

DRAFT

Annex 1

**CLCA: Part 1
Statement of legal knowledge
Core legal principles**

This statement sets out the legal knowledge of core legal principles expected of a Costs Lawyer at the point of qualification.

1. THE LEGAL SYSTEM OF ENGLAND & WALES

1(a)	The main legal professions under the Legal Services Act 2007 & their authorised rights	Barrister Solicitor Chartered Legal Executive Costs Lawyer Conveyancer Trade Mark Attorney Patent Attorney Notary
1(b)	The principles of the British constitution	The Crown & Parliament Central government Devolved institutions
1(c)	Legislation	Nature, status & procedure on passing: <ul style="list-style-type: none">• Primary legislation• Delegated legislation
1(d)	Privy Council	Role
1(e)	Law	The rule of law Classifications Human Rights Act 1998
1(f)	Sources of law	Statute Case law European context
1(g)	The judiciary	Role History Judicial independence
1(h)	Rules of interpretation	
1(i)	Doctrine of precedent	Judicial precedent The hierarchy of the courts

1(j)	Civil courts	Hierarchy, jurisdiction, structure & function: <ul style="list-style-type: none"> • Tribunals • County court • Family court • High court • Court of appeal • Supreme court
1(k)	Criminal courts	Hierarchy, jurisdiction, structure & function: <ul style="list-style-type: none"> • Magistrates court • Crown court
1(l)	Basic principles of criminal law	Actus Reus (conduct): <ul style="list-style-type: none"> • Act • Omissions • Consequences • Surrounding circumstances Mens Rea (state of mind): <ul style="list-style-type: none"> • Consequences • Intentions • Recklessness • Gross negligence
1(m)	Court of Protection	Function Relationship with Public Guardianship Office
1(n)	Arbitration	Uses of arbitration
1(o)	Tribunals	Forms of tribunal
1(p)	Other forms of dispute resolution	Alternative dispute resolution (ADR) Mediation

2. THE LAW OF CONTRACT

2(a)	Nature of contracts	How contracts differ from other liabilities
2(b)	Formation of contract	Offers: How an offer is made, withdrawal of an offer Acceptance: How acceptance is communicated Consideration: What is consideration, sufficiency of consideration & exceptions to the rule Certainty: What this is and rules for dealing with uncertainty

		Form of contract: In writing, when a seal is required
2(c)	Intention to create legal relations	What legal relations are How & when legal relations are created
2(d)	Terms	Express terms Implied terms: Common law and statute Unfair terms: Their validity & prevailing law Representations Conditions Warranties Exemption clauses: Common law rules of incorporation, interpretation of exclusion & limitation clauses
2(e)	Promissory estoppel	Doctrine of promissory estoppel
2(f)	Privity of contract	Doctrine of privity Rules of privity Exceptions Contracts (Third Party Rights) Act 1943
2(g)	Vitiating factors	Misrepresentation Mistake Duress Incapacity Undue influence Illegality
2(h)	Discharge of contract	By agreement By performance By breach Frustration
2(i)	Remedies for breach	Law of causation Remoteness of damage Mitigation of loss The purposes of damages Heads of damage How damages are calculated for both pecuniary & non-pecuniary loss Liquidated damages Rescission Injunction Specific performance

3. THE LAW OF TORT

3(a)	General principles of tort	The law of tort Elements of tort Mental elements of tort
3(b)	Statutory duties	Where statute gives rise to an action for damages Diplock tests Causation Defences
3(c)	Public nuisance	Standard of liability Defences Remedies
3(d)	Private nuisance	Standard of liability Defences Remedies
3(e)	Negligence (duty of care)	Foreseeability & proximity Breach of duty of care Reasonable man test Factors determining negligence Proof of negligence
3(f)	Negligence (causation & remoteness of damage)	Factual causation Degree of probability of damage Negligent omissions More than one cause The direct consequence test The reasonable foreseeability test Kinds of damage Claimant impecuniosity Novus actus interveniens
3(g)	Nuisance and the rule in Rylands v Fletcher	Strict liability Defences Remoteness of damage
3(h)	Duties specific to employers	Duty of care Competent staff Plant, appliances & premises Safe system of work Defences
3(i)	Trespass to the person	Defendant's state of mind

		<ul style="list-style-type: none"> Assault Battery False imprisonment Consent Lawful arrest Self-defence
3(j)	Trespass to land	<ul style="list-style-type: none"> Wrongful entry Trespass by placing objects on land Possession Defences Remedies
3(k)	Interference with goods	<ul style="list-style-type: none"> Trespass to goods Conversion Finders keepers Jus tertii
3(l)	Defamation	<ul style="list-style-type: none"> Libel Slander Essentials of defamation Defences
3(m)	Vicarious liability	<ul style="list-style-type: none"> Vicarious liability & primary liability Master/servant relationship Independent contractor
3(n)	Joint & several tortfeasors	<ul style="list-style-type: none"> Distinction between the two Contribution between tortfeasors
3(o)	Defences (where applicable)	<ul style="list-style-type: none"> Volenti Contributory negligence Ex turpi causa Act of God Statutory authority Mistake Inevitable accident Self-defence Necessity
3(p)	Remedies	<ul style="list-style-type: none"> Damages (kinds of damages) Measure of damages Heads of damages Non-pecuniary loss Loss of or damage to property Injunctions

