

GCE

LAW: Remedies including damages and equitable remedies

SUGGESTED IDEAS FOR TEACHING/LEARNING



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Teacher /Lecturer:	
Unit:	Unit 2 and 3
Ref. to specification:	Law of Contract
Suggested time allocation:	2 – 4 hours

Course:	A Level Law
Topic:	Remedies
Session:	Remedies

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

- **Describe** the types of common law remedies that can be awarded.
- **Explain** the types of equitable remedies that can be awarded, including specific performance and injunctions.
- **Evaluate** the limitations on the awarding of remedies under the law 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 fact that there exists common law remedy of damages and equitable remedies.
- **COMMON LAW REMEDIES** – this is normally awarded in the form of damages, that is financial compensation and this is available as of right where a contract has been breached. Damages are split into **pecuniary** and **non-pecuniary** losses. Other common law damages are restitution and Quantum Meruit.
- Explain that there are limitations on the awarding of damages: causation, remoteness and mitigation – discuss the definitions of these key terms and the associated cases.
- Damages are calculated using either Loss of Expectation or Reliance Loss.

Activity: Discuss Anne-Marie scenario in the Teacher Guide to practice skills of application.

Activity: Class Discussion - “*Evaluate the concept of measuring loss in damages claims for consumers*”. Discussion can be facilitated as a debate where one half of the class discusses the positive aspects of the system of measuring damages and the other half discusses the negative aspects. Encourage learners to think about how far the system truly puts the claimant in the position they would have been had the tort not been committed.

- **EQUITABLE REMEDIES** – equitable remedies are discretionary and consist mainly of Specific Performance and Injunctions. Discuss relevant cases from PowerPoint.

Activity: Role Play - Learners could be split into pairs and set role play scenarios in which one person plays the role of the client and one the role of the legal adviser to advise what damages or remedies would be appropriate in the fictional scenario. The scenarios can be drawn from real cases and newsworthy items. This is an activity that could be developed with the use of fake money for learners to allocate money for each type of loss.

Student Activities:

- Group work – explaining and illustrating different types of remedies available.
- Group discussion – how far does the system of measuring loss adequately compensate the claimant and put them in the position they would have been had the breach not occurred.
- Scenarios – application of the law relating to damages calculation under common law.
- Fake Money – widely available online.

Suggested links / resources:

- PowerPoint presentation
- Cases
- Teacher Guide

Assessment

During the lesson

Group exercises and direct questioning show how much the students have understood common law and equitable remedies.

Facilitate discussion on whether the law relating to damages provides sufficient protection for the consumer.