

LEGAL ASPECTS OF BUSINESS

Theme: Business Environment

Assessment Weighting: 50% Coursework

50% Examination

INTRODUCTION

This module is an introductory law course for business students which will provide an overview of the Irish legal system with particular emphasis on aspects of law which impinge on businesses as they operate. The focus is on Irish law, but many aspects of European Law will be highlighted and discussed. The primary and central focus of the course is the application of law within business structures after the skills and knowledge have been taught. The focus of this module is to provide students with a comprehensive overview of the important aspects of law which affect businesses in operation in Ireland and the European Union. To this end, more pertinent areas for students are concentrated upon and emphasised.

AIMS

This aims of this module are to:

- Develop an understanding and knowledge of the general principles of Irish law as it relates to business;
- Introduce students to the effect, influence and impact of law in business;
- Develop a knowledge and understanding of key areas of law required for business;
- Provide an understanding of how the Irish legal system is structured and how it operates with particular emphasis on business;
- An understanding of how the sources of law affect and impinge on the operation of business;
- Enable students to apply relevant law to practical business situations;
- Instill a knowledge and understanding of company law: including formation of companies, limited liability, corporate structure, key company documentation, responsibilities of directors, auditors, liquidators, receivers, examiners, company meetings, shareholders rights and duties;
- Enable students to have a broad understanding of the rights and obligations of employees and employers as they relate to business

LEARNING OUTCOMES

On successful completion of the module, students should be able to:

- Recognise the importance of law to the operation of business in Ireland;
- Identify, discuss and apply the sources of law, including where relevant EU law and have an understanding of basic legal terminology;
- Appreciate the nature and structure of the Irish legal system;
- Demonstrate an understanding of the essential aspects of the law of contract;
- Recognise the essential features of the law of negligence;
- Explain the basic concepts of insurance and negotiable instruments;
- Show an awareness of the legal structure of business, including limited liability and the full life cycle of business from formation to winding up;
- Describe the duties and responsibilities of the various officers of the business;
- Define the rights and responsibilities of shareholders
- Recognise the key obligations and rights provided by employment law statutes
- Be able to apply the core principles of employment law in a practical manner

SYLLABUS

An Introduction to the Irish Legal System.

- The Sources of Law
- The Court System including the structure of the Irish Court system.

Contract Law

- Formation of contract: offer, acceptance, consideration and intention to create legal relations;
- Terms of a contract, exclusions clauses;
- Mistake, misrepresentation, undue influence;
- Void, voidable and illegal contracts: understanding the difference;
- Discharge of a contract: performance, breach, agreement and frustration;
- Remedies for breach of contract

Law of Tort:

- The law of negligence, including negligent misstatement

Consumer Law

- An overview of the Sales of Goods and Supply of Services Acts 1893-1980;
- Credit and Security in particular the Consumer Credit Act 1995 (credit agreements, hire purchase, money lending)
- Consumer Act 2007 in particular misleading, aggressive and prohibited consumer practices;

Employment Law:

- Employee or an independent contractor
- Essential terms in a contract of employment;
- Unfair Dismissals Act 1977 – 2001
- The Employment Equality Acts 1998-2008
- The Maternity Protection Act 1994
- Organisation of Working Time Act 2003
- Protection of Employees (Part Time Work) Act 2001
- Protection of Employees (Fixed Term) Act 2003
- Redundancy Payment Acts 1967-2003

Business Law:

- Introduction to the Law of insurance;
- Negotiable instruments (bills of exchange, cheques, promissory notes)
- The Law of Agency including Commercial Agents

Company Law

- Forms of business: partnerships, sole traders, private limited companies, public limited companies;
- Incorporation and its consequences;
- Corporate Governance: corporate structure, key company documentation, company meetings, ultra vires doctrine
- Directors, types of directors, directors duties, appointment, disqualification and restriction, removal;
- Responsibilities of directors, auditors, liquidators, receivers, examiners, ,
- Shareholders rights and duties;
- Insolvency: receivership, liquidations, winding up, examinership

Introduction to EU Law

- Sources of EU law and structures of the EU
- Free movement of workers, goods and services