

# Business Law

**Lecturer Name: Eoghan Casey**

**Moodle Code: IBL601**

**Course Code: BL601**

| Allocation of Marks     |            |               |            |       |
|-------------------------|------------|---------------|------------|-------|
|                         | Class Test | Mid-term Exam | Final Exam | Total |
| Percentage Contribution | 15%        | 35%           | 50%        | 100%  |
| ECTS Value              | 5 Credits  |               |            |       |

**\*Details of all aspects of assessments will be provided by your lecturer in-class.**

## Aims and Objectives

The aim of this module is to give international learners a solid foundation in the typical and internationally standard laws affecting the business environment, driving this study through European Union law and Irish law in particular.

## Learning Outcomes

| Module Learning Outcomes:  |
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| <i>On successful completion of this module learners will be able to:</i>   |
| 1. List the structures available for business organisations, their pros and cons, with particular emphasis on companies. Compare and contrast share capital and loan capital as forms of investment.   |
| 2. Identify the essential ingredients of a legally binding contract. Identify key consumer protection legislation (Irish and EU) and how it impacts freedom of contract for businesses and shapes best practice.   |
| 3. Know the main torts that create potential liability for businesses. Understand the defences against them and how they feed into best practice.  |
| 4. Have familiarity with the mandatory regimes governing insurance, HACCP and data protection as well as types of business requiring special licences.   |
| 5. Know the fundamentals of employment law: contractor status, minimum notice, unfair dismissal, employers' duties in tort and SHW Act 2005.   |
| 6. Discuss key elements and sources of Irish Law: constitutional, statute, EU and common law. Compare and contrast with sources in other EU member states and non-EU comparators.  |
| 7. Assess directorship and corporate governance, including how the protection of Separate Legal Personality may be lost. Identify the key corporate crimes and their ingredients. Differentiate the spectrum of undesirable corporate behaviour: from the unethical to that incurring civil liability to the criminal. |

8. Discuss the foundation and development of the European Union, its institutions, and types of law. Appreciate the significance of the “Four Freedoms”, harmonisation and competition.

## Module Content

|              |   |
|--------------|---|
| Session 1    | <b>Business Organisations and Company Law:</b> Sole traders, partnerships and companies, separate legal personality, scalability and disclosure requirements. Share and guarantee companies. Debentures and charges.  |
| Session 2, 3 | <b>Contract Law 1:</b> the nature and essentials of a valid contract and the importance of contractual terms and conditions; key sources of consumer protection law; development of consumer protection legislation in Ireland and Europe (common law and European); Sale of Goods Act; Supply of Services Act; liability; institutions involved in resolving disputes; consumer protection in e-commerce |
| Session 4    | <b>Tort:</b> the nature of tort; the nature of negligence; passing off and injurious falsehood in business; liabilities and remedies for tortious behaviour; measures to prevent business tort; terminology commonly used in the law of tort  |
| Session 5    | <b>Mandatory Regimes of Insurance and Licensing:</b> Insurance, HACCP and data protection. Liquor licences, banking licences and other protected industries.  |
| Session 6    | <b>Employment Law:</b> Employee or self-employed. Dismissal and redundancy. Employer and employee duties.   |
| Session 7    | <b>Sources of Irish and EU law:</b> Irish Constitution; Irish statute and common law; structure of the Irish legal system; common legal terminology relevant to business  |
| Session 8    | <b>Corporate Governance:</b> Directors, company secretaries and statutory auditors. Ethics, civil liability and corporate crime.  |
| Session 9    | <b>Contract Law 2:</b> categories of contractual terms and conditions; factors influencing the enforceability and unenforceability of contracts; duress and undue influence; contractual frustration, remedies for breach of contract   |
| Session 10   | <b>European Union:</b> EU history and development, EU institutions, types of legislation  |
|              | <b>Exam Preparation:</b> Syllabus overview, learning objectives reviewed, exam technique, study methods   |

## Module Teaching and Learning Strategy

This module is delivered (F/T) onsite in face-to-face mode.

Classes meet twice per week for 3 hours based on 2 x 1.5-hour sessions

Classes are a mixture of traditional lecture style delivery, individual and group work and interactive/contributory activities.

The classroom experience is supported by a) ISB Moodle a VLE that contains digital resources for self-directed and group learning and b) the opportunity to attend ISB extracurricular activities. Lecturer feedback is regularly provided in question and answer sessions, discussions, mock court scenarios, exam preparation questions etc.

### **Reading Lists and Other Resources**

MacDonnell, V. *An introduction to Business Law*, Chartered Accountants Ireland, Dublin, 2010

Murphy, E. *Business & Company Law for Irish Students*, Gill & McMillan, Dublin, 2004

Doolan, B. *Principles of Irish Law*, 8<sup>th</sup> Ed., Gill & McMillan, Dublin, 2011