

Law for Surveyors

Module Descriptor

Module Code: LAW7LFS

Version: 9.00

Status: Final

Date: 14/04/2022

Summary Module Details

Module details

Module Title: Law for Surveyors

Module Leader: Matt Fedigan

Module Mode: Supported online learning

Semester: Autumn (UK) and Spring (UK)

Level: 7

Credits: 20

Learning Hours: 200

Contact & Study Hours

Directed Study Time: 60hrs (30%)

Self-directed Study Time: 70hrs (35%)

Assessment Study Time: 70hrs (35%)

Assessment Type

Coursework: 60%

Computer Marked Assessment: 40%

Self-directed Research Project: 0%

Portfolio: 0%

Module summary

This module introduces an overview of English law, the legal system and the law-making process. Students are introduced to the law of contracts, from their formation, acceptance and validity, through to termination and remedies for breach and the enforceability of exclusion clauses. Students are then introduced to the law of tort which deals with 'civil wrong' (tort being the French for 'wrong') that causes harm or loss to one or more parties. In tort we will explore the concept of duty and standard of care, vicarious liability, and remedies and specific classes of tort. An introduction to conflict avoidance, dispute resolution and, particularly, Alternative Dispute Resolution is provided, which includes considering when and how ADR is commonly used in a built environment context.

Taken on which programmes

MSc Building Surveying (C)

MSc Construction Management (C)

MSc Quantity Surveying (C)

MSc Real Estate (C)

Core (C) or Elective (E)

Module Aims

This module aims to examine:

- An overview of the English legal system.
- The importance of the fundamental principles of contract law.
- The importance of the law of tort.
- Important aspects of land law.

Module Learning Outcomes

- LO1. Demonstrate knowledge and understanding of legal principles of real estate and construction practice.
- LO2. Critically appraise a range of factual and legal material to identify a logical solution to a problem with a reasoned, professional view.
- LO3. Critically appraise complex information from a range of appropriate sources, to develop reasoned legal alternatives.
- LO4. Critically analyse complex information and legal terminology to demonstrate knowledge and understanding of a range of legal issues faced by built environment professionals.

Indicative Module Content

Module topics

- **The English legal system**
Outline the classification of law and its sources. Outline the jurisdictions of the principal English courts.
- **Contract 1 – Formation of a valid contract and contents of a contract**
Outline the essential requirements for a binding contract offer, acceptance, intention to create legal relations and the principles of consideration, outline the difference between express and implied terms, the common law and statutory controls on exemption clauses.
- **Contract 2 – Capacity, privity, factors that affect the validity of a contract discharge of contract**
Outline the meaning of capacity to contract, the different types of vitiating factors and their effect, the principles of privity of contract and the exceptions, and the rules on discharge of contract and the remedies for breach of contract.
- **Conflict avoidance and Alternative Dispute Resolution**
Outline the common ways in which conflict is avoided in a built environment context and explore the most prevalent forms of Alternative Dispute Resolution, both mandated and voluntary.

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- **Tort 1 – Negligence and vicarious liability**

Define a tort, outline the principles of negligence, pure economic loss and nervous shock.

- **Tort 2 – Direct and indirect interference with land and defective premises**

Outline the duties of an occupier to visitors and trespassers, including any defences. Outline the types of nuisance, the rule in Rylands v Fletcher, and identify the general defences.

- **Ownership of land**

Explain the definition of land, distinguish between fixtures and chattels and explain the significance of the distinction. Explain the meaning of ownership of land, distinguish between the various estates in land, and outline the principles of the land registration system.

- **Easements and covenants**

The essential characteristics of easements, their acquisition and extinguishment. Outline the difference between positive and negative freehold covenants and their enforceability discharge and modification of covenants.

This content will be reviewed and updated regularly to reflect the legal, moral and financial changes in professional standards and practice.

Overview of Summative Assessment

Module learning outcomes	Assessment	Word count or equivalent	Weighting
LO1	Assessment 1 CMA	1,000	20%
LO2 & LO3	Assessment 2 Coursework	3,000	60%
LO4	Assessment 3 CMA	1,000	20%

Module Pass Mark (as a weighted average of all assessments): 50%

Key Module Learning Resources

Core sources and texts

The core reading resources within each module will be provided via the specific Virtual Learning Environment (VLE) module pages and within the e-Library. Additional reference material and supplementary resources to support your studies are available through the UCEM e-Library.

Module tools

Students will have access to study materials, dedicated academic support, student forums, and learning activities via an online learning platform (VLE).

The module page on the VLE is broken down into structured study weeks to help students plan their time, with each week containing a mixture of reading, case studies, videos/recordings and interactive activities to go through. Online webinars/seminars led by the Module Leader can be attended in real time and provide opportunities to consolidate knowledge, ask questions, discuss topics and work through learning activities together. These sessions are recorded to support students who cannot attend and to enable students to recap the session and work through it at their own pace. Module forums on the VLE provide further opportunities to discuss topics with other students, complete collaborative work and get extra help from the module team.

Professional online resources

The e-Library provides access to trusted, quality online resources, selected by subject specialists, to support students' study. This includes journals, industry publications, magazines, academic books and a dissertation/work-based library. For a list of the key industry specific and education resources available please visit [the VLE e-Library](#).

Other relevant resources

Access is also provided to further information sources that include the British Library and Open University UK catalogues, as well as providing a monthly current awareness service entitled, **Knowledge Foundations** - a compendium of news, research and resources relating to the educational sector and the Built Environment.

The module resource list is available on the module website and is updated regularly to ensure materials are relevant