



COLLEGE OF BANKING AND FINANCIAL STUDIES
DEPARTMENT OF PROFESSIONAL STUDIES
Assignment front sheet
Assignment - 1

Qualification		Unit number and title	
Pearson BTEC Level 5 HND Diploma in Business		Unit 5 - Aspects of Contract and Negligence for Business	
Semester		Batch	
II		Fall 2016-17	
Student name		Assessor name	
		Ms.Sona Narayan	
Student No.		Internal Verifier (IV) name	
		Ms.Joyce Noronha	
Date issued	Due Date	Completion date	Submitted on
20-11-2016	18-12-2016	Formative feedback will be provided by 28-12-2016	
		Resubmission after incorporating formative feedback: 5-1-2017	

Assignment title	Understand principles of liability in negligence and be able to apply principles of liability in negligence in business situations
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Learning Outcome	Learning outcome	Assessment Criteria	In this assessment you will have the opportunity to present evidence that shows you are able to:	Task no.	Evidence (Page no)
LO3	Understand principles of liability in negligence in business	3.1	Contrast liability in tort with contractual liability	1	
		3.2	Explain the nature of liability in negligence	2	
		3.3	Explain how a business can be vicariously liable	3	
LO4	Be able to apply principles of liability in negligence in business situations	4.1	Apply the elements of the tort of negligence and defences in different business situations	4	
		4.2	Apply the elements of vicarious liability in given business situations.	5	

Learner declaration
<p>I certify that the work submitted for this assignment is my own and research sources are fully acknowledged.</p> <p>Student signature: _____ Date: _____</p>

In addition to the above PASS criteria, this assignment gives you the opportunity to submit evidence in order to achieve the following MERIT and DISTINCTION grades

Grade Descriptor	Indicative characteristic/s	Contextualisation
M1 Identify and apply strategies to find appropriate solutions	An effective approach to study and research has been applied.	You must identify and apply suitable case law or examples to contrast liability in tort with contractual liability (Task1). To achieve M1, You must establish strict liability in the above scenario with the help of decided cases (Task 2).
M2 Select / design and apply appropriate methods / techniques	A range of sources of information has been used.	To achieve M2, you must have cited relevant case law on negligence (Task 4). To achieve M2, you must state decided case laws to support your answer (Task 3).
M3 Present and communicate appropriate findings	The appropriate structure and approach has been used	To achieve M3, you must state a case law appropriate to establish vicarious liability in the above Scenario (Task 5).
D1 Use critical reflection to evaluate own work and justify valid conclusions	Conclusions have been arrived at through synthesis of ideas and have been justified	To achieve D1, you should critically evaluate the given scenario and arrive at suitable conclusion (Task 4). To achieve D1, you should critically evaluate the given scenario and arrive at suitable conclusion (Task 5).

Assignment brief

Purpose of this assignment

The assignment enables learners to understand how the Law of Tort differs from the Law of Contract and examines the Tort of Negligence and issues of liability pertinent to business. Additionally assignment applies to elements of the tort of negligence and defences in different business situations and it also helps the learners to apply the elements of vicarious liability in given business situations. Learners by applying the above principles can explore Tort of Negligence and issues of liability pertinent to business.

Task 1 – LO3 - Contrast liability in tort with contractual liability - 3.1 P,M1:

1. Differentiate tortious liability from a contractual liability

To achieve pass, you must contrast liability in tort with contractual liability.

To achieve M1, you must identify and apply suitable case law or examples to contrast liability in tort with contractual liability.

Scenario 1:

Galfar Construction Company was constructing a highway. It was necessary to blast rock with dynamite. The employees of Galfar did this with the greatest of care. In spite of their precautions, some flying fragments of rock damaged a neighbouring house. The owner of the house Mr.Ahmed wants to take action against Galfar?

Task 2 – LO3 - Explain the nature of liability in negligence 3.2 P,M1:

1. Advice Ahmed what course of action he has against Galfar? Use decided cases on law of negligence

To achieve pass, you must explain the nature of liability in negligence in the above scenario.

To achieve M1, You must establish strict liability in the above scenario with the help of decided cases.

Task 3- LO3- Explain how a business can be vicariously liable 3.3 P,M2

1. Define vicarious liability? Explain how a business can be vicariously liable.

To achieve pass, you must explain how a business can be vicariously liable.

To achieve M2, you must state decided cases to support your answer.

Scenario 2 :

Max, a clothing store were recently renovated and held an opening sale in their modernized premises with lots of offers and discounts. A huge crowd of shoppers entered the store including Ibrahim. He decided to go to the menswear department on the second floor and climbed the stairs with dozens of keen shoppers. Unfortunately, the stairs were unable to take the weight of so many shoppers and one of the stairs gave way. Ibrahim fell three metres away from stairs and suffered severe injuries.

Task 4 – LO4 - Apply the elements of the tort of negligence and defences in different business situation 4.1 P,M2,D1:

1. Do you think that Max was negligent? Why or why not?

2. What is the defence that is available to Max if they are found negligent?

To achieve pass, you must apply the elements of tort of negligence and defence in the given business scenario.

To achieve M2, you must have cited relevant case law on negligence.

To achieve D1, you should critically evaluate the given scenario and arrive at suitable conclusion.

Scenario 3:

Amir is a driver with Petrol Development of Oman (PDO). He was engaged in transferring petrol into an underground storage tank of Shell Company. One day, while transferring the petrol he struck a match to light a cigarette and this caused an explosion resulting in great damage.

Task 5– LO4 - apply the elements of vicarious liability in given business situation 4.2 P ,M3,D1:

1. Explain whether Amir or his employer is liable to Shell Company in the above case? You may cite decided cases on the issue to support your reasoning

To achieve pass, you must Identify and apply the elements of vicarious liability to the above scenario

To achieve M3, you must state case law appropriate to establish vicarious liability in the above Scenario.

To achieve D1, you should critically evaluate the given scenario and arrive at a suitable conclusion.

Evidence checklist	Summary of evidence required by student	Evidence presented
Task 1	Contrast liability in tort with contractual liability	
Task 2	Explain the nature of liability in negligence	
Task 3	Explain how a business can be vicariously liable	
Task 4	Apply the elements of the tort of negligence and defences in different business situations	
Task 5	Apply the elements of vicarious liability in given business situations.	

Guidance notes:

1. Use standard document formats and structures.
2. Word process the documents.
3. Use 12 point Arial or Times New Roman script.
4. Provide a list of references and use the Harvard referencing system.
5. Complete the title page and sign the statement of authenticity.
6. Upload the entire assignment in MS word format only on Turnitin.
7. Staple only once to keep the pages of your work together.
8. Late submission, late work will only be marked on the next occasion the unit is taught.
9. Submit the work along with the Turnitin report.
10. Collect the assignment submission form duly signed by the assessor and the learner.
11. Grades are subject to External Verification.
12. Assignments exceeding the word limit by 5% will not be assessed.

Word count: Maximum word count is 4,500 words

Achievement Summary

Qualification	Pearson BTEC Level 5 HND Diploma in Business	Assessor name	Ms.Sona Narayan
Unit Number and title	Unit 5 - Aspects of Contract and Negligence for Business	I.V. name	Ms.Joyce Noronha
Student Number		Student name	
Criteria Reference	To achieve the criteria the evidence must show that the student is able to:		Achieved? (tick)
LO3			
3.1	Contrast liability in tort with contractual liability		
3.2	Explain the nature of liability in negligence		
3.3	Explain how a business can be vicariously liable		
LO4			
4.1	Apply the elements of the tort of negligence and defences in different business situations		
4.2	Apply the elements of vicarious liability in given business situations.		
Higher Grade achievements (where applicable)			
Grade descriptor	Achieved? (tick)	Grade descriptor	Achieved? (tick)
M1: Identify and apply strategies to find appropriate solutions		D1: Use critical reflection to evaluate own work and justify valid conclusions	
M2: Select/design and apply appropriate methods/techniques		D2: Take responsibility for managing and organising activities	
M3: Present and communicate appropriate findings		D3: Demonstrate convergent/lateral /creative thinking	

Assignment Feedback

Formative Feedback: Assessor to Student**Action Plan****Summative feedback****Feedback: Student to Assessor**

Assessor Signature		Date	
IV Signature		Date	
Student Signature		Date	