



LAW 233

**LAW OF
CONTRACT 1**

Course Guide



LAW233
THE LAW OF CONTRACT 1

Course Adapters	Ifidon Oyakhiromen Ph.D, BL & Ayodeji Ige, LL.M, B.L National Open University of Nigeria 14/16 Ahmadu Bello Way Victoria Island, Lagos
Course Editor	Professor Justus A. Sokefun National Open University of Nigeria 14/16 Ahmadu Bello Way Victoria Island, Lagos
Course Coordinator	Mr. Ayodeji Ige National Open University of Nigeria 14/16 Ahmadu Bello Way Victoria Island, Lagos.
Programme Leader	Ifidon Oyakhiromen Ph.D, BL National Open University of Nigeria 14/16 Ahmadu Bello Way Victoria Island, Lagos



NATIONAL OPEN UNIVERSITY OF NIGERIA

National Open University of Nigeria
Headquarters
14/16 Ahmadu Bello Way
Victoria Island
Lagos

Abuja Office
No. 5 Dar es Salaam Street
Off Aminu Kano Crescent
Wuse II, Abuja
Nigeria

e-mail: centralinfo@nou.edu.ng
URL: www.nou.edu.ng

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Introduction

Law of contract is a two semester course. You would take the first part in the first semester. The code is LAW 233. It is a foundation level course and is available to all students towards fulfilling core requirements for the degree in Law.

The course will discuss basic law principles. The material has been developed to suit students in Nigeria by adapting practical examples from within our jurisdictions.

This course guide tells you briefly what the course is about, what course materials you will be using and how you can work your way through these materials. It suggests some general guidelines for the amount of time you are likely to spend on each unit of the course in order to complete it successfully. It also gives you some guidance on your tutor marked assignment (TMAs). Detailed information on TMAs is found in the separate assignment file, which will be available to you in due course. There are regular tutorial and surgery classes that are linked to the course. You are advised to attend these sessions.

What you will learn in this Course

The over aim of LAW 233 is to introduce the fundamental principles and applications of Law of contract. During this course you will learn about, Nature of contract, formation of Contract, legality and Public Policy, Terms of Contract, condition warranties and other clause.

Course Aims

The aim of the course can be summarized as follows: this course aims to give you an understanding of general principles of law and how they can be used in relation to other branches of law.

This will be achieved by aiming to:

- i. Introduce you to the basic sources of law of contract
- ii. Formation of contract
- iii. Terms of contract
- iv. Conditions, warranties and other clauses.

Course Objectives

To achieve the aims set out above, the course sets overall objectives. In addition, each unit also has specific objectives. The objectives are always included at the beginning of a unit; you should read them before

you start working through the unit. You may want to refer to them during your study of the unit to check on your progress. You should always look that you have done what was required of you by the unit.

Set out below is the wider objectives of the course as a whole. By meeting these objectives you should have achieved the aims of the course as a whole.

On successful completion of this course, you should be able to:

- i. Explain the term contract
- ii. Differentiate the difference between agreement and contract
- iii. Nature of contract
- iv. What constitute a contract
- v. Building blocks of contract
- vi. Offer and acceptance
- vii. Consideration: past consideration
- viii. Terms of contract.

Working Through this Course

To complete this course you are required to read the study units, read set books and other materials: Each unit contains self-assessment exercises, and at points in the course you are required to submit assignments for assessment purposes. At the end of the course is a final examination. The course should take you about 12 weeks or more in total to complete. Below you will find listed all the components of the course, what you have to do and how you should allocate your time to each unit in order to complete the course successfully on time.

Course Materials

Major components of the course are:

- 1) Course guide;
- 2) Study units;
- 3) Textbooks;
- 4) Assignment file and
- 5) Presentation schedule.

In addition, you obtain the set book; these are not provided by NOUN, obtaining them is your own responsibility. You may purchase your own copies. You may contact your tutor if you have problems in obtaining these textbooks.

Study Units

These are 7 study units in this course, as follows:

Unit 1	Nature of contract and formation of contract
Unit 2	social arrangement & Business offer or invitation to Treat
Unit 3	promissory Estoppel
Unit 4	Privity of contract and capacity
Unit 5	illegality and Public Policy
Unit 6	Terms of contract: condition and warranties
Unit 7	express terms and implied terms

Each unit contains a number of self-tests. In general, these self-tests question you on the materials you have just covered or required you to apply it in some way and, thereby, help you to gauge your progress and to reinforce your understanding of material. Together with TMAs, these exercises will assist you in achieving the stated learning objectives of the individual units of the course.

References

There are some books you should purchase for yourself:

The Nigeria Law of contract: Pro Use sagy 2005

Obilade, A. O. (1994). The Nigerian Legal System, Sweet & Maxwell, London.

Assignment File

In this file you will find all the details of the work you must submit to your tutor for making. The marks you obtain for these assignments will count towards the final mark you obtain for this course. Further information on assignments will be found in the Assignment file itself and later in this course guide in the section on assignment. You are to submit five assignments, out of which the best four will be selected and recorded for you.

Presentation Schedule

There are two aspects to the assessments of the course. First are the TMAs, second, there is a written examination.

In tackling the assignments, you are expected to apply information, knowledge and techniques gathered during the course. The assignments must be submitted to your tutor for formal assessment in accordance

with the deadlines stated in the presentation schedule and the Assignment file. The work you submit to your tutor for assessment will count for 30% of your total course mark.

At the end of the course you will need to sit for a final written examination for three hours duration. This examination will also count for 70% of your total course mark.

Tutor-Marked Assignments

There are five tutor-marked assignment in this course. You only need to submit four of five assignments. You are encouraged, however, to submit all five assignments, in which case the highest four assignments count for 30% towards your course mark.

Assignment questions for the units in this course are contained in the Assignment file. You will be able to complete your assignments from the information and materials contained in your set books, reading, and study units. However, it is desirable in all degree level education to demonstrate that have read and researched more than the required minimum. Using other references will give you a broader viewpoint and may provide a deeper understanding of the subject. When you have completed each assignment send it together with a TMA form to your tutor. Make sure that each assignment reaches your tutor on or before the deadline given in the presentation schedule and Assignment file. If, for any reason, you cannot complete your work on time, contact your tutor before Assignment is due to discuss the possibility of an extension. Extensions will not be granted after the due date unless there are exceptional circumstances.

Final examination and grading

The final for LAW 233 will be of two hours duration and have a value of 70% of the total course grade. The examination will consist of questions that reflect the types of self-testing, and tutor-marked problems you have previously encountered. All areas of the course will assessed.

Use the time between finishing the last unit and sitting the examination to revise the entire course. You might find it useful to review your self-assessment exercises, TMAs and comments by your tutorial facilitator before the examination. The final examination covers information from all parts of the course.

Course marking schedule

The following table lays out how the actual course mark allocation is broken down:

Assessment	Marks
Assignments 1-4	Four assignments, best three marks of the count at 30% of course marks.
Final examination	70% of overall course marks
Total	100% of course marks

Table 1 course-marking schedule

Course overview

This table brings together the units, the number of weeks you should take to complete them and the assignments that follow them.

Unit	Title of work	Weeks activity	Assessment (end of unit)
	Course Guide	Week 1	
1	Nature of contract	Week 1	
2	Agreement of contract	Week 2	Assignment 1
3	What constitutes a contract	Week 3	
4	Promissory Estoppel	Week 4	
5	Building blocks of a contract	Week 5	Assignment 2
6	Offer and invitation to Treat	Week 6	Assignment 3
7	Privity of contract	Week 7	
8	Illegality & Public Policy	Week 8	
9	Terms of contract	Week 9	Assignment 4
10	Expressing and implied	Week 10	
11	Condition	Week 11	Assignment 5
	Revision	Week 12	
	Examination	Week 13	

Table 2 course organizer

How to get the Most From this Course

In distance learning the study units replace the university lecturer. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace, and at a time and place that suits you best. Think of it as reading the lecture

instead of listing to a lecturer. In the same way that a lecturer might recommend some reading, the study units tell you when to read recommended books or other material, and when to undertake practical work. Just as a lecturer might give you an in-class exercise, your study units provides exercises for you to do at appropriate time.

Each of the study units follows a common format. The first item is an introduction to the subject matter of the and how a particular unit is integrated with the other units and the course as a whole. Next is a set of learning objectives. These objectives let you know what you should be able to do by the time you have completed the unit. You should use these objectives to guide your study. When you have finished the unit you must go back and check whether you have achieved the objectives. If you make a habit of doing this you will significantly improve your chances of passing the course.

The main body of the unit guides you through the required reading from other sources. This will usually be either from your recommended books or from a reading section. Self-assessment exercises are interspersed throughout the unit, and answers are given at the end of units. Working through these tests will help you to achieve the objectives of the unit and prepare you for the assignments and the examination. You should do each self-assessment exercise as you come to it in the study unit. There will also be numerous examples given in the study units; work through these when you come to them, too.

The following is a practical strategy for working through the course. If you run into any trouble, telephone you tutorial facilitator or visit you study centre. Remember that your tutor's job is to help you. When you need help, don't hesitate the call and ask you tutor.

- 1) Read this course guide thoroughly
- 2) Organize a study schedule. Refer to the 'Course overview' for more details. Note the time you are expected to spend on each unit and how the assignments relate to the units. Important information, e.g. details of your tutorials, and the date of the first day of the semester is available. You need to gather together all this information in one place, such as your diary or a wall calendar. Whatever method you choose to use, you should decide on and write in your own dates for working on each unit.
- 3) Once you have created your own study schedule, do everything you can to stick to it. The major reason that students do not perform well is that they get behind with their course work. If you get into difficulties with your schedule, please let your tutor know before it is too late for help.

Tutors and Tutorials

There are 10 hours of tutorials provided in support of this course. You will be notified of the dates, times and location of these tutorial together with the name and phone numbers of your tutor, as soon as you are allocated a tutorial group.

Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and assistance will be available at the study centre. You must submit your tutor-marked assignments to your tutor well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible.

Do not hesitate to contact you tutor by telephone, e-mail, or during tutorial sessions if you need to. The following might be circumstances in which you would find help necessary. Contact you tutor if:

- You do not understand any part of the study units or the assigned readings
- You have difficulty with the self-assessment exercises
- You have a question or problem with an assignment or with your tutor's comments on an assignment or with the grading of an assignment.

You should try your best to attend the tutorials. This is the only chance to have face to face contact with your tutor and to ask question which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefit from course tutorials, prepare a question list before attending them. You will learn a lot from participating in discussions actively.

Some of the questions you may be able answer are not limited to the following:

- 1) Distinguish between Agreement and a contract
- 2) Outline four constituent elements of a contract
- 3) Define the term contract
- 4) Explain the term offer? And invitation to Treat
- 5) What constitute acceptance in the law of contract
- 6) What if illegal contract
- 7) Can a court of law enforce an illegal contract

Summary

Of course the list of question that you can answer is not limited to the above list. To gain the most from this course you should try to apply the principles that you encounter in every day life. You are also equipped to take part in the debate about legal methods.

We wish you success with the course and hope that you will find it both interesting and useful.