



Course Outline 2017

COMLAW 315: FINANCE AND PROPERTY LAW (15 points)

Semester 1 (1173)

Course Prescription

Examines the legal concepts of property and ownership which are central to securing repayment of debt. Major topics include types of security over personal and real property; statutory provisions regulating credit contracts and property rights; general principles relating to guarantees; liability for misleading statements and aspects of unsecured lending.

Programme and Course Advice

Pre-requisite: COMLAW 201 or 203 or PROPERTY 271

Goals of the Course

This course is designed to furnish students with an understanding of the concepts of "obtaining credit" and "providing security", so that they will be able to:

- Assess the various options available to them; and
- Be aware of legal risks, thus being able to make informed choices in respect of commercial transactions.

Learning Outcomes

By the end of this course it is expected that the student will be able to:

1. understand the basic concepts of property;
2. be familiar with the legislation and the common law that concerns security over personal property and be able to apply the relevant statutory rules;
3. understand and be familiar with the legislation and the common law that concerns security over real property;
4. understand the liability that professionals face for making inaccurate statements.
5. have a basic understanding of consumer credit contracts;
6. understand the nature and uses of guarantees;
7. be able to solve problems associated with all of the above.

Content Outline

Week 1	Concepts of Property / Secured Transactions (Prof Mike Gedye)
Week 2	Secured Transactions (Prof Mike Gedye)
Week 3	Secured Transactions (Prof Mike Gedye)
Week 4	Secured Transactions (Prof Mike Gedye)
Week 5	Secured Transactions / Terms test (Prof Mike Gedye)
Week 6	Guarantees
Week 7	Guarantees/Mortgages over Real Property
Week 8	Mortgages over Real Property
Week 9	Mortgages over Real Property
Week 10	Credit Contracts and Consumer Finance Act 2003
Week 11	Credit Contracts and Consumer Finance Act 2003
Week 12	Liability of professionals for false or misleading statements

Learning and Teaching

The class will meet for three hours each week. Class time will be used for lectures and where appropriate, workshops. In addition to attending classes, students should be prepared to spend about another six hours per week on self-study. The lecturers taking part in this course will have office hours for students, the details of which will be advised on CECIL on a weekly basis.

Teaching Staff

Mike Josling (Course Coordinator)

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Other Teaching staff:

Prof Mike Gedye

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Learning Resources

The learning resources are identified on Canvas and many of them will be available on Canvas. There is no required textbook but a number of texts are recommended.

Relevant legislation includes:

- Consumer Guarantees Act 1993
- Credit Contracts and Consumer Finance Act 2003
- Land Transfer Act 1952
- Personal Property Securities Act 1999
- Property Law Act 2007

The legislation can be accessed via Canvas.

Other references/readings are as advised on Canvas and are available through the University Library System.

Student Issues

Students are urged to discuss privately any impairment-related requirements face-to-face and/or in written form with the lecturer and/or tutor.

Student feedback is always welcome as this helps us improve the course.

Assessment

Test (1 hour)	15%
Assignment	15%
Final Exam (2 hours)	<u>70%</u>
Total	100%

Further details on these assessments will be provided on Canvas and at our first lecture. The broad relationship between these assessments and the course learning outcomes is as follows:

Learning Outcome	Assignment (15%)	Test (15%)	Final Exam (70%)
1		X	X
2		X	X
3	X		X
4			X
5	X		X
6	X		X
7	X	X	X

Inclusive Learning

Students are urged to discuss privately any impairment-related requirements face- to-face and/or in written form with the course convenor/lecturer and/or tutor.

Student Feedback

Student feedback is always welcome as this helps us improve the course.