

BTT Syllabus – Part A
Subject areas relating to the QLD/CPE Foundation subjects

August 2017

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Public Law (Constitutional Law, Administrative Law and Human Rights) Syllabus

1 Nature and sources of Constitutional Law

- Doctrines of Constitutional Law
- Institutions of Constitutional Law in the UK and EU
- Government Powers and Accountability

2 EU Law

- Relations with the national legal order
- UK sovereignty and impact of EU Law
- EU remedies

3 Civil Liberties

- The Police
- The Judiciary
- Human rights - the European Convention on Human Rights and Fundamental Freedoms

4 Administrative Law

- Judicial review
- Jurisdiction - ultra vires
- Principles - natural justice
- Procedures and remedies
- Administrative tribunals

Assessment

One two-hour closed-book examination.

The paper will require candidates to answer four questions out of seven.

The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

Candidates must demonstrate their ability in formal written skills required of counsel. Accordingly candidates will be required to present their answers in the form of either a pleading or a formal opinion. Relevant copies of statutory materials will be provided.

Law of the European Union

Syllabus

Basics of EU Law

- Recognition of the circumstances in which issues of EU Law may arise
- The relationship between EU and Domestic Law in a practical context
- The main content of and problems existing in some of the major areas of substantive EU Law and the impact of each on English Law, including:
 - Free movement of goods
 - Free movement of People
 - Competition Law

Assessment

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Criminal Law

Syllabus

- 1 General
 - The general principles of criminal liability (*actus reus*, *mens rea* and defences)
 - Application of general principles to specific offences
 - Understanding of the elements of specific offences
 - The role of case law, the rules of precedent, statutes and rules of statutory interpretation in the operation of criminal law.
- 2 The basic elements of criminal liability
 - *Actus Reus*
 - Causation
 - Omissions
 - *Mens Rea* (intention, recklessness etc)
 - Defences (including self-defence, effect of mistake)
 - Recklessness
- 3 Non-fatal offences against the person
 - Assault and battery
 - Assault occasioning actual bodily harm
 - Causing or inflicting grievous bodily harm
 - Robbery
- 4 Fatal offences against the person
 - Murder
 - Manslaughter
- 5 Modes of Participation
 - Accessorial liability
 - Inchoate offences
- 6 Offences involving fraud and dishonesty
 - Theft
 - Offences of fraud
 - Evasion of liability by deception
 - Making off without payment
 - Handling stolen goods
 - Burglary
- 7 Road Traffic Offences
 - Taking a vehicle without the owner's consent
 - Aggravated vehicle taking
- 8 Other Offences
 - Public order offences
 - Criminal damage

Assessment

One two-hour closed-book examination.

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The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

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Obligations including Contract, Restitution, and Tort

Syllabus (Contract)

- 1 Formation of Contracts
 - Offer/Acceptance
 - Intention to create legal relations
 - Consideration
 - Privity of contract
 - Capacity/Formalities
- 2 Terms of the Contract
 - Express terms, implied terms, particularly implied from statute (Sale of Goods Act, Supply of Goods & Services)
 - Conditions and warranties
 - Exemption clauses
- 3 Vitiating factors
 - Misrepresentation
 - Mistake
 - Duress/undue influence
 - Illegality/restraint of trade
- 4 Discharge of Contract
 - Discharge by performance
 - Discharge by frustration
 - Discharge by breach
 - Remedies
 - Damages
 - Specific performance
 - Injunction
 - Restitution

Syllabus (Tort)

- 1 Negligence
 - Duty of care
 - Negligent statements
 - Professional negligence
 - Nervous shock and rescuers
 - Breach of Duty
 - Damage
 - Remoteness
 - Causation
- 2 Employers' liability (including vicarious liability)
- 3 Trespass torts; Nuisance
- 4 Breach of statutory duty
- 5 Occupiers' liability

6 Common issues in Tort and Contract

- Professional liability
- Product liability
- Multi-party transactions
- Economic loss
- Misrepresentation
- Unfair Contract Terms Act
- Remedies
- Contribution and indemnity
- Defences

Assessment

One two-hour closed-book examination.

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The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

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Property/Land Law

Syllabus

1 General

- Estates and interests which can be held in land and how these can exist
- Ways in which legal estates can be held
- The respective roles of trustees and beneficiaries
- The formalities governing the acquisition of interests in land
- Matters which may defeat an estate or interest
- Licences and leases in both commercial and residential contexts
- The regulation of land use through private law mechanisms (covenants and easements)
- How estates and interests in land are governed by the unregistered and registered systems of conveyancing

2 Additional

- Transfer of land
- Strict settlements, the trust for sale and the trust of land
- Co-ownership
- Mortgages
- Licences
- Leases
- Freehold covenants
- Easements
- Registered land
- Unregistered land

Assessment

One two-hour closed-book examination.

The paper will require candidates to answer four questions out of seven.

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Candidates must demonstrate their ability in formal written skills required of counsel. Accordingly candidates will be required to present their answers in the form of either a pleading or a formal opinion. Relevant copies of statutory materials will be provided.

Equity and the Law of Trusts

Syllabus

Basic principles and rules of equity

- Creation of Private Trusts
- Certainty, formalities for creation and exceptions
- Rules against remoteness of vesting
- Secret trusts
- Charitable trusts
- Requirements for charitable status
- Cy-pres doctrine
- Purpose trusts and unincorporated associations
- Resulting and constructive trusts
- Implied trusts of the home
- Administration of private trusts
- Appointment and removal of trustees
- Variation of trusts
- Trustees' powers and duties
- Breach of trust and defences
- Liability of strangers, tracing

Assessment

One two-hour closed-book examination. The paper will require candidates to answer four questions out of seven.

The question will be in the form of Instructions to Counsel. The question/instructions will require candidates to produce a pleading or a formal Opinion. The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

Candidates must demonstrate their ability in formal written skills required of counsel. Accordingly candidates will be required to present their answers in the form of either a pleading or a formal opinion.

English Legal System

Syllabus

- 1 Sources of English Law
 - Common Law, Equity and Legislation
 - A detailed knowledge of the history of Common Law and Equity is not required.
- 2 The Doctrine of Precedent
 - The operation of the doctrine of *stare decisis* and the hierarchy of Courts
 - The relationship between precedent and law reporting
 - Advantages and disadvantages of precedent
 - Do judges make law?
- 3 The Interpretation of Legislation
 - United Kingdom legislation including delegated legislation, its advantages and disadvantages
 - Judicial approaches to the interpretation of statutes
 - Rules, presumptions and aids to construction
 - The Interpretation Act 1978
 - Interpretation of European Legislation
- 4 The Court Structure
 - The composition and jurisdiction of the House of Lords, the Supreme Court, the Court of Appeal, the High Courts of Justice, the Crown Court, County Courts (including the small claims procedure), Coroners Courts and Magistrates Courts
 - A detailed knowledge of rights of appeal is not required for this part of the syllabus, but may fall within the scope of other papers
- 5 Tribunals
 - An outline knowledge only of the role and workings of tribunals
 - A knowledge of the advantages, disadvantages and control of tribunals is required
- 6 Judge and Jury
 - The appointment and conditions of tenure of the judges of the courts listed in 4, above
 - Qualifications for jury service
 - The use of juries in civil and criminal cases and the advantages and disadvantages of their use
 - The roles of judge and jury
- 7 The Structure and Organisation of the Legal Profession
 - Barristers, solicitors and legal executives
 - The professional institutions responsible for the qualifications, conduct and discipline of members of the legal profession
- 8 Lay participation in the legal system and alternative methods of Dispute Resolution
 - Law magistrate, tribunal members, McKenzie friends, lay assessors
 - Conciliation, mediation, arbitration - their advantages and disadvantages

Assessment

One two-hour closed-book examination.

The paper will require candidates to answer five questions out of eight.

The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

Candidates must demonstrate their ability in formal written skills required of counsel. Relevant copies of statutory materials will be provided.