

Section 2: Motor vehicle legislation as related to insurance principles



Purpose:

At the end of this unit candidates will be able to demonstrate a knowledge and understanding of:

- The legal system
- Evidence
- Civil court action
- Criminal court action
- Damages
- Contract law
- The practical application of consumer law
- The safe use and construction of motor vehicles
- The law of tort
- The general principles of the tort of negligence
- Arbitration

Summary of learning outcomes	Number of questions in the examination *
1. The legal system	
1.1 Understand the nature of law	Knowledge and application of these learning outcomes will be assessed in one question
1.2 Understand the court structure in the English legal system.	
1.3 Understand the structure of the Scottish legal system	
2. Evidence	
2.1 Understand the definition and classification of evidence	Knowledge and application of these learning outcomes will be assessed in two questions
2.2 Understand the term and concept of without prejudice	
2.3 Understand the rules of witness competency and compellability	
2.4 Understand the principle of burden of proof	
2.5 Understand the legal principle of estoppel	
2.6 Understand the rules of evidence relating to an expert and an expert witness.	
2.7 Understand the requirements of the Woolf report in relation to providing evidence to the court	
3. Civil Court Action	
3.1 Understand the purpose of a civil court action.	Knowledge and application of these learning outcomes will be assessed in one question
3.2 Understand the procedures involved in a civil claim	

Summary of learning outcomes	Number of questions in the examination *
4. Criminal Court Action	
4.1 Understand the purpose of a criminal court action	Knowledge and application of these learning outcomes will be assessed in one question
4.2 Understand the limitations on the right to prosecute	
4.3 Understand the concept of jurisdiction over property	
4.4 Understand the process of committal proceedings	
4.5 Understand the categories of offences	
4.6 Understand the processes involved in the trial	
5. Damages	
5.1 Understand the different types of damages	Knowledge and application of these learning outcomes will be assessed in one question *
5.2 Understand the principle of subrogation	
5.3 Understand how damages are assessed for breach of contract	
5.4 Understand application of the principle of remoteness of damage	
5.5 Understand how to differentiate between liquidated damages, unliquidated damages and penalties	
5.6 Understand the rules of compensation in criminal law	
5.7 Understand the purpose of injunctions as a form of damages.	
6. Contract Law	
6.1 Understand the definition and essential elements of a contract	Knowledge and application of these learning outcomes will be assessed in three questions *
6.2 Understand the difference between void, voidable and unenforceable contracts.	
6.3 Understand the rules regarding an offer and acceptance in contract law	
6.4 Understand the requirement of intention to create legal relations in contract law	
6.5 Understand the legal definition and rules of consideration	
6.6 Understand the meaning of the term contractual capacity in contract law	
6.7 Understand the effect on a contract where there is undue influence or duress involved.	
6.8 Understand the effect on a contract where there is illegality.	
6.9 Understand the difference between simple contracts, speciality contracts and contracts of record	
6.10 Understand the use of exclusion clauses in contracts	
6.11 Understand the difference between conditions and warranties in general contract law	
6.12 Understand what constitutes innocent misrepresentation in general contract law.	
6.13 Understand how contracts uberrimae fidei operate / the principle of utmost good faith	
6.14 Understand how contracts are discharged	
6.15 Understand the term agent within the law of agency	

Summary of learning outcomes	Number of questions in the examination *
6.16 Understand the methods by which an agent can be appointed	
6.17 Understand the different contractual liability of an agent for a disclosed principal and an agent for an undisclosed principal	
6.18 Understand the duties of an agent to the principal	
6.19 Understand the duties of a principal to the agent	
6.20 Understand how an agency may be terminated	
6.21 Understand the effects on the agency and contract where there is a breach of warranty of authority by the agent	
6.22 Understand the effects of breach of contract in general contract law	
6.23 Understand the implications of implied contract terms on those operating within the motor trade	
6.24 Understand how general contract law applies to the charges for repairs and services	
6.25 Understand the difference between an estimate and a quotation and the implications for the repairer	
6.26 Understand the term Bailee and the associated liabilities of the repairer	
6.27 Understand the operation of the law of lien	
6.28 Understand the practical application of bailment in vehicle repair	
6.29 Understand the difference between bailment and licence	
6.30 Understand the operation of the contra proferentem rule	
7. The Practical Application of Consumer Law	
7.1 Understand the development of consumer protection	Knowledge and application of these learning outcomes will be assessed in three questions *
7.2 Understand the application of the Sale of Goods Act 1979	
7.3 Understand the application of the Supply of Goods and Services Act 1982	
7.4 Understand the application of the Misrepresentation Act 1967	
7.5 Understand the application of the Unfair Contract Terms Act 1977	
7.6 Understand the application of the Consumer Credit Act 1974	
7.7 Understand the application of the Trades Description Act 1968 & 1972	
7.8 Understand the role of the Trading Standards Officer	
7.9 Understand the use of Lien in the motor trade	
7.10 Understand the application of the Consumer Protection Act 1987	
7.11 Understand the application of the Fair Trading Act 1987 and Motor Industry Codes of Practice	
7.12 Understand the application of the consumer law to hiring, leasing and hire purchase	
7.13 Understand the application of the consumer law to pricing and advertising	

Summary of learning outcomes	Number of questions in the examination *
8. The Safe Use and Construction of Motor Vehicles	
8.1 Understand the application of the Transport Acts 1968 and 1981	Knowledge and application of these learning outcomes will be assessed in one question *
8.2 Understand the objectives and application of the legislation relating to the safe construction and use of vehicles	
8.3 Understand the operation of type approval in the motor industry	
8.4 Understand the requirements for annual testing of vehicles as set out in the Motor Vehicles (Tests) regulations 1981	
8.5 Understand the regulations regarding for the fitting of obligatory lights on public highways	
8.6 Understand the requirements for vehicle markings on goods vehicles over 3050kg	
9. The Law of Tort	
9.1 Understand the three main areas of the law of tort	Knowledge and application of these learning outcomes will be assessed in one question *
9.2 Understand the definition of private and public nuisance	
9.3 Understand the three forms of trespass	
9.4 Understand how trespass to goods can be classified as conversion	
9.5 Understand how vicarious liability arises	
9.6 Understand when a person is considered to have the status of employee	
9.7 Understand the general defences available in tort	
9.8 Understand the development of the law relating to Delict (civil wrong) in Scotland	
9.9 Understand the terms strict liability and edictal liability	
10. The General Principles of the Tort of Negligence	
10.1 Understand the essential requirements to establish negligence	Knowledge and application of these learning outcomes will be assessed in one question *
10.2 Understand the application of the neighbour principle	
10.3 Understand the application of causation and remoteness of damage	
10.4 Understand how the standard of care required can alert to take account of the environment/circumstances	
10.5 Understand the burden of proof in negligence	
10.6 Understand how contributory negligence is assessed	
10.7 Understand the requirements of Occupiers Liability Act 1957 & 1984	
10.8 Understand the relationship between negligence and consumer law in relation the manufacture of defective products	
10.9 Understand the provisions within a professional liability policy for negligence of the professional person	

Summary of learning outcomes	Number of questions in the examination *
11. Arbitration	
11.1 Understand the purpose of arbitration	Knowledge and application of these learning outcomes will be assessed in one question *
11.2 Understand the advantages and disadvantages of arbitration	
11.3 Understand how an arbitration agreement can be formed	
11.4 Understand the requirements of the subject of the arbitration agreement	
11.5 Understand the appointment of arbitrators within the arbitration process	
11.6 Understand the required conduct of an arbitrator	
11.7 Understand the general rules of arbitration	
11.8 Understand how arbitration can be incorporated in legal proceeding where a say in proceedings is agreed.	
11.9 Understand the essentials for a valid arbitrators award	
11.10 Understand when an arbitrators award can be challenged/appealed	
11.11 Understand the difference between arbitration and valuations	
11.12 Understand the process for enforcing an arbitrator's award.	
11.13 Understand the application of arbitration to the role of an automobile engineer	

*The test specification is designed to be used as a guide and not absolute confirmation of the number of questions that will appear in the exam. The number of questions assessing each learning outcome will generally be within one of the number indicated