



**ACCA**

**Corporate and Business Law ENG (LW)**

Pocket Notes

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## Contents

<b>Chapter 1:</b> Essential elements of the legal system .....	1
<b>Chapter 2:</b> Contract law .....	13
<b>Chapter 3:</b> The law of torts .....	27
<b>Chapter 4:</b> Employment law .....	35
<b>Chapter 5:</b> Agency law .....	45
<b>Chapter 6:</b> Types of business organisation .....	49
<b>Chapter 7:</b> Corporations and legal personality .....	55
<b>Chapter 8:</b> Capital and financing .....	77
<b>Chapter 9:</b> Directors .....	91
<b>Chapter 10:</b> Corporate administration .....	101
<b>Chapter 11:</b> Insolvency .....	111
<b>Chapter 12:</b> Corporate and fraudulent behaviour .....	119
<b>Index</b> .....	1.1

## The main English civil courts

### Supreme Court (previously House of Lords)

Normally 5 Justices hear appeals from Court of Appeal and exceptionally from High Court



### Court of Appeal

3 Lords Justices of Appeal hear appeals from the High Court and County Courts



### County Court

First instance civil claims in contract, tort, landlord & tenant, probate and insolvency.

1 District judge hears small claims (max £10,000).  
1 Circuit judge hears most fast-track cases (£10,000 - £25,000) and some multi-track cases (over £25,000 and/or complex cases).



### High Court of Justice

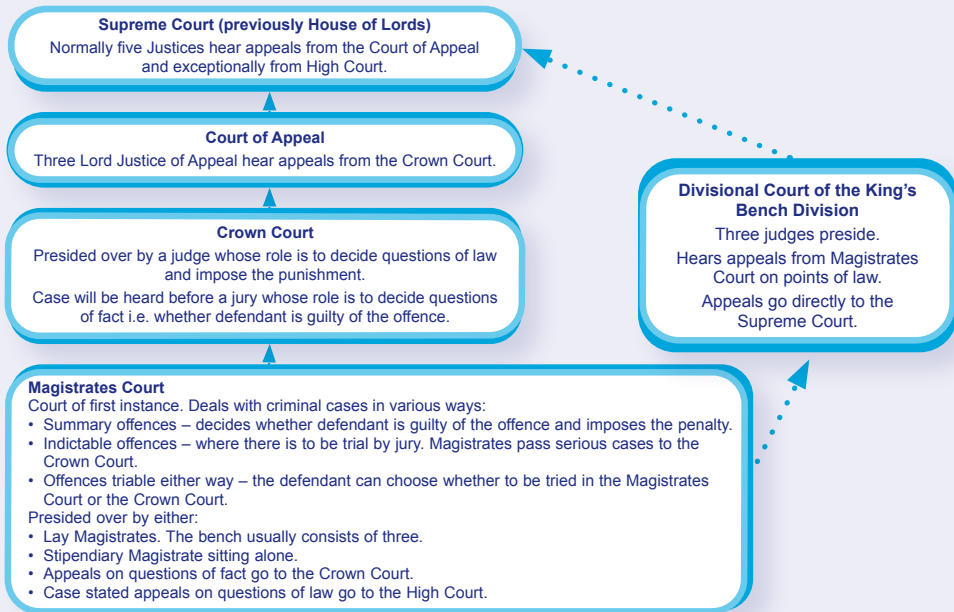
1 High Court judge in first instance. 2-3 for appeals. King's Bench Division hears first instance contract and tort multi-track claims. Chancery Division deals with land law, trusts, company law, partnership law, insolvency, etc. Hears appeals from County Courts on probate & insolvency. Family Division hears matrimonial cases.



### Magistrates' court

Jurisdiction is mainly criminal (see section on criminal courts) but does have civil jurisdiction in family matters such as contact orders, adoption, and maintenance. There are also powers of recovery of council tax arrears and charges for water, gas and electricity.

## The main criminal courts



## The hierarchy of the courts

**Supreme Court – Binds all lower courts.  
From 1966 does not bind itself.**

:

**Court of Appeal – Binds all lower courts and itself unless  
earlier decision overruled or inconsistent with European law.  
Not bound by own criminal decisions.**

:

**High Court – Not bound by its own decisions,  
but strong persuasive authority.**

**Advantages of judicial precedent** – consistency, flexibility, practical.

**Disadvantages** – complex, restricts judges' discretion. However, judges retain discretion by 'distinguishing on the facts' or overruling lower courts.

## Rules of statutory interpretation

Literal rule	Golden rule	Mischief rule	Purposive Rule
Words must be given their ordinary grammatical meaning, even if it produces an undesirable outcome.	Used where the literal rule gives more than one meaning or provides an absurd result.  Involves choosing the meaning that produces the least absurd result.	Used to interpret a statute in a way which provides a remedy for the mischief the statute was enacted to prevent.	This is a more modern approach. Here the court is not just looking to see what the gap was in the old law, it is making a decision as to what they felt Parliament meant to achieve.
<b>Fisher v Bell</b> – It was a criminal offence to 'offer for sale' a flick-knife. A shopkeeper who displayed one in his shop window was held not guilty as the court chose to follow the contract law meaning of the word 'offer'.	<b>Adler v George</b> – The words 'in the vicinity of a prohibited place' in the Official Secrets Act were held to cover the acts of the defendant which took place 'within' a prohibited place.	<b>Gorris v Scott</b> – As the purpose of the statute was to prevent the spread of contagious disease and not guard against the danger of the property being washed overboard, the claim failed.	<b>Gardiner v Sevenoaks RDC (1950)</b> – The purpose of the Act was to protect the safety of persons working in all places where film was stored. If film was stored in a cave, the word 'premises' included the cave.

Note also – **Eiusdem generis** – general words mean the same kind of thing as the specific words they follow. **Expressio unio est exclusio alterius** – a statute which expresses particular things by implication excludes everything else.

## Human Rights Law

What are human rights?	<p>These are the basic rights and freedoms that belong to every person in the world.</p> <p>The purpose is to give individuals protection in their everyday life such as the right to freedom of religion and belief and the right to respect for private and family life.</p>
The law	<p>These have developed over the years such as the development of the Universal Declaration of Human Rights which followed the Second World War.</p> <p>In the UK the Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to.</p>



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