

GCE

LAW:
Essential requirements of contract,
including privity of contract

SUGGESTED IDEAS FOR
TEACHING/LEARNING



SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:	
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Course:	A Level Law
Topic:	Essential requirements of contract, including privity of contract
Session:	

Unit:	Unit 2 and 3
Ref. to specification:	Law of Contract
Suggested time allocation:	8 – 12 hours

Aims & Objectives: At the end of these sessions the student will be able to:

- **Explain** the requirements of a valid offer.
- **Explain** the requirements of a valid acceptance.
- **Explain** the rules of consideration.
- **Understand** the need for a valid contract to have intention to create legal relations.
- **Explain** and **evaluate** the doctrine of the privity of contract.

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce the topic with reference to the aims and objectives set out above.
- Explain the key components needed for a valid contract – OFFER + ACCEPTANCE = CONTRACT if there is an intention to create legal relations.
- Discuss the differences between offers and invitations to treat.

Activity: You could show learners images (e.g goods on display in a window, auction lots and consumers standing at tills) to visually represent the difference between offers and invitations to treat. These visual images could also coincide with the key cases on invitations to treat.

- **OFFER:** explain legal requirements of a valid offer and key cases.
- **ACCEPTANCE:** explain legal requirements of a valid acceptance with key cases and some focus on the postal rule and how it applies to the validity of an acceptance. Learners should also be signposted to the statute on this issue which is the *Consumer Protection (Distance Selling Regulations) 2000* because it allows a 14 day cooling off period for consumers.

Activity: Whole class discussion – how would these rules of acceptance apply to modern methods of acceptance, e.g. fax, email. Learners could produce a leaflet to explain these rules to new businesses.

Extension Activity: Research the modern cases of *Entores v Miles Far East Corporation* (1955 and *Thomas v BPE Solicitors* (2010) which consider the impact of modern methods of communication.

Activity: Individual written task – learners to look at the *Llanelly Pottery Case* on PowerPoint to apply the rules of offer and acceptance, paying particular attention to the postal rule. Good exam technique would be to encourage learners to create a timeline of all the key dates contained in the problem scenario.

- **INTENTION TO CREATE LEGAL RELATIONS:** explain key requirements of this, focusing on the distinction between commercial agreements and domestic agreements.

Activity: Whole class discussion: What happens if you win the lottery? Have a look at the following two cases – was there an intention to create legal relations?

Peck v Lateu (1973) and *Wilson v Burnett (2007)*

- **CONSIDERATION:** explain **four** rules of consideration and key cases.
- **PRIVITY OF CONTRACT:** explain the concept that third parties cannot normally sue under a breach of contract, even if they have an interest in the performance. Exceptions lie in the common law and in statute – discuss key cases.

Activity: Whole class discussion: What are the advantages and disadvantages of this?

Extension Activity: *BBC v HarperCollins (2010)* – have a look at this case and make a note of why ‘*The Stig*’ was permitted to publish an autobiography even though his identity was supposed to be kept a secret.

Activity: create a mindmap to summarise the key requirements of a contract, using a different colour for each component. This can be done using www.mindmapmaker.org. Learners can also create a glossary of key terms and convert these into flashcards to test each other on key terms and key cases.

Student Activities:

- Group work – explaining and illustrating different types of misrepresentation.
- Group discussion – what happens if you win the lottery?
- Past Paper Questions
- Scenarios – application of the law relating to the essential requirements of a contract.

Suggested links / resources:

- PowerPoint presentation
- Cases
- Past Paper Question on essential requirements of a contract (Teacher Guide)

Assessment

During the lesson

Group exercises and direct questioning show how much the students have understood the essential requirements of a contract.

Subsequent to lesson

Activity: Past paper question: **The Rare Harry Potter Book**. See Teacher Guide.
Students could create their own mark scheme for this prior to attempting it. This is particularly useful for AO2 which requires application of the law to a given scenario.