SCHOOL OF BUSINESS

BUSINESS LAW
TERM 1, ACADEMIC YEAR 2001—2002

A  COURSE INSTRUCTOR

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B  COURSE OBJECTIVES

This is an introductory course designed to help business students acquaint themselves with
the framework of Singapore’s legal system and to understand the legal environment within
which businesses operate.

A substantial part of the course is dedicated to the study of basic contractual principles as
these principles constitute the foundation of virtually every area of commercial law.

In addition, students will study the various types of legal liability (principally, tortious and
statutory) which arise in the conduct of business; basic concepts relating to intellectual
property law; as well as common forms of business relationships.

To ensure that students are also equipped to face the challenges as well as exploit the
opportunities presented by the current e-revolution in commerce, the course also requires
students to understand and analyse new legal issues arising from the conduct of businesses through electronic media

Upon completion of the course, students are expected to:

▶ Understand the framework of the Singapore legal system.
▶ Understand and apply the methodology of legal reasoning.
▶ Identify and address key legal issues arising from commercial transactions.
▶ Manage legal risks associated with the conduct of business both locally as well as internationally.

C SEMINAR PROGRAMME
(GROUP ASSIGNMENT PRESENTATION IN PARENTHESES)

WEEK 1 — INTRODUCTION TO THE COURSE AS WELL AS TO THE NATURE AND FUNCTIONS OF LAW
INTRODUCTION TO SINGAPORE LAW (1)

WEEK 2 — INTRODUCTION TO SINGAPORE LAW (2)
THE STUDY OF BASIC CONTRACT LAW
FORMATION OF CONTRACT (1): OFFER AND ACCEPTANCE

WEEK 3 — FORMATION OF CONTRACT (2): CONSIDERATION AND INTENTION TO CREATE LEGAL RELATIONS

WEEK 4 — THE TERMS OF THE CONTRACT
PRIVITY OF CONTRACT
(Group Assignment (Group 1): Introduction to Singapore Law and Formation of Contract (1))
WEEK 5 — CAPACITY TO CONTRACT
DISCHARGE OF THE CONTRACT: BY BREACH AND BY FRUSTRATION
(Group Assignment (Group 2): Formation of Contract (2))

WEEK 6 — VITIATING FACTORS IN CONTRACT LAW (1): MISTAKE AND MISREPRESENTATION
(Group Assignment (Group 3): The Terms of the Contract and Privity of Contract)

WEEK 7 — VITIATING FACTORS IN CONTRACT LAW (2): ECONOMIC DURESS, UNDUE INFLUENCE, UNCONSCIONABILITY AND ILLEGALITY
(Group Assignment (Group 4): Discharge of the Contract)

WEEK 8 — ONE-WEEK BREAK

WEEK 9 — REMEDIES IN CONTRACT LAW: DAMAGES, SPECIFIC PERFORMANCE AND INJUNCTIONS
(Group Assignment (Group 5): Vitiating Factors in Contract Law (1))

WEEK 10 — THE LAW OF AGENCY AND BUSINESS ARRANGEMENTS
(Group Assignment (Group 6): Vitiating Factors in Contract Law (2))

WEEK 11 — THE LAW OF NEGLIGENCE (1)
(Group Assignment (Group 7): Remedies in Contract Law)

WEEK 12 — THE LAW OF NEGLIGENCE (2) AND BUSINESS TORTS
(Group Assignment (Group 8): The Law of Agency and Business Arrangements and the Law of Negligence)
WEEK 13  —  A VERY BRIEF INTRODUCTION TO THE LAW OF INTELLECTUAL PROPERTY (WITH A FOCUS ON PASSING OFF AND TRADEMARKS)
(Includes general class discussion; there will be no separate question sheet for this topic)

WEEK 14  —  REVISION AND REVIEW

WEEK 15  —  FINAL EXAMINATION

D  TEXTS

► Prescribed Texts:


Jill Poole, Casebook on Contract (Blackstone Press, 4th edition, 1999; 5th edition forthcoming — references will, however, be to the existing edition).

► Recommended Reference Texts:


Chitty on Contracts (Sweet & Maxwell, 28th edition, 1999).


Note: For specific readings, please refer to the detailed *Course and Notes Outline*, which will be posted on SMU Connect.

**E ASSESSMENT AND EVALUATION**

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<tr>
<th>Component</th>
<th>Weight</th>
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<tr>
<td>Class Participation</td>
<td>15%</td>
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<tr>
<td>Group Assignment</td>
<td>30% (20% for the written assignment (combined grade) and 10% for individual oral presentation)</td>
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<tr>
<td>Mid-Term Test</td>
<td>15%</td>
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<td>Final Examination</td>
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<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
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*Class Participation* — Each student will be assessed on his or her participation in class throughout the course itself. All students should therefore complete the relevant assigned reading as well as exercises prior to attending the seminar. Quite apart from the grades allotted, active participation by students will create a vibrant and interactive environment conducive to learning at an elevated level: one of the distinguishing marks of SMU. Class participation comprises 15% of the final grade.

*Group Assignment* — Students will be grouped into teams of 4 to 5 persons each for group assignments. A typical assignment will require students to study as well as present to the class the legal issues arising from a decided case and/or a hypothetical (a problem question) and/or an essay question; the arguments or possible arguments of the disputing parties; the basis of the court’s judgment (where applicable); as well as (not at all unimportantly) the personal views and analyses of the presenting group and individual students concerned. Presentations are required to be made both orally and in writing, and both forms of presentation will be graded in the proportion stated above: 20% for
the written assignment and 10% for the actual oral presentation. It bears repeating that while the written assignment grade is a combined one in the sense that the same grade would be allotted to all members of the team, the grade for the oral presentation would be assessed on an individual basis. *It is also very important to note that plagiarism is strictly forbidden and may result in a failed grade. All material as well as ideas gleaned from other sources must therefore be attributed accordingly.*

**Mid-Term Test**  
— The primary functions of this test are to allow students to take stock of material covered up to that particular point in time as well as to give examination writing practice. The mid-term test comprises 15% of the final grade.

**Final Examination**  
— The final examination is typically a two and a half hour open-book paper comprising problem and/or essay questions. The final examination comprises 40% of the final grade. Although the examination is open-book, extensive reference to materials during the examination itself will prove extremely detrimental to your final grade obtained.

**F SEMINARS**

The course will be conducted in seminar sessions of 3 hours per session with a 15-minute break in-between.