



# **OTHM LEVEL 7 DIPLOMA IN INTERNATIONAL BUSINESS LAW**

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Qualification Number: 603/7722/7  
Specification | July 2021

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## QUALIFICATION OBJECTIVES

The objectives of the OTHM Level 7 Diploma in International Business Law qualification are to enable learners to gain knowledge and understanding about various branches of law, develop an analytical and critical approach to the application of UK and International legal principles and understand the appropriateness of dealing with certain aspects of behaviour within the law.

The qualification provides learners with an understanding of law in the context of business to equip them with the abilities needed to work with advanced issues.

By the end of the qualification, learners will be able to:

- To understand a range of subjects in international business law
- Develop an understanding for legal frameworks that govern international business transactions within industry
- Demonstrate an understanding of commercial trust law, company law, international trade law, intellectual property law, and law of financial crimes.
- Develop research skills and have the ability to write on key areas in law.

The OTHM Level 7 Diploma in International Business Law qualification enables learners to progress into or within employment and/or to work toward a relevant Master's programme with advanced standing.

## QUALITY, STANDARDS AND RECOGNITIONS

OTHM Qualifications are approved and regulated by Ofqual (Office of Qualifications and Examinations Regulation). Visit the [Register of Regulated Qualifications](#).

OTHM has progression arrangements with several UK universities that acknowledges the ability of learners after studying relevant Level 3-7 qualifications to be considered for advanced entry into corresponding degree year/top up and Master's/top-up programmes.

## REGULATORY INFORMATION

Qualification Title	OTHM Level 7 Diploma in International Business Law
Ofqual Reference Number	603/7722/7
Regulation Start Date	07/07/2021
Operational Start Date	12/07/2021
Duration	1 Year
Total Credit Value	120
Total Qualification Time (TQT)	1200 hours
Guided Learning Hours (GLH)	600 hours
Sector Subject Area (SSA)	15.5 Law and legal services
Overall Grading Type	Pass / Fail
Assessment Methods	Portfolio of Evidence
Language of Assessment	English

## EQUIVALENCES

The OTHM Level 7 diplomas on the Regulated Qualifications Framework (RQF) are at the same level as master’s degrees. However, they are shorter (120 credits) and learners will have to proceed to the dissertation stage (60 credits) with a university partner to achieve a full masters programme.

## QUALIFICATION STRUCTURE

The OTHM Level 7 Diploma in International Business Law qualification consists of 6 mandatory units making a combined total of 120 credits, 1200 hours Total Qualification Time (TQT) and 600 Guided Learning Hours (GLH) for the completed qualification.

Unit Ref. No.	Mandatory Units	Credit	GLH	TQT
F/618/7916	International Trade Law	20	100	200
J/618/7917	Commercial Trust Law	20	100	200
L/618/7918	Industrial and Intellectual Property Law	20	100	200
R/618/7919	Law and Financial Crimes	20	100	200
J/618/7920	Company Law	20	100	200
L/618/7921	Legal Research Methods	20	100	200

## DEFINITIONS

**Total Qualification Time (TQT)** is the number of notional hours which represents an estimate of the total amount of time that could reasonably be expected to be required in order for a learner to achieve and demonstrate the achievement of the level of attainment necessary for the award of a qualification.

*Total Qualification Time is comprised of the following two elements –*

- a) *the number of hours which an awarding organisation has assigned to a qualification for Guided Learning, and*
- b) *an estimate of the number of hours a Learner will reasonably be likely to spend in preparation, study or any other form of participation in education or training, including assessment, which takes place as directed by – but, unlike Guided Learning, not under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training.*

*(Ofqual 15/5775 September 2015)*

**Guided Learning Hours (GLH)** are defined as the hours that a teacher, lecturer or other member of staff is available to provide immediate teaching support or supervision to a student working towards a qualification.

**Credit value** is defined as being the number of credits that may be awarded to a learner for the successful achievement of the learning outcomes of a unit. One credit is equal to 10 hours of TQT.

## ENTRY REQUIREMENTS

- An honours degree in a related subject or a relevant UK level 6 diploma or an equivalent overseas qualification and/or;
- Mature learners with appropriate experience (learners must check with the delivery centre regarding this experience prior to registering for the programme)

- Learners must be 21 years old or older at the beginning of the course.

**English requirements:** If a learner is not from a majority English-speaking country must provide evidence of English language competency. For more information visit [English Language Expectations](#) page on our website [www.othm.org.uk](http://www.othm.org.uk).

## PROGRESSION

The OTHM Level 7 Diploma in International Business Law qualification enables learners to progress into or within employment and/or continue their further study. As this qualification is approved and regulated by Ofqual (Office of the Qualifications and Examinations Regulation), where appropriate learners are eligible to progress to Master's top-up at many universities in the UK and overseas with advanced standing.

For more information visit the [University Progressions](#) page on our website [www.othm.org.uk](http://www.othm.org.uk).

## DELIVERY OF OTHM QUALIFICATIONS

OTHM do not specify the mode of delivery for its qualifications, therefore OTHM Centres are free to deliver this qualification using any mode of delivery that meets the needs of their learners. However, OTHM Centres should consider the learners' complete learning experience when designing the delivery of programmes.

OTHM Centres must ensure that the chosen mode of delivery does not unlawfully or unfairly discriminate, whether directly or indirectly, and that equality of opportunity is promoted. Where it is reasonable and practicable to do so, it will take steps to address identified inequalities or barriers that may arise.

Guided Learning Hours (GLH) which are listed in each unit gives centres the number of hours of teacher-supervised or direct study time likely to be required to teach that unit.

## ASSESSMENT AND VERIFICATION

All units within this qualification are internally assessed by the centre and externally verified by OTHM. The qualifications are criterion referenced, based on the achievement of all the specified learning outcomes.

To achieve a 'pass' for a unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria. Judgement that the learners have successfully fulfilled the assessment criteria is made by the assessor.

The assessor should provide an audit trail showing how the judgement of the learners' overall achievement has been arrived at.

Specific assessment guidance and relevant marking criteria for each unit are made available in the Assignment Brief document.

OTHM have produced a Delivery Guide to support the teaching and learning of this qualification. This guidance is intended for both learners and centres and is to be read in conjunction with the specification and assignment brief document

These documents are made available to centres immediately after registration of one or more learners.

## RECOGNITION OF PRIOR LEARNING AND ACHIEVEMENT

Recognition of Prior Learning (RPL) is a method of assessment that considers whether learners can demonstrate that they can meet the assessment requirements for a unit through knowledge, understanding or skills they already possess and do not need to develop through a course of learning.

RPL policies and procedures have been developed over time, which has led to the use of a number of terms to describe the process. Among the most common are:

- Accreditation of Prior Learning (APL)
- Accreditation of Prior Experiential Learning (APEL)
- Accreditation of Prior Achievement (APA)
- Accreditation of Prior Learning and Achievement (APLA)

All evidence must be evaluated with reference to the stipulated learning outcomes and assessment criteria against the respective unit(s). The assessor must be satisfied that the evidence produced by the learner meets the assessment standard established by the learning outcome and its related assessment criteria at that particular level.

Most often RPL will be used for units. It is not acceptable to claim for an entire qualification through RPL. Where evidence is assessed to be only sufficient to cover one or more learning outcomes, or to partly meet the need of a learning outcome, then additional assessment methods should be used to generate sufficient evidence to be able to award the learning outcome(s) for the whole unit. This may include a combination of units where applicable.

## EQUALITY AND DIVERSITY

OTHM provides equality and diversity training to staff and consultants. This makes clear that staff and consultants must comply with the requirements of the Equality Act 2010, and all other related equality and diversity legislation, in relation to our qualifications.

We develop and revise our qualifications to avoid, where possible, any feature that might disadvantage learners because of their age, disability, gender, pregnancy or maternity, race, religion or belief, and sexual orientation.

If a specific qualification requires a feature that might disadvantage a particular group (e.g. a legal requirement regarding health and safety in the workplace), we will clarify this explicitly in the qualification specification.

## **UNIT SPECIFICATIONS**

# International Trade Law

Unit Reference Number	F/618/7916
Unit Title	International Trade Law
Unit Level	7
Number of Credits	20
Total Qualification Time (TQT)	200 hours
Guided Learning Hours (GLH)	100 hours
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

## Unit Aims

The aim of this unit is to develop learners' understanding about international trade law.

Learners will focus on areas such as international competition policy, the principles and practices of international sales contracts and analyse issues associated to an organisation trading globally.

## Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – the learner will:	Assessment Criteria – the learner can:	Indicative content
1. Understand the concept of strategic trade, environmental competition and preferential trade arrangements in international trade.	1.1 Analyse the role of international competition policy for environmental regulations and strategic environmental protection for organisations trading globally. 1.2 Evaluate and contrast theories of market imperfections/ distortions to measure trade barriers. 1.3 Critically evaluate types and rationales for preferential agreements. 1.4 Analyse the economic bases of the rules and principles of the GATT.	<ul style="list-style-type: none"> <li>• International Competition Policy: prohibiting agreements or practices that restrict free trading and competition between business ie banning abusive behaviour by a firm dominating a market, anti-competitive practices, supervising the mergers and acquisitions of large corporations &amp; some joint ventures, repression of free trade caused by cartels.</li> <li>• Environmental regulations</li> <li>• Strategic Environmental Protection</li> <li>• Market imperfections/ distortions: deviations from</li> </ul>

	<p>1.5 Critically analyse the workings of the WTO and predecessor agreements.</p>	<p>the assumptions of perfect competition ie monopoly and oligopoly markets, production with increasing returns to scale, markets that do not clear, negative and positive externalities in production and consumption, and the presence of public goods.</p> <ul style="list-style-type: none"> <li>• Rules and Principles of the General Agreement on Tariffs and Trade (GATT): <ul style="list-style-type: none"> <li>○ Trade without discrimination</li> <li>○ Protection through tariffs</li> <li>○ Promotion of fair competition</li> <li>○ Anti-Dumping Code</li> <li>○ Quantitative restrictions on imports</li> <li>○ Possible emergency actions.</li> <li>○ Regional trading arrangements.</li> <li>○ Settling trade disputes</li> </ul> </li> <li>• World Trade Organisation (WTO) : precursor to GATT</li> <li>• WTO functions: <ul style="list-style-type: none"> <li>○ implement rules and provisions related to trade policy review mechanism.</li> <li>○ provide a platform to member countries to decide future strategies related to trade and tariff.</li> <li>○ provide facilities for implementation, administration, and operation of multilateral and bilateral agreements of the world trade.</li> <li>○ administer the rules and processes related to dispute settlement.</li> <li>○ ensure the optimum use of world resources.</li> <li>○ assist international organizations such as, IMF and IBRD for establishing coherence in Universal Economic Policy determination.</li> </ul> </li> </ul>
<p>2. Understand the underlying principles, rights and regulations</p>	<p>2.1 Analyse constitutes for the contract for sales of goods and products.</p>	<ul style="list-style-type: none"> <li>• Contract for Sales of Goods and Products</li> <li>• International Sales of goods contract (buyer &amp;</li> </ul>

of international sales contracts.	<p>2.2 Evaluate the rights and obligations imposed under international sales contracts.</p> <p>2.3 Analyse the validity of rights and obligation of international sales contracts.</p> <p>2.4 Analyse the implications of making international contract online.</p>	<p>selling duties, remedies, issues, risks, and associated regulations)</p> <ul style="list-style-type: none"> <li>• UK, EU and International Directives on Certain aspects of Consumer Goods and As-sociated Guarantees</li> <li>• International Sales of Goods Contracts and The Vienna Convention for the International Sale of Goods (CISG) The principles of CISG in comparison with the domestic Sale of Goods Act</li> </ul>
3. Be able to analyse issues associated to an organisation trading globally.	<p>3.1 Identify types of exchange rate, regulatory and legal associated to an organisation trading at an international level.</p> <p>3.2 Critically analyse legal rules relating to the financing of international sales.</p>	<ul style="list-style-type: none"> <li>• The political economy of trade and instruments of trade policy</li> <li>• The Open Economy</li> <li>• Exchange rates and International Capital Flows</li> <li>• Exchange rate management and its impact on economic fundamentals</li> <li>• Currency in open macro economy</li> <li>• Finance mechanisms of international trade involving letters of credit, bills of exchange etc.</li> </ul>

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count
All 1 to 3	All AC under LO 1 to 3	Portfolio of Evidence	4000 words

## Indicative reading list

- International Trade Law, Carr, Indira ; Stone, Peter 2017, Milton: Routledge 2017
- Law of International Trade, 4th Edition, Practice Area: International Trade, ISBN: 9781847033444, Author: Dr Jason Chuah, Published by Sweet & Maxwell, 02 Apr 2009

- John F. Wilson, Carriage of Goods by Sea (London: Longman, 1208), ISBN: 781405846691
- International Trade Theory, Strategies and Evidence, Luis A. Rivera-Batiz, Maria-Angels Olivia, ISBN: 9780198297116, Oxford University Press

## **Website Links**

[World Trade Organization](#)

[General Agreement on Tariffs and Trade \(GATT\)](#)

[United Nations Commission On International Trade Law](#)

# Commercial Trust Law

Unit Reference Number	J/618/7917
Unit Title	Commercial Trust Law
Unit Level	7
Number of Credits	20
Total Qualification Time (TQT)	200 hours
Guided Learning Hours (GLH)	100 hours
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

## Unit Aims

This unit explores the law of trusts in an international context, comparing doctrine in different jurisdictions and exploring the theoretical implications of such differences.

## Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – the learner will:	Assessment Criteria – the learner can:	Indicative content
1. Understand the basic principles of Equity as part of the English system of Law.	1.1 Analyse the mechanics of creating express trusts including the rights of beneficiaries. 1.2 Understand the functions of a trust device. 1.3 Evaluate and compare types of trust. 1.4 Evaluate the nature of respective rights and obligations of the parties trusts.	<ul style="list-style-type: none"> <li>• Modern Trust Drafting</li> <li>• Principles and nature of equity</li> <li>• Trust, Tax and Estate Planning</li> <li>• Types of trust eg bare trusts, interest in possession trusts, discretionary trusts, accumulation trusts, mixed trusts, settlor-interested trusts, non-resident trusts</li> <li>• Beneficiaries Rights ie right to see trust documents which set out the terms of the trusts, identity of the trustees and the assets, trust deed, any deeds of appointment/retirement and trust accounts.</li> <li>• Trustee Duties ie avoid conflicts of interest, impartially between beneficiaries, comply with the terms of</li> </ul>

		the trust, take control of the trust assets, keep accounts, prepare tax returns, take professional advice.
2. Understand the way trusts are used in commercial transactions and how issues are dealt according to the norms of contract and trusts law.	<p>2.1 Analyse the context of commercial transaction into contract with trusts law and equity.</p> <p>2.2 Evaluate the interactions between contract law and trusts law.</p> <p>2.3 Explain how trusts are not bound up with contract.</p> <p>2.4 Critically analyse how trustees limit their liabilities.</p>	<ul style="list-style-type: none"> <li>• Commercial uses of trusts</li> <li>• Contract law and trusts law</li> <li>• Trusts implied by law (Resulting and constructive trusts)</li> <li>• Contract law terms and their interpretations</li> <li>• Trustee contract of appointment, liabilities and breach</li> <li>• Equitable remedies</li> <li>• Provision in their contract of appointment</li> <li>• Exclude liability for a range of defaults.</li> <li>• Pension Trusts</li> <li>• Trusts and Bonds</li> </ul>
3. Understand the differences between the rights, duties and power of trustees operating commercial trusts as opposed to those operating family trusts.	<p>3.1 Evaluate the powers of a trustee operating a commercial trust and one operating a family trust.</p> <p>3.2 Compare and contrast the rights and duties imposed upon a trustee of a commercial trust or family trust.</p>	<ul style="list-style-type: none"> <li>• Powers, duties, and rights of Trustee in a family setting</li> <li>• Powers, duties, and rights of Trustee in a commercial setting</li> <li>• Comparative trusts</li> <li>• Nature of a trust: comparison between commercial and family settings</li> </ul>
4. Understand the relationship between the law of trust in an international setting.	<p>4.1 Analyse commercial expectations of a trust creditor.</p> <p>4.2 Compare the law relating to trust creditors in other jurisdictions.</p>	<ul style="list-style-type: none"> <li>• US Law relating to Trust Creditors</li> <li>• Trust Assets</li> <li>• Creditors Rights</li> <li>• Corporate Trustee</li> </ul>

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count
All 1 to 4	All AC under LO 1 to 4	Portfolio of Evidence	4000 words

## Indicative reading list

- Hudson, A., 2016. Principles of Equity and Trusts, London: Routledge.
- Virgo, G., 2016. The principles of equity & trusts Second.
- Blackstone's Statutes on Commercial & Consumer Law 2018-2019 by Francis Rose

## Website Links

Trustee Act 2000

[http://www.legislation.gov.uk/ukpga/2000/29/pdfs/ukpga\\_20000029\\_en.pdf](http://www.legislation.gov.uk/ukpga/2000/29/pdfs/ukpga_20000029_en.pdf)

Recognition of Trust Act 1987

<http://www.legislation.gov.uk/ukpga/1987/14/contents>

Financial Services and Markets Act 2000

[http://www.legislation.gov.uk/ukpga/2000/8/pdfs/ukpga\\_20000008\\_en.pdf](http://www.legislation.gov.uk/ukpga/2000/8/pdfs/ukpga_20000008_en.pdf)

# Industrial and Intellectual Property Law

Unit Reference Number	L/618/7918
Unit Title	Industrial and Intellectual Property Law
Unit Level	7
Number of Credits	20
Total Qualification Time (TQT)	200 hours
Guided Learning Hours (GLH)	100 hours
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

## Unit Aims

The aim of this unit is to enable learners to gain an understanding of regulatory and legislative requirements relating to industrial and intellectual property laws. Learners will examine relevant issues including financial strategy, debt and equity management, the key drivers of shareholder value, corporate governance, and asset portfolio management.

## Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – the learner will:	Assessment Criteria – the learner can:	Indicative content
1. Understand the underlying rules relating to intellectual property laws.	1.1 Analyse the term ‘intellectual property’. 1.2 Explain subject matters of intellectual property rights. 1.3 Evaluate types of intellectual property and associated laws. 1.4 Critically analyse the impacts of intellectual property on public interest. 1.5 Analyse issues relating to the breach of confidential information in the intellectual property.	<ul style="list-style-type: none"> <li>Intellectual property: creative work which can be treated as an asset or physical property</li> <li>Types of intellectual property and laws associated with them</li> <li>Impacts of intellectual property on public interest</li> <li>Issues relating to the breach of confidential information</li> </ul>

<p>2. Understand the associated laws and procedures relating to copyright and trademark laws and the impact of jurisprudence of EU IP law on the UK.</p>	<p>2.1 Analyse the underlying principles of copyright.  2.2 Evaluate trademark and its various elements to protect words and symbols.  2.3 Compare and contrast the forms of copyright laws in the UK and internationally.  2.4 Analyse the framework of trademark law as operated in the UK, Europe and internationally.  2.5 Evaluate limits, enforcement and infringement of copyright and trademark.</p>	<ul style="list-style-type: none"> <li>• Trademark definition and the frameworks in UK and internationally.</li> <li>• Limits, enforcement and infringement of copyright and trademark</li> <li>• Trademark Law Treaty and Community Trademark System.</li> <li>• Application for protection</li> <li>• EU approach to Intellectual Property law and cases that have impacted upon the UK</li> <li>• The future relationship between EU and UK Intellectual Copyright Law</li> </ul>
<p>3. Understand the different forms of industrial property rights.</p>	<p>3.1 Critically analyse the justifications for intellectual property.  3.2 Analyse law of industrial designs.  3.3 Compare and contrast the UK law national registered design right and an unregistered design right system.</p>	<ul style="list-style-type: none"> <li>• Patents and utility models for inventions, industrial designs, trademarks, and geographical indications.</li> <li>• Patent's scope, rights, types, registration, and applicable laws</li> <li>• Registered vs Unregistered system</li> </ul>
<p>4. Understand the remedies available for breach of intellectual property law.</p>	<p>4.1 Evaluate the application of sanctions for misuse of intellectual property including civil and criminal remedies.  4.2 Evaluate legal and administrative modes to apply for or to deal with infringement of industrial property rights.</p>	<ul style="list-style-type: none"> <li>• Sanctions of breach/misuse instinctually property</li> <li>• What remedies are available?</li> <li>• The timeline and stages of patent prosecution</li> <li>• Remedies in an international context</li> </ul>

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count
All 1 to 4	All AC under LO 1 to 4	Portfolio of Evidence	4000 words

## Indicative reading list

- CAENEGEM, W. V., & CAENEGEM, W. V. (2015). Intellectual and Industrial Property Law. Chatswood, LexisNexis Butterworths.
- Intellectual Property Law: Commercial, Creative and Industrial Property, 2006. By Jay Dratler, Jr., Stephen M. McJohn

## Website Links:

UK Gov UK :

[Intellectual property](#)

[The Registered Designs Act, 1949 \(updated\)](#)

[Copyright, Designs and Patents Act 1988](#)

# Law and Financial Crimes

Unit Reference Number	R/618/7919
Unit Title	Law and Financial Crimes
Unit Level	7
Number of Credits	20
Total Qualification Time (TQT)	200 hours
Guided Learning Hours (GLH)	100 hours
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

## Unit Aims

The aim of this unit is to enable learners to understand legal compliance requirements in financial services and markets in relation to fraud, corruption, money laundering, terrorism, and theft laws. Learners will also be introduced to current theories and legal practices in the law of financial crimes and learn about statutory frameworks, financial services regulations and capital market, fraud and theft act, and criminal law regulations.

## Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – the learner will:	Assessment Criteria – the learner can:	Indicative content
1. Understand UK financial crime provision relating to insider dealing and market abuse.	1.1 Analyse civil offence according to the Financial Services and Markets Act 2000. 1.2 Identify sources of law on insider dealing. 1.3 Evaluate the statutory frameworks and EC context on dealing with insider dealing and market abuse. 1.4 Analyse the general offences of financial crimes under Financial Services and Markets Act 2000, Fraud Act 2006 and Theft Act 1968. 1.5 Compare and contrast how market abuse regulations and regulators act against insider	<ul style="list-style-type: none"> <li>• Financial Services and Markets Act 2000,</li> <li>• Fraud Act 2006</li> <li>• Theft Act 1968.</li> <li>• Nature and characteristics of Financial Crimes</li> <li>• Corporate scandals</li> <li>• Role of SFO and FCA</li> <li>• LIBOR</li> <li>• Mis-selling</li> <li>• The misuse and abuse of the corporate form</li> <li>• Case Studies: Northern Rock, Tesco, HBOS</li> <li>• Financial Services and Markets Act on insider</li> </ul>

	dealing and related financial frauds.	dealing <ul style="list-style-type: none"> <li>Whistleblowing and reporting mechanisms</li> </ul>
2. Understand the impact of money laundering regulations on businesses and its international dimensions.	2.1 Analyse the purpose of money laundering regulations. 2.2 Evaluate the international dimensions of money laundering regulations. 2.3 Analyse the background of the UK Proceeds of Crime Act 2002 and explain offences under its provisions. 2.4 Evaluate the consequences of money laundering on society.	<ul style="list-style-type: none"> <li>Money Laundering regulations</li> <li>Money Laundering Methods</li> <li>SOCPA</li> <li>Placement/Layering/Integration</li> <li>Proceeds of Crime Act 2002 - offences under its provisions</li> <li>Society implications: <ul style="list-style-type: none"> <li>Increased crime and corruption</li> <li>Unstable economies</li> <li>Weakened financial institutions</li> <li>Social impact/unfair competition</li> <li>Compromised economy and private sector</li> <li>Threat to territorial integrity and sovereignty of national governments (mainly through terrorist financing)</li> </ul> </li> </ul>
3. Understand the regulation and commercial policy issues relating to white collar crimes.	3.1 Analyse the historic development of white-collar crime and the role in statutory law in dealing with this. 3.2 Evaluate the role of criminal law in supporting prosecution of white-collar crime. 3.3 Critically analyse civil remedies in the context of white-collar crimes. 3.4 Analyse the defenses available and to what extent these need to be developed further.	<ul style="list-style-type: none"> <li>What is white collar crime?</li> <li>Development of statutory law in combating white collar crime – complexities</li> <li>Specialist juries</li> <li>Cybercrime</li> <li>Whistleblowing</li> <li>Risks</li> <li>Organisations – what responsibilities do they have?</li> <li>Remedies in white collar crime</li> <li>Civil and criminal penalties</li> <li>Defences available</li> </ul>

<p>4. Understand the development of global financial crime and the international initiatives in regulating this area.</p>	<p>4.1 Compare and contrast historic and economic general provisions of law on:</p> <ul style="list-style-type: none"> <li>○ money laundering</li> <li>○ terrorist financing</li> <li>○ corruption</li> </ul> <p>4.2 Analyse the EC Market Abuse Directive to control market manipulation and abusive practices.</p> <p>4.3 Evaluate the reporting requirements and the impact this has on global financial crime</p> <p>4.4 Evaluate the role of criminal law in supporting financial regulations in the United Kingdom.</p> <p>4.5 Critically analyse the international role in developing mechanisms to regulate global financial crime.</p>	<ul style="list-style-type: none"> <li>● Understanding the responsibility placed on organisations to identify interactions</li> <li>● Money Laundering</li> <li>● Terrorist financing</li> <li>● Corruption</li> <li>● EC Market Abuse Directive</li> <li>● Criminal law in supporting financial regulations in the UK</li> <li>● Civil recovery</li> <li>● Reporting mechanisms</li> <li>● Financial Action Task Force</li> <li>● Cybercrime and recent developments</li> <li>● Foreign Exchange Scandal</li> <li>● International Conventions</li> <li>● Reporting mechanisms and analysis</li> <li>● International initiatives and the future</li> </ul>
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## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count
All 1 to 4	All AC under LO 1 to 4	Portfolio of Evidence	4000 words

## Indicative reading list

- RIDER, B. A. K. (2015). Research handbook on international financial crime.
- SOUSTER, R. (2013). Financial crime and money laundering. Cranbrook, Kent, Global Professional Publishing

## Website Links

Financial Services and Markets Act 2000

Money Laundering Regulations 2007

The Proceeds of Crime Act 2002

The Terrorism Act 2000

Fraud Act 2006

Theft Act 1968

EC Market Abuse Directive

Office for National Statistics - Crime and Justice

# Company Law

Unit Reference Number	J/618/7920
Unit Title	Company Law
Unit Level	7
Number of Credits	20
Total Qualification Time (TQT)	200 hours
Guided Learning Hours (GLH)	100 hours
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

## Unit Aims

This unit aims to provide information to learners about English Law relating to registered companies including both private and public limited companies. Learners will gain knowledge and understanding about the legal issues affecting companies, the rights and obligations of shareholders and directors and the legal procedures relating to corporation liquidation.

## Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – the learner will:	Assessment Criteria – the learner can:	Indicative content
1. Understand legal issues affecting companies through the analysis of characteristics, incorporation, functions and regulatory frameworks.	1.1 Analyse the characteristics of: <ul style="list-style-type: none"> <li>○ the sole trader</li> <li>○ partnership</li> <li>○ public and private companies</li> </ul> 1.2 Evaluate different functions of EU companies. 1.3 Evaluate regulatory frameworks of incorporation of UK and EU companies. 1.4 Evaluate the articles of association and how these can be enforced. 1.5 Analyse the effect of the corporate veil and how this can be lifted.	<ul style="list-style-type: none"> <li>● Characteristic of the sole trader, partnership, public and private companies</li> <li>● Functions and regulatory framework of Company Law</li> <li>● Theories and policy issues of the Company and Corporate Objective</li> <li>● Articles of association – document that specifies the regulations for a company's operations and defines the company's purpose ie include provisions on the company name, its purpose, the share structure, the company's organisation,</li> </ul>

		<p>and provisions concerning shareholder meetings.</p> <ul style="list-style-type: none"> <li>• The corporate veil – a legal concept that separates the personality of a corporation from the personalities of its shareholders, and protects them from being personally liable for the company's debts and other obligations</li> <li>• Judicial and statutory lifting of the corporate veil.</li> </ul>
2. Understand the rights and obligations of directors.	<p>2.1 Evaluate the legal nature, roles, powers and liabilities of shareholders and directors towards the company.</p> <p>2.2 Assess the consequences of a breach in directors' duties in company law.</p> <p>2.3 Analyse the directors' responsibilities to creditors of the company in financial distress.</p> <p>2.4 Analyse the mechanisms for disqualifications of directors.</p>	<ul style="list-style-type: none"> <li>• Directors' Duties</li> <li>• Derivative actions and Minority Shareholder Remedies</li> <li>• Rights of shareholders</li> <li>• The Company's Constitution</li> <li>• Directors' responsibilities to creditors</li> <li>• Disqualification of directors</li> </ul>
3. Understand the rights of shareholders and minority shareholders.	<p>3.1 Analyse the rights of shareholders in public and private limited companies.</p> <p>3.2 Explain the rights of members in voting</p> <p>3.3 Analyse minority shareholder protection.</p>	<ul style="list-style-type: none"> <li>• Member voting rights</li> <li>• Classification of shares</li> <li>• Variation of rights</li> <li>• Shareholders</li> <li>• Minority Shareholder Protection</li> </ul>
4. Understand the legal procedures relating to corporation liquidation.	<p>4.1 Evaluate the role of the auditor.</p> <p>4.2 Analyse the winding up process and dissolution including powers and duties of the liquidator.</p> <p>4.3 Assess the priority of creditors in a winding up process.</p> <p>4.4 Evaluate the role of licensed Insolvency Practitioners.</p>	<ul style="list-style-type: none"> <li>• Directors' responsibilities to creditors</li> <li>• Corporate Governance</li> <li>• Legal procedure relating to the corporation liquidation</li> <li>• Differences between administration and liquidation of a company.</li> </ul>

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count
All 1 to 4	All AC under LO 1 to 4	Portfolio of Evidence	4000 words

## Indicative reading list

- Pettet's Company Law and Corporate Finance J. Lowry and A. Reisberg (Harlow, Longman, latest ed)
- Practical Company Law and Corporate Transactions, 3rd Edition by Mark Stamp; Matthew Elliott; Tom Jaggars; Daniel Simons; Tom Watkins; Jeremy Kutner; James Offord; Jo Windsor Published by: Sweet & Maxwell

# Legal Research Methods

Unit Reference Number	L/618/7921
Unit Title	Legal Research Methods
Unit Level	7
Number of Credits	20
Total Qualification Time (TQT)	200 hours
Guided Learning Hours (GLH)	100 hours
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

## Unit Aims

The unit aim is to allow learners to develop key knowledge, understanding and skills relating to legal research and theoretical and methodological problems associated with legal studies. Learners will be able to cover key topics relating to a research problem, conducting literature reviews, referencing, data collection and analysis techniques, and drawing conclusions from the analysed data.

## Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – the learner will:	Assessment Criteria – the learner can:	Indicative content
1. Understand how to conduct legal research.	1.1 Identify the criteria required to conduct legal research. 1.2 Define key issues in the proposed research. 1.3 Assess the diversity of research methods used in socio-legal studies. 1.4 Evaluate ethical dimensions of socio-legal approaches. 1.5 Analyse features of the blackletter approach to doctrinal legal research.	<ul style="list-style-type: none"> <li>• Doctrinal research - researching the law/jury,</li> <li>• Issues and criteria to conduct a legal research</li> <li>• Socio-legal studies (exploring decision making of magistrates and juries)</li> <li>• Ethical dimensions</li> <li>• Blackletter: focus on case-law, statutes and other legal sources, a pure doctrinal approach makes no attempt to look at the effect of the law or how it is applied, but instead examines law as a written body of principles which can be discerned</li> </ul>

		and analysed using only legal sources. Strengths/Challenges of approach
2. Be able to develop legal research approaches.	2.1 Choose a relevant legal research project topic. 2.2 Create appropriate research aims and objectives with justification. 2.3 Formulate a detailed plan for the research project.	<ul style="list-style-type: none"> <li>• SMART objectives;</li> <li>• Terms of reference</li> <li>• Rationale for selection,</li> <li>• Key milestones,</li> <li>• Project goals,</li> <li>• Schedule</li> </ul>
3. Be able to critically review literature relevant to a legal topic.	3.1 Critically analyse different theoretical approaches to a legal research problem. 3.2 Create a structured and thorough critical literature review.	<ul style="list-style-type: none"> <li>• A literature review - piece of academic writing demonstrating knowledge and understanding of the academic literature on a specific topic placed in context. A literature review also includes a critical evaluation of the material.</li> <li>• Identify existing scholarly knowledge on a particular topic • compare and contrast current research • evaluate the research by highlighting strengths and weaknesses • identify problems or gaps in existing knowledge, show how your research links to current knowledge • highlight how your study is attempting to address a gap in the research • provide a rationale or justification for your study</li> <li>• Features and ways to do literature review; the generic selection of literature; spotting the sources of literature; justification of an appropriate selection of literature; ; the selection of appropriate theories for the research; conceptualisation of the research phenomenon; including relevant theories and the justification of choices; the strength and credentials of relevant theoretical framework; the understanding and interpretation; and developing the theoretical framework.</li> <li>• Independently locate a range of legal sources</li> </ul>

		<p>within familiar databases and evaluate the suitability of these for a particular research purpose.</p> <p>Locate non-legal sources within a limited range of familiar databases and other resources and evaluate the suitability of these for a particular research purpose.</p>
4. Be able to design legal research methodologies.	<p>4.1 Critically evaluate relevant research methodologies that can be applied to your chosen research topic.</p> <p>4.2 Justify the methodology selected in terms of the research.</p> <p>4.3 Propose suitable techniques to use with quantitative and qualitative data collection and analysis.</p>	<ul style="list-style-type: none"> <li>• Research methods e.g. survey, questionnaire, observations; ways to test sufficiency, reliability and validity; definitions of data e.g. primary and secondary sources, qualitative and quantitative; literature search and review – its credibility, use and acceptance; ways to reference sources</li> <li>• Size and sufficiency of data, reliability and validity of information gathered</li> </ul>
5. Be able to plan and prepare a legal research project.	<p>5.1 Plan a legal research project and present this as a written proposal.</p> <p>5.2 Critically evaluate own skills and knowledge, with reference to the intended outcome of the research project.</p>	<ul style="list-style-type: none"> <li>• Report format e.g. title, acknowledgements, contents page, introduction, summary of literature review, research methods used, findings, recommendations, references, bibliography, appendices e.g. questionnaires, surveys, referencing e.g. Harvard system, use of bibliography and referencing systems to assure quality of data handling</li> <li>• Reflection on own research goals – SWOT analysis.</li> </ul> <p>Quality issues: the legal and ethical considerations of data management, copyright, reciprocity and trust and conflict of interest while conducting research, use of bibliography and referencing systems to assure quality of data handling.</p>

## Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count
All 1 to 5	All AC under LO 1 to 5	Research Project	4000 words

## Indicative reading list

- SCHWEPPE, J. (2016). Legal research methods - principles and practicalities.
- McConville, M. and Hong Chui, W. (2007), Introduction and Overview in Research Methods for Law, Edinburgh University Press
- Bryman, A. and Bell. E. (2007), Business Research Methods, 2nd Edition, Oxford University Press
- Blaxter, L, C Huges & M Tight, How to Research (Buckingham: Open University Press), ISBN: 0-335-19452-4
- Clinch, P. Using law library: as student's guide to legal research skills (London: Blackstone). ISBN 1-84174-029-2
- Bryman, A. (2008), Social Research Methods, 3rd Edition, Oxford University Press

## GUIDANCE FOR THE USE OF LEGAL RESEARCH RESOURCES AND MATERIALS

Research material can be drawn from a wide range of different research resources. As well as using traditional sources such as the primary legal sources, and books and journal articles, you may want to use news items, government reports, statistical or audio-visual material.

Some materials such as scholarly books and journals go through a rigorous 'peer review' process where they are analysed by experts in the field for reliability and quality.

However, it can be more difficult to establish the provenance of other sources of information - for example anyone can create and disseminate information via the web.

In an information rich society, it's crucial to remember that not all information resources are equal! As a researcher, you must evaluate the information you find and decide whether the content is scholarly, accurate and authoritative research material.

Learners should ensure that their cited research sources have:

- **Currency:** the timeliness of the information
- **Relevance:** the importance of the information for your needs
- **Authority:** the source of the information
- **Accuracy:** the reliability, truthfulness, and correctness of the content
- **Purpose:** the reason the information exists

### **Case Law**

Case law is a key primary legal source.

When you are using the online databases for case law searching, many offer contextual information to help broaden your research and connect you with related materials. This can be particularly useful for exploring issues in depth and is also a very efficient way to discover related research materials.

### **Legislation**

Legislation is one of the primary sources of written law.

You can use online legal databases such as [Legislation.gov.uk](http://legislation.gov.uk) to locate specific pieces of legislation such as Acts and Statutory Instruments.

As with case law, make use of the database 'added value features' to broaden your research and explore connections between legislative provisions and related case law and commentary.

### **Treaty**

A treaty is an agreement made by negotiation under international law. Treaties are entered into by countries or other legal authorities and once they are formally agreed and signed by the participating bodies, they are usually ratified by the law-making authority of each country/ signatory ie [United Nations Treaty collection](#)

### **Books**

Books, such as textbooks, are good for providing an overview of a topic. They undergo an editorial process and are usually written by experts in the subject or professional authors. They contain reference lists or bibliographies so that you can broaden your research by following up leads to related publications.

Books take time to produce, so may not always contain the most up to date information. In some subject areas, such as Law it is important to check you are using the most up to date edition of a book.

## **Journals**

Journals can provide you with up to date discussion of research topics as they are published more quickly and regularly than books e.g. weekly, monthly, quarterly or annually, depending on the publication.

Journal articles are written by researchers and experts in their field. Scholarly or academic journals go through a "peer review" process, where a panel of experts assesses the article before it is approved for publication, giving you reassurance that the information is reliable. Like books, the more scholarly articles also contain reference lists or bibliographies so that you can broaden your research by following up leads to related publications.

## **Reference Materials**

Reference resources such as almanacs, dictionaries, encyclopaedias and thesauri enable you to examine facts and statistics about the world, decipher abbreviations and definitions and gain an overview of a topic

They can be really useful resources as you begin your background research into a topic before you move on to more in depth research.

## **Publications**

Official publications are the documents and materials produced by the government and governmental departments during the course of government business.

Content ranges from statements of law and policy to government reports and statistics.

These publications can be a valuable primary research source and are especially useful to those researching in law.

Listed below are some examples of useful publication links to those researching UK, EU and International law: This list is not exhaustive and there are many other publications/websites that you can use by conducting your own research.

## **UK Law**

[Legislation.gov.uk](http://legislation.gov.uk) carries most types of legislation and accompanying explanatory documents and you can use this site to locate specific pieces of legislation such as Acts and Statutory Instruments.

The UK [Law Commission](http://www.lawcommission.gov.uk) keeps the law under review and makes recommends for reform where it is needed. Their reports capture in depth analysis and consultation of the current law, together with their recommendations for reform which may then make their way into law through the parliamentary process.

## **EU documents and publications**

Europa is the official website of the EU. It provides access to all EU legislation, preparatory documents, treaties and case law and also secondary resources with useful background information including: policy documents, statistics and reports & studies.

### **International Law**

The International Law Association was founded in Brussels in 1873. Its objectives, under its Constitution, are "the study, clarification and development of international law, both public and private, and the furtherance of international understanding and respect for international law". The ILA has consultative status, as an international non-governmental organisation, with a number of the United Nations specialised agencies.

The Hague Justice Portal is a gateway to information, news and research on the Hague organisations in the fields of international law, justice and security.

### **Websites**

Search engines such as Google, Bing, Yahoo etc have made it very easy to search and find information via the internet and it is highly likely that you will use the web to find information for your research.

When using material from the internet, you need to exercise caution as anyone can publish information on the web so the quality and reliability of the information is highly variable.

Always evaluate the sources to ensure the material is trustworthy, accurate and authoritative.

### **Social Media**

Social Media blogs, twitter feeds etc. can be useful research resources. For example, they can highlight key topics and debates that are live at particular points in time. Also many experts and organisations use these communication methods to highlight larger research projects and work.

As is the case with website information, it is vital that you evaluate these resources as the quality and reliability of information will be highly variable.

## **IMPORTANT NOTE**

Whilst we make every effort to keep the information contained in programme specification up to date, some changes to procedures, regulations, fees matter, timetables, etc may occur during the course of your studies. You should, therefore, recognise that this specification serves only as a useful guide to your learning experience.

For updated information please visit our website [www.othm.org.uk](http://www.othm.org.uk).