

GRANDE PRAIRIE REGIONAL COLLEGE
DEPARTMENT OF BUSINESS ADMINISTRATION
BUSINESS LAW

BA 142

1988-89

Course Description and Outline

Fall Session 1988

This course is designed to give an introduction to, and an overview of three major areas of law generally encountered in business and commercial law -- introduction to the Canadian legal system, contract and tort.

Law as an academic subject places different demands on the student than would be encountered in the more traditional university courses. It is essential that the student be able to communicate clearly and effectively, even when dealing with fact situations in which there is not always a clear right or wrong answer.

The course format will be a series of lectures on the topics described in the course outline and class discussion as time permits. Students may be expected to respond to questions based upon assigned readings.

EVALUATION:

i) Examinations:

February 4	-	10%
February 18	-	20%
March 17	-	20%
March 31	-	20%
FINAL	-	20%

ii) Class Participation - 10%

The final examination will be held according to the College Examinations Schedule set by the Registrar. Students are expected to write the final examination in the assigned examination time slot and no request for arrangement of an alternative time will be entertained.

TEXTBOOKS:

1. Required
Smyth, Soberman & Easson, **THE LAW AND BUSINESS ADMINISTRATION IN CANADA**, 5th ed., Prentice Hall
2. Optional
Amirault and Archer, **CANADIAN BUSINESS LAW**, Methuen,
(Reserve, Law Library)

Osborn's CONCISE LAW DICTIONARY (may be consulted in the library)

COURSE OUTLINE:

(Readings refer to Smyth and Soberman text. Additional readings and case reports may be assigned during the term.)

1. Nature of Law - Chapter 1,2

- a) Nature and origins of law
- b) Theories of justice
- c) Philosophy of law (include pages 39 to 42)
- d) Division of powers between federal and provincial governments

2. The legal process and machinery of justice - Ch. 2, 3

- a) The role of Courts
- b) Civil courts and litigation procedure
- c) Criminal courts and prosecution procedure

3. Essential Elements of Contract

- a) Policy basis
- b) Offer and acceptance - Chapter 6
- c) Consideration - Chapter 7
- d) Intention - Chapter 7
- e) Capacity - Chapter 8
- f) Legality - Chapter 9

4. Vitiating Elements of Contract

- a) Mistake - Chapter 10
- b) Misrepresentation - Chapter 11
- c) Duress - Chapter 11
- d) Undue influence - Chapter 11
- e) Requirement of writing - Chapter 12

5. Interpretation of Contract - Chapter 13

- a) Express terms
- b) Parol evidence rule
- c) Implied terms

6. Privity of Contract - Chapter 14

- a) doctrine of privity
- b) Novation
- c) Vicarious performance

- acts arranged in an Alpha-numerical system
- each volume has its own Table of Contents
- volume 13 includes Schedule and Index

Schedule

- showing the provisions contained in the Revised Statutes of Alberta, 1970 and the public general statutes of Alberta enacted after December 31, 1970 and before December 31, 1979 that are:
 1. consolidated in and superseded by the Revised Statutes of Alberta 1980, and where each provision is now consolidated,
 2. omitted from but not repealed by the Revised Statutes of Alberta 1980, and
 3. omitted from and repealed by the Revised Statutes of Alberta 1980.

How to Find Statutes

- if title and date are known use appropriate sessional or Revision, volume
- if only title is known use Table of Statutes in the Continuing Consolidation in the latest sessional volume.

Up-Dating

- to find amendments use Table of Statutes in the Continuing Consolidation in latest sessional volume
- also check Bills Service in the Cameron or Law Library.

Note:

There was a citator for the Alberta Statutes called Statutes of Alberta Judicially Considered. It is keyed to the 1980 Revision and is updated annually. It notes cases and amendments concerning the statutes and concerning rules of the main courts in the province.

When is Act in Force?

- act itself may specify a date
- act may say on proclamation by the Lieutenant-Governor-in-Council (Cabinet)
- proclamations are published in the Alberta Gazette - see table of proclamations in latest sessional volume and from there search subsequent issues of the Gazette.

Citation of Alberta Statutes

- same rules as for Canadian statutes except that where the act was passed subsequent to the Revision, its chapter number in the Continuing Consolidation is also given
- The Amusements Act, R.S.A. 1980, A -
- The Stray Animals Act, R.S.A. 1980, S -
- Subordinate Legislation, R -
- The Regulations Act, R.S.A. 1980, R - requires publication of Alberta regulations in the Alberta Gazette. Alberta regulations are not revised.