracy Skills           | <p>SCQF Level <b>10</b></p> <p>Communicating effectively and appropriately in speech and writing. Interpreting complex primary materials.</p> <p>Making effective use of information retrieval systems and use information technology applications to present documents in an appropriate form.</p>                           |                                                                                                                                                                             |
| Autonomy, Accountability and Working with others | <p>SCQF Level <b>10</b></p> <p>Working effectively, together with others in groups or teams, taking a leadership role where appropriate.</p> <p>Systematically identifying and addressing their own learning needs both in current and in new areas, making use of research primary legal source materials as appropriate</p> |                                                                                                                                                                             |
| <b>Pre-requisites:</b>                           | Before undertaking this module the student should have undertaken the following:                                                                                                                                                                                                                                              |                                                                                                                                                                             |
|                                                  | <b>Module Code:</b><br>LAWW07024<br>LAWW07021                                                                                                                                                                                                                                                                                 | <b>Module Title:</b><br><b>Contract Law</b><br><b>Delict</b>                                                                                                                |
|                                                  | <b>Other:</b>                                                                                                                                                                                                                                                                                                                 | or appropriate modules equivalent to the Contract Law and Delict modules noted above. The appropriateness of any such modules will be determined by the Module Co-ordinator |
| <b>Co-requisites</b>                             | <b>Module Code:</b>                                                                                                                                                                                                                                                                                                           | <b>Module Title:</b>                                                                                                                                                        |

\*Indicates that module descriptor is not published.

| Learning and Teaching                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                    |
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| In line with current learning and teaching principles, a 20-credit module includes 200 learning hours, normally including a minimum of 36 contact hours and maximum of 48 contact hours.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                    |
| <b>Learning Activities</b><br>During completion of this module, the learning activities undertaken to achieve the module learning outcomes are stated below:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Student Learning Hours</b><br>(Normally totalling 200 hours):<br>(Note: Learning hours include both contact hours and hours spent on other learning activities) |
| Tutorial/Synchronous Support Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 24                                                                                                                                                                 |
| Independent Study                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 176                                                                                                                                                                |
| Choose an item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                    |
| Choose an item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                    |
| Choose an item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                    |
| Choose an item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                    |
| Choose an item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                    |
| Choose an item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                    |
| Choose an item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 200 Hours Total                                                                                                                                                    |
| <b>**Indicative Resources: (eg. Core text, journals, internet access)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                    |
| <p>The following materials form essential underpinning for the module content and ultimately for the learning outcomes:</p> <p>Unlike other undergraduate courses, there is no definitive list of resources given the topical and changing nature of this module. Instead, current specific reading lists will be given for each seminar. Students will be expected to at least consult the basic reading before attending class. The following are indicative of some required general resources:</p> <p>Black, G., Woolman on Contract (6th edition, W Green 2018)</p> <p>Right Hon Lord Eassie and MacQueen, H., Gloag and Henderson: The Law of Scotland (14th edition, W Green 2017)</p> |                                                                                                                                                                    |

MacQueen, H., MacQueen and Thomson on Contract Law in Scotland (5th edition, Bloomsbury Professional 2020)

McBryde, W.W., The Law of Contract in Scotland (3rd edition, W Green 2007)

McManus, F. et al., Delict: A Comprehensive Guide to the Law in Scotland (3rd edition, Edinburgh University Press 2021)

Peel, E., Treitel on the Law of Contract (15th edition, Sweet & Maxwell 2020)

Gatica, M.P., Fault-Based And Strict Liability In The Law of Neighbours, (Edinburgh Legal Education Trust 2023)

Goudkamp, J. & Nolan, D., Winfield and Jolowicz on Tort (20th edition, Sweet & Maxwell 2020)

Pillans, B., Delict: Law & Policy (5th edition, W Green 2014)

Reid, E. The Law of Delict in Scotland, (Edinburgh University Press 2022)

Stewart, W.J., A Casebook on Delict, (2nd edition, W Green/Sweet & Maxwell 1997)

Cameron, G., Thomson's Delictual Liability (6th edition, Bloomsbury Professional 2021)

Please ensure the list is kept short and current. Essential resources should be included, broader resources should be kept for module handbooks / Aula VLE.

Resources should be listed in Right Harvard referencing style or agreed professional body deviation and in alphabetical order.

(\*\*N.B. Although reading lists should include current publications, students are advised (particularly for material marked with an asterisk\*) to wait until the start of session for confirmation of the most up-to-date material)

### **Attendance and Engagement Requirements**

In line with the [Student Attendance and Engagement Procedure](#): Students are academically engaged if they are regularly attending and participating in timetabled on-campus and online teaching sessions, asynchronous online learning activities, course-related learning resources, and complete assessments and submit these on time.

For the purposes of this module, academic engagement equates to the following:

Students are required to attend scheduled teaching sessions and engage with the Virtual Learning Environment, lack of which could result in the student being referred to the Engagement Panel, and could prevent student progression, and ultimately successful degree completion.

### **Equality and Diversity**

The University's Equality, Diversity and Human Rights Procedure can be accessed at the following link: [UWS Equality, Diversity and Human Rights Code](#).

Please ensure any specific requirements are detailed in this section. Module Co-ordinators should consider the accessibility of their module for groups with protected characteristics..

(N.B. Every effort will be made by the University to accommodate any equality and diversity issues brought to the attention of the School)

### Supplemental Information

|                                       |                                                                     |
|---------------------------------------|---------------------------------------------------------------------|
| <b>Divisional Programme Board</b>     | Accounting, Finance and Law                                         |
| <b>Assessment Results (Pass/Fail)</b> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| <b>School Assessment Board</b>        | Accounting, Finance and Law                                         |
| <b>Moderator</b>                      | Dr. Susannah Paul                                                   |
| <b>External Examiner</b>              | C. Patman                                                           |
| <b>Accreditation Details</b>          | e.g. ACCA <a href="#">Click or tap here to enter text.</a>          |
| <b>Changes/Version Number</b>         |                                                                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <b>Assessment: (also refer to Assessment Outcomes Grids below)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>This section should make transparent what assessment categories form part of this module (stating what % contributes to the final mark).<br/>Maximum of 3 main assessment categories can be identified (which may comprise smaller elements of assessment).</p> <p><b>NB: The 30% aggregate regulation (Reg. 3.9) (40% for PG) for each main category must be taken into account. When using PSMD, if all assessments are recorded in the one box, only one assessment grid will show and the 30% (40% at PG) aggregate regulation will not stand. For the aggregate regulation to stand, each component of assessment must be captured in a separate box.</b></p> <p>Please provide brief information about the overall approach to assessment that is taken within the module. In order to be flexible with assessment delivery, be brief, but do state assessment type (e.g. written assignment rather than “essay” / presentation, etc ) and keep the detail for the module handbook. <a href="#">Click or tap here to enter text.</a></p> |
| Assessment 1: An essay worth 50% of the overall mark critically evaluating developments in the Law of Contract.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Assessment 2: An essay worth 50% of the overall mark critically evaluating developments in the Law of Delict.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| (N.B. (i) <b>Assessment Outcomes Grids</b> for the module (one for each component) can be found below which clearly demonstrate how the learning outcomes of the module will be assessed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

(ii) An **indicative schedule** listing approximate times within the academic calendar when assessment is likely to feature will be provided within the Student Module Handbook.)

### Assessment Outcome Grids (See Guidance Note)

| Component 1                   |                      |                      |                      |                      |                      |                                     |                          |
|-------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|-------------------------------------|--------------------------|
| Assessment Type (Footnote B.) | Learning Outcome (1) | Learning Outcome (2) | Learning Outcome (3) | Learning Outcome (4) | Learning Outcome (5) | Weighting (%) of Assessment Element | Timetabled Contact Hours |
| Essay                         | ✓                    | -                    | ✓                    | ✓                    | -                    | 50                                  | 0                        |

| Component 2                   |                      |                      |                      |                      |                      |                                     |                          |
|-------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|-------------------------------------|--------------------------|
| Assessment Type (Footnote B.) | Learning Outcome (1) | Learning Outcome (2) | Learning Outcome (3) | Learning Outcome (4) | Learning Outcome (5) | Weighting (%) of Assessment Element | Timetabled Contact Hours |
| Essay                         | -                    | ✓                    | ✓                    | ✓                    | -                    | 50                                  | 0                        |

| Component 3                       |                      |                      |                      |                      |                      |                                     |                          |
|-----------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|-------------------------------------|--------------------------|
| Assessment Type (Footnote B.)     | Learning Outcome (1) | Learning Outcome (2) | Learning Outcome (3) | Learning Outcome (4) | Learning Outcome (5) | Weighting (%) of Assessment Element | Timetabled Contact Hours |
| -                                 | -                    | -                    | -                    | -                    | -                    | -                                   | -                        |
| Combined Total for All Components |                      |                      |                      |                      |                      | 100%                                | 0 hours                  |

### Change Control:

| What                                                                              | When       | Who      |
|-----------------------------------------------------------------------------------|------------|----------|
| Further guidance on aggregate regulation and application when completing template | 16/01/2020 | H McLean |
| Updated contact hours                                                             | 14/09/21   | H McLean |
| Updated Student Attendance and Engagement Procedure                               | 19/10/2023 | C Winter |
| Updated UWS Equality, Diversity and Human Rights Code                             | 19/10/2023 | C Winter |
| Guidance Note 23-24 provided                                                      | 12/12/23   | D Taylor |
| General housekeeping to text across sections.                                     | 12/12/23   | D Taylor |