

# Capital University of Economics and Business

## Overseas Chinese College

### Course Syllabus

<b><u>Year and Semester</u></b>	2021 Spring (March 1, 2021 - July 18, 2021)
<b><u>Course Name</u></b>	Business Law
<b><u>Course Code</u></b>	BC102
<b><u>Course Type</u></b>	<input type="checkbox"/> General Education (Required) <input type="checkbox"/> General Education (Elective) <input checked="" type="checkbox"/> Professional Course (Required) <input type="checkbox"/> Professional Course (Elective) <input type="checkbox"/> Basic Disciplinary Course
<b><u>Course Credits</u></b>	2
<b><u>Course Hours</u></b>	36
<b><u>Prerequisites</u></b>	None
<b><u>Instructor</u></b>	Kevin Xiao
<b><u>Contact Information</u></b>	Office: C218 Tele: (010)83951081 Email: xiaozhiqiang@cueb.edu.cn
<b><u>Office Hour</u></b>	TBA
<b><u>Learning Centre</u></b>	TBA
<b><u>Grade/Section</u></b>	2020BA/Y01/Y02;
<b><u>Course Time/Place</u></b>	2020BA1/Y01 M: 8:00-9:50 A101; 2019BA2/Y02 TH: 8:00-9:50 A102;

#### **Textbook**

Law for Business Students by China Renmin University Press    ISBN-978-7-300-18750-1;

#### **Reference Book**

1. The law of International Business Transactions (English) by pku. ISBN 7-301-06557-4;
2. International Business Law (English) by Higher Education Press    ISBN-7-04-011684-7;

#### **Course Description**

The main aim of this course is to develop knowledge and skills in the understanding of the general framework and of specific legal areas relating to business law. Course topics include formation and characteristics of the legal systems, contract law, and laws of agency, and business organizations. Most of this course is concerned with civil law, namely the law that sets out the rights and contracts, employment, companies, insolvency. It will also attempt to help students to build up the critical thinking skills, analytic ability in the context of the study of business law.

#### **Student Learning Objectives**

After studying this course, students should be able to:

1. Identify the essential elements of the legal system, including the main sources of law.
2. Define offer and acceptance.
3. Distinguish between the different types of damages available for breach of contract.

4. Describe how an agency relationship may be created.
5. Explain the circumstances when a breach of duty of care may occur.
6. Understand the concept of legal personality.
7. Distinguish between the different types of share capital
8. Explain the duties of directors

### **Website Source**

1. <http://www.bailii.org/databases.html>
2. <http://www.bytestart.co.uk/index.shtml>

### **Teaching Methods**

This course contains lectures, class discussions, homework, quizzes, presentation and exams. Textbook content will be introduced first. Then practice questions will be delivered to students as a way to test their understanding of the knowledge. This will require individual or group assignment in or after class.

### **Grade Criterion**

<b>Component</b>	<b>Weight</b>	<b>Description</b>
Final Exam	20%	A cumulative final examination will be given based on all of the contents of the class. The exam paper may be composed of multiple-choice questions, short answer questions, essay questions. Students should rely primarily on homework assignments to give them a sense of what they may see for material on exams.
Mid-Term Test	20%	A cumulative midterm test will be given based on all of the contents that have been taught in class. The test paper may be mainly composed of multiple-choice questions.
Homework	15%	Most of the assigned homework is taken from the Exercises in the textbook. Assignments will be collected at the clearly stated date. Late assignments will not be accepted. The graded assignments will be kept by the tutor for reference and won't be returned to students.
Quizzes	15%	There will be at least 2 quizzes during the semester. Quizzes may or may not be announced in advance. It may also be used as a way to check the attendance. Quizzes will test your knowledge of both concepts and the application of those concepts.
Presentation	10%	The students will be divided into several groups to prepare a presentation. Each student is required to be involved in the presentation. The topics can be selected from the textbook or lectures. Each group need to finish a PPT related to the topic which is given and hand in the related resources to the teacher before the presentation.
Participation	10%	Individuals will be asked to participate individually in a question and answer at least 5 times during the semester. The

		performances should be counted in their participation.
Attendance	10%	Refer to attendance policy listed below
<b>Total</b>	100%	

### **Detailed Grade Computation**

	<b>Before Midterm</b>	<b>After Midterm</b>
Attendance	5%	5%
Participation	5%	5%
Homework	5%	10%
Quizzes	5%	10%
Presentation		10%
Midterm test	20%	
Final exam		20%
<b>Total</b>	<b>40%</b>	<b>60%</b>

### **Grading Policy**

A+ 97-100	A 93-96	A- 90-92	B+ 87-89	B 83-86	B- 80-82
C+ 75-79	C 70-74	C- 67-69	D+ 63-66	D 62-60	F 0- 59

### **Exam Schedule**

Midterm Test: Apr.26-30;

Final Exam: July.12-16

### **Assessment of Student Performance**

#### *☛ Self-Study and Reading ability Practice*

Instructor will give out the chapters or the reference books to read and use class hours to have discussion; students should be able to show a proactive attitude and ability for self-study and reading. Knowledge and oral English will be elements of homework or presentation score.

#### *☛ Homework*

Students should finish their homework by themselves. Copying from others will be treated as cheating and the homework scores will be lowered. Students should hand in all assignments on time. Late assignments will be accepted at the discretion of the instructor (i.e., when the student was ill or had an excused absence). Late assignments without reasonable proof will be reduced in score by 50%.

#### *☛ Attendance*

Because the course covers a great deal of material, attending every class session is very important for performing well.

- ♦ Being late for 15 minutes or more is considered an absence.
- ♦ Five hours or above of unexcused absences will result in the lower level of the final grade by one grade band (e.g. from C – to D +). Any excused absence must be discussed directly with the teacher.
- ♦ Absence which is more than 1/3 of the total teaching hours will cause an F (a failing grade) directly .but students are welcome to continue attending classes.
- ♦ An incomplete grade (I) will be considered in case of medical or family emergencies.

### *☞ Participation*

- ♦ Students should participate in classes actively. Half of participation grade is determined by their presentation in class. They are encouraged to ask questions relevant to the subject and express their own opinions. Every student should respect the ideas, opinions, and questions of their classmates.
- ♦ Students should also use office hours to ask questions or talk with the instructor for good communication and effective learning.
- ♦ Any misbehavior and non-class related activities in class will result in the lower level of the participation grade, including ringing cell phones.
- ♦ All above behaviors will be solely evaluated by the instructor for scoring.

### *☞ Textbook*

Students must bring the textbook to class.

### **Topical Course Outline**

<b>Week</b>	<b>Date</b>	<b>Topics</b>	<b>Homework</b>
1	Mar. 1	Chapter 2 Appreciate the distinguishing features of a legal rule Distinguish between civil and criminal law Chapter 4 Resolving legal disputes Identify the jurisdiction of each court	Exercise 1
2	Mar. 8	Chapter 3 How the law is made Name the sources of English law Explain the application of the doctrine of precedent in the English courts Describe the differing judicial approaches to interpreting statutes	Exercise 2
3	Mar. 15	Chapter 5 The law of contract: offer and acceptance List the essential requirements for a binding contract Define offer and acceptance Distinguish between an invitation to treat and an offer	Exercise 3
4	Mar. 22	Chapter 6 The law of contract: consideration, intention and privity Define consideration Describe the operation of the promissory estoppel doctrine Appreciate the characteristics of agreements which demonstrate intention of create legal relations	Exercise 4
5	Mar. 29	Chapter 7 The terms of the contract Distinguish between conditions, warranties and innominate terms Explain the purpose of exclusion clauses and the common law rules governing them	Exercise 5
6	Apr. 5	Chapter 10 Discharge of the contract and remedies for breach Grasp when a breach is capable of discharging the contract Apply the remoteness of damage rules Distinguish between the different types of damages	Exercise 6

		available for breach of contract	
7	Apr. 12	Chapter 11 The law of agency Describe how an agency relationship may be created Explain the rights and duties of the agent and the principal Distinguish between the ways by which the agency relationship may be terminated	Exercise 7
8	Apr. 19	Chapter 12 Sale of goods: the contract and its terms The sale of goods contract The terms implied by the Sale of Goods Act 1979	Exercise 8
9	Apr. 26	Midterm Test(tentative)	
10	May. 3	Chapter 14 Tort liability for defective goods Appreciate the relationship of the law of contract to tort liability for defective products Understand the scope of duty of care in negligence relating to defective products Grasp the difference between consequential and pure economic loss	Exercise 9
11	May. 10	Chapter 15 Tort liability for defective services Recognize the relationship from which a duty of care for pure economic loss may arise Explain the circumstances when a breach of duty of care may occur. Distinguish between causation in fact and in law	Exercise 10
12	May. 17	Chapter 16 Tort liability for Premises Recognize the situations where liability for public and private nuisance will arise Describe the circumstances where the defenses to liability may exist Apply the doctrine of vicarious liability of hypothetical situations	Exercise 11
13	May. 24	Chapter 17 Business organization (1) Define the different forms of business organization Understand the concept of legal personality Explain what is meant by limited liability and how it is created	Exercise 12
14	May. 31	Chapter 17 Business organization (2) Define the different forms of business organization Understand the concept of legal personality Explain what is meant by limited liability and how it is created	Exercise 13
15	June.7	Chapter 18 Forming a registered company Describe the process by which a company is registered Define the fun functions of the memorandum and the articles of association	Exercise 14
16	June.14	Chapter 19 Running the company: raising and maintaining capital Distinguish between the different types of share capital Define ordinary/preference/redeemable/deferred shares Appreciate how shares may be bought and sold	Exercise 15
17	June.21	Chapter 20 Daily management of the company Distinguish between the different types of director and	Exercise 16

		their functions Explain the duties of directors Understand the functions of the company secretary	
18	June.27	Presentation	
19	July 5	Revision	
20	July 12	Final Exam Period	

*Note: Some chapters or sections may leave for self-study, this is the students' duty to learn and understand, they may also be included in the quizzes or exams.*

### **Teacher's Office Hour**

- ♦ The instructor's office hour is shown in the front of the office door.
- ♦ Students are suggested to use the instructor's office hour and learning center to ask questions or talk with the instructor once at least per week for good communication and effective learning, which is recorded in the students' participation.
- ♦ The time can be scheduled by instructors or students, or both.

### **Cheating and Plagiarism**

Cheating is not tolerated. Any student caught cheating on a quiz; test or exam will be given a mark of zero (0) for the particular work. At the beginning of the semester the definition of plagiarism will be carefully explained, when any thoughts or writings of another person are used, they must be clearly identified (usually one uses quotation marks) and the source notes. **If any student is caught cheating on any homework assignment, the highest score the student can earn in that course is a "C".**

### **Important Dates**

<b>Spring Semester, 2021</b>	<b>Feb 28, 2021— July 18, 2021</b>
Feb. 28	Registration
Mar. 1	Classes Begin
Apr.4	Qing Ming Festival
Apr.16	Spring Sports
Apr.26 -30	Midterm Test (tentative)
May 1	Labor Day
June 14	Dragon-Boat Festival
June 21-25	Final Exams for Sophomores and Juniors
June 28-July18	Social Practice for Sophomores and Juniors (tentative)
July 3-11	Revision (Freshmen)
July 12-16	Final Exam Period (Freshmen)
July 19	Summer Vacation Begins

*Note: This syllabus is tentative and may be changed or modified throughout the semester. All students will be notified and a new syllabus will be given.*

Instructor: \_\_\_\_\_

Department Head: \_\_\_\_\_

