

THIS IS THE EXAM.

Section a- Quality management: TQM! Need a case study or 2 for TQM to relate it to.

or CSR focus upon different viewpoints businesses have on CSR. Some live and die by CSR some don't.

Section b- Contract law: explain seven elements needed for legally binding contract. Analyse the case study and explain possible legal outcome.

or Tort law: explain the steps in a negligence claim. Analyse the case study and explain possible legal outcomes.

criminal law: when a judge makes a ruling 'beyond a reasonable doubt' evidence has to be definite.

civil law is businesses vs businesses or people vs people to win a negligence case its 'the balance of probability' (51% v 49%). Common law look at previous cases to influence judgement. Jury= 12 people

tort law is all about negligence= dispute with neighbours not against the state. Trying to find a legal remedy in the form of money.

7 ELEMENTS OF A LEGALLY BINDING CONTRACT ALL HAVE TO BE PRESENT:

1. Agreement: anything about the future isn't valid neither is could be this *in terro* (jargon) have to be precise. & Acceptance can be verbal, written. Silent is not valid (Lethbridge v. Bindley (1863)) In Scotland when buying a house a verbal contract is legal. Can be hard to prove in court
2. Consideration: Every contract must be supported by consideration from both parties (take the contract away & look over it)
3. Intention to be legally binding: has to be legal, domestic partnerships if you are married or divorced different rules. For example if someone is underage cannot continue with contract. must align with laws.
4. Form of the contract: Sale of Land, Bills of exchange and cheques, hire purchase and consumer credit agreements, transfer of shares in company, legal assignment of debts. All of these have to be in writing
5. Capacity: Any contract with minors are not legal. only for education, apprenticeships. Both parties must have the right capacity to enter the contract. If someone lies about their job qualifications and aren't qualified they don't have the capacity to do that job.
6. Certainty (Genuineness of consent): Contracts will not be enforceable if the terms are not certain. Terms and conditions (Scammell v Ouston (1941))
7. Legality (Discharge of the contract) links into number 3: commercial contract assumed to be legally binding. there's 4 ways to discharge a contract: Performance (cannot perform), agree-