



## Learning Outcome

## Assessment Criteria

## Indicative Content

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|                              |   |            |   |              |   |
|------------------------------|---|------------|---|--------------|---|
| <b>1<br/>5<br/>Questions</b> | <b>Understand the nature and sources of English law and the concept of natural legal persons.</b> | <b>1.1</b> | Describe the classifications and characteristics of English law.  | <b>1.1.1</b> | Public law, including criminal law.                                   |
|                              |   |            |   | <b>1.1.2</b> | Private law.  |
|                              |   |            |   | <b>1.1.3</b> | Characteristics of English law.                                       |
|                              |   | <b>1.2</b> | Describe the sources of English law.  | <b>1.2.1</b> | Legislation.  |
|                              |   |            |   | <b>1.2.2</b> | Delegated legislation.  |
|                              |   |            |   | <b>1.2.3</b> | Precedent and case law.   |
|                              |   |            |   | <b>1.2.4</b> | Equity.   |
|                              |   |            |   | <b>1.2.5</b> | Local custom.   |
|                              |   |            |   | <b>1.2.6</b> | The EU.   |
|                              |   | <b>1.3</b> | Describe the professions involved within English law.   | <b>1.3.1</b> | Solicitors.   |
|                              |   |            |   | <b>1.3.2</b> | Barristers.   |
|                              |   |            |   | <b>1.3.3</b> | Paralegals.   |
|                              |   | <b>1.4</b> | Describe the structures and procedures of the courts.   | <b>1.4.1</b> | Pre action protocols.   |
|                              |   |            |   | <b>1.4.2</b> | The structure of the courts, civil and criminal.                      |
|                              |   |            |   | <b>1.4.3</b> | Civil procedure claims.   |
|                              |   |            |   | <b>1.4.4</b> | Civil procedure part 36 offers and payments.                          |
|                              |   |            |   | <b>1.4.5</b> | Criminal procedure.   |
|                              |   |            |   | <b>1.4.6</b> | Funding litigation, both criminal and civil funding.                  |
|                              |   | <b>1.5</b> | Describe the status and capacity of natural legal persons and corporations.                                   | <b>1.5.1</b> | Natural persons, including minors.                                    |
|                              |   |            |   | <b>1.5.2</b> | Mental capacity and vulnerability.                                    |
|                              |   |            |   | <b>1.5.3</b> | Bankruptcy.   |
|                              |   |            |   | <b>1.5.4</b> | Married persons.  |
|                              |   |            |   | <b>1.5.5</b> | Corporations, including corporations sole and corporations aggregate. |
|                              |   |            |   | <b>1.5.6</b> | Unincorporated associations.  |
|                              |   | <b>1.6</b> | Apply the nature and sources of English law and the concept of natural legal persons to practical situations. | <b>1.6.1</b> | Apply to a given set of circumstances.                                |



| Learning Outcome    |  | Assessment Criteria |  | Indicative Content |  |
|---------------------|--|---------------------|--|--------------------|--|
| 2<br>4<br>Questions | Understand the principles of the law of torts and the characteristics of the main torts. | 2.1                 | Describe the nature and classification of torts.   | 2.1.1              | Torts and crime.   |
|                     |  |                     |  | 2.1.2              | Torts and contract.  |
|                     |  |                     |  | 2.1.3              | Liability, including strict liability.                                       |
|                     |  |                     |  | 2.1.4              | Remedy of damages.   |
|                     |  | 2.2                 | Explain the main torts.  | 2.2.1              | Negligence.  |
|                     |  |                     |  | 2.2.2              | Nuisance.  |
|                     |  |                     |  | 2.2.3              | Rylands v. Fletcher.   |
|                     |  |                     |  | 2.2.4              | Trespass.  |
|                     |  |                     |  | 2.2.5              | Breach of statutory duty.  |
|                     |  |                     |  | 2.2.6              | Defamation.  |
|                     |  |                     |  | 2.2.7              | Deceit.  |
|                     |  | 2.3                 | Explain how the law of torts apply to employers' liability, products liability and occupiers' liability. | 2.3.1              | Common law.  |
|                     |  |                     |  | 2.3.2              | Health and safety, including criminal liability.                             |
|                     |  |                     |  | 2.3.3              | Consumer protection.   |
|                     |  |                     |  | 2.3.4              | Vicarious liability.   |
|                     |  |                     |  | 2.3.5              | Occupiers liability under statute.   |
|                     |  | 2.4                 | Explain the main defences, remedies and limitations of actions in tort.                                  | 2.4.1              | General defences, including self defence, necessity and statutory authority. |
|                     |  |                     |  | 2.4.2              | Consent and volenti non fit injuria.   |
|                     |  |                     |  | 2.4.3              | Contributory negligence.   |
|                     |  |                     |  | 2.4.4              | Limitation of actions, including limitation periods.                         |
|                     |  |                     |  | 2.4.5              | Remedies, including damages and injunctions.                                 |
|                     |  | 2.5                 | Apply the law of tort to practical situations.   | 2.5.1              | Apply to a given set of circumstances.                                       |



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|---------------------|---------------------------------|---------------------|--|--------------------|--|
| 3<br>4<br>Questions | Understand the law of contract. | 3.1                 | Explain the nature of contractual liability and classification of contracts. | 3.1.1              | Types of contract.                                     |
|                     |                                 | 3.2                 | Explain the formation of a contract.   | 3.1.2              | Void and voidable contracts.                           |
|                     |                                 |                     |  | 3.2.1              | Offer and acceptance.                                  |
|                     |                                 |                     |  | 3.2.2              | Intention to create legal relations.                   |
|                     |                                 |                     |  | 3.2.3              | Consideration.   |
|                     |                                 |                     |  | 3.2.4              | Promissory estoppel.                                   |
|                     |                                 |                     |  | 3.2.5              | Form.  |
|                     |                                 |                     |  | 3.2.6              | Contractual capacity.                                  |
|                     |                                 | 3.3                 | Explain how contract terms are classified under the general law.             | 3.3.1              | Certainty of contract terms.                           |
|                     |                                 |                     |  | 3.3.2              | Express terms.   |
|                     |                                 |                     |  | 3.3.3              | Implied terms.   |
|                     |                                 |                     |  | 3.3.4              | Conditions and warranties.                             |
|                     |                                 |                     |  | 3.3.5              | Standard terms and exemption clauses.                  |
|                     |                                 |                     |  | 3.3.6              | Common law rules.                                      |
|                     |                                 |                     |  | 3.3.7              | Relevant legislation.                                  |
|                     |                                 | 3.4                 | Explain defective contracts.   | 3.4.1              | Illegality.  |
|                     |                                 |                     |  | 3.4.2              | Improper pressure.                                     |
|                     |                                 |                     |  | 3.4.3              | Mistake.   |
|                     |                                 |                     |  | 3.4.4              | Misrepresentation.                                     |
|                     |                                 |                     |  | 3.4.5              | Non-disclosure.  |
|                     |                                 |                     |  | 3.4.6              | The duty of fair presentation and insurance contracts. |
|                     |                                 | 3.5                 | Explain the circumstances in which a contract may be discharged.             | 3.5.1              | Performance.   |
|                     |                                 |                     |  | 3.5.2              | Breach of contract.                                    |
|                     |                                 |                     |  | 3.5.3              | Frustration.   |
|                     |                                 |                     |  | 3.5.4              | Discharge by agreement.                                |
|                     |                                 |                     |  | 3.5.5              | Fraud.   |



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| 4<br>4<br>Questions | Understand the law of agency and its application to insurance. | 3.6                 | Explain the remedies for breach of contract.   | 3.6.1              | Termination.                                  |
|                     |  |                     |  | 3.6.2              | Damages.                                      |
|                     |  |                     |  | 3.6.3              | Specific performance and injunctions.         |
|                     |  |                     |  | 3.6.4              | Limitation of actions and other remedies.     |
|                     |  | 3.7                 | Explain the doctrine of privity of contract.   | 3.7.1              | Privity of contract.                          |
|                     |  |                     |  | 3.7.2              | Contracts (Rights of Third Parties) Act 1999. |
|                     |  | 3.8                 | Explain the assignment of contractual rights and duties and how it applies to insurance. | 3.8.1              | Transfer of rights.                           |
|                     |  |                     |  | 3.8.2              | Rights that cannot be assigned.               |
|                     |  |                     |  | 3.8.3              | Transfer of obligations.                      |
|                     |  |                     |  | 3.8.4              | How it applies to insurance contracts.        |
|                     |  | 3.9                 | Apply the law of contract to practical situations.                                       | 3.9.1              | Apply to a given set of circumstances.        |
|                     |  | 4.1                 | Explain the nature of agency and how an agency relationship can be created.              | 4.1.1              | The law of agency.                            |
|                     |  |                     |  | 4.1.2              | Agency by consent.                            |
|                     |  |                     |  | 4.1.3              | Agency by ratification.                       |
|                     |  |                     |  | 4.1.4              | Agency by necessity.                          |
|                     |  |                     |  | 4.1.5              | The principal of an insurance agent.          |
|                     |  |                     |  | 4.1.6              | Imputed knowledge.                            |
|                     |  | 4.2                 | Explain the nature of an agent's rights, responsibilities, authority and duties.         | 4.2.1              | Obedience, care and skill.                    |
|                     |  |                     |  | 4.2.2              | Personal performance.                         |
|                     |  |                     |  | 4.2.3              | Good faith.                                   |
|                     |  |                     |  | 4.2.4              | Remedies for breach of duty.                  |
|                     |  |                     |  | 4.2.5              | Remuneration and indemnity.                   |
|                     |  |                     |  | 4.2.6              | Lien.   |
|                     |  |                     |  | 4.2.7              | Actual authority.                             |
|                     |  |                     |  | 4.2.8              | Apparent authority.                           |
|                     |  |                     |  | 4.2.9              | Contracts made through and agency.            |



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| 5<br>9<br>Questions | Understand the main principles governing the formation of insurance contracts. | 4.3                 | Explain the termination of agency and its effects.  | 4.3.1              | By agreement.  |
|                     |  |                     |   | 4.3.2              | Performance or lapse of time.                                |
|                     |  |                     |   | 4.3.3              | Withdrawal or death of either party.                         |
|                     |  |                     |   | 4.3.4              | Bankruptcy, insanity or frustration.                         |
|                     |  |                     |   | 4.3.5              | Effects of termination.                                      |
|                     |  | 4.4                 | Explain how the principles of agency law apply to insurance and practical situations.       | 4.4.1              | Apply to a given set of circumstances.                       |
|                     | Understand the main principles governing the formation of insurance contracts. | 5.1                 | Explain how the principles of contract law apply to the formation of insurance contracts.   | 5.1.1              | Capacity to contract.  |
|                     |  |                     |   | 5.1.2              | Formation of an insurance contract.                          |
|                     |  |                     |   | 5.1.3              | Renewal of an insurance contract.                            |
|                     |  |                     |   | 5.1.4              | Formal requirements of insurance contracts.                  |
|                     |  | 5.2                 | Explain the concept and key elements of insurable interest.                                 | 5.2.1              | Definition of insurable interest.                            |
|                     |  |                     |   | 5.2.2              | Subject matter.  |
|                     |  |                     |   | 5.2.3              | Economic or financial interest.                              |
|                     |  |                     |   | 5.2.4              | Legal interest.  |
|                     |  |                     |   | 5.2.5              | Waiver of insurable interest.                                |
|                     |  | 5.3                 | Explain how the law of insurable interest applies to the main classes of insurance.         | 5.3.1              | Marine insurance.  |
|                     |  |                     |   | 5.3.2              | Life assurance.  |
|                     |  |                     |   | 5.3.3              | Property insurance.  |
|                     |  |                     |   | 5.3.4              | Liability insurance.   |
|                     |  |                     |   | 5.3.5              | Reinsurance.   |
|                     |  | 5.4                 | Explain the duty of fair presentation in non-consumer insurance and the effect of a breach. | 5.4.1              | Utmost good faith, misrepresentation and duty of disclosure. |
|                     |  |                     |   | 5.4.2              | Material facts (circumstances).                              |
|                     |  |                     |   | 5.4.3              | Matters that need not be disclosed.                          |
|                     |  |                     |   | 5.4.4              | Continuing duty and position at renewal.                     |
|                     |  |                     |   | 5.4.5              | Good faith in the claims process.                            |
|                     |  |                     |   | 5.4.6              | Application for compulsory insurances.                       |
|                     |  |                     |   | 5.4.7              | Consequences of a breach by the insured.                     |
|                     |  |                     |   | 5.4.8              | Consequences of a breach by the insurer.                     |



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| 6<br>8<br>Questions | Understand the classification and interpretation of insurance contract terms, the effects of their breach and other vitiating factors. | 5.5                 | Explain the duty to take reasonable care not to make a misrepresentation in consumer insurance and the effects of a breach. | 5.5.1              | Reasonable care.  |
|                     |  |                     |   | 5.5.2              | Insurance: Conduct of Business sourcebook (ICOBS) rules.                    |
|                     |  |                     |   | 5.5.3              | Application for compulsory insurances.                                      |
|                     |  |                     |   | 5.5.4              | Consequences of a breach by the insured.                                    |
|                     |  |                     |   | 5.5.5              | Consequences of a breach by the insurer.                                    |
|                     |  | 5.6                 | Apply the main principles governing the formation of insurance contracts to practical situations.                           | 5.6.1              | Apply to a given set of circumstances.                                      |
|                     |  |                     |   |                    |   |
|                     | Understand the classification and interpretation of insurance contract terms, the effects of their breach and other vitiating factors. | 6.1                 | Explain the classification, formation and interpretation of insurance contract terms.                                       | 6.1.1              | The distinction between the terms in non-insurance and insurance contracts. |
|                     |  |                     |   | 6.1.2              | The interpretation of insurance contracts.                                  |
|                     |  |                     |   | 6.1.3              | Warranties.   |
|                     |  |                     |   | 6.1.4              | Conditions.   |
|                     |  |                     |   | 6.1.5              | Other terms.  |
|                     |  |                     |   | 6.1.6              | Distinguishing joint and composite policies.                                |
|                     |  | 6.2                 | Explain the effect of breach of warranty or condition and how illegality arises in insurance contracts.                     | 6.2.1              | Consequences of a breach of a warranty.                                     |
|                     |  |                     |   | 6.2.2              | Consequences of a breach of a condition.                                    |
|                     |  |                     |   | 6.2.3              | Waiver of a breach.   |
|                     |  |                     |   | 6.2.4              | Insurance: Conduct of Business sourcebook (ICOBS) rules.                    |
|                     |  | 6.2                 |   | 6.2.5              | The insurance Act 2015 (IA).  |
|                     |  |                     |   | 6.2.6              | The effect on compulsory insurances.  |
|                     |  | 6.2                 |   | 6.2.7              | The effect on joint and composite insurances.                               |
|                     |  |                     |   |                    |   |
|                     |  | 6.3                 | Apply the classification and interpretation of insurance contract terms to practical situations.                            | 6.3.1              | Apply to a given set of circumstances.                                      |



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| 7<br>6<br>Questions | Understand the main legal principles governing the making of an insurance claim. | 7.1                 | Describe the parties who can claim on or benefit from an insurance contract.                        | 7.1.1              | Defining the insured.                                    |
|                     |  |                     |   | 7.1.2              | Assignment.  |
|                     |  |                     |   | 7.1.3              | Agency.  |
|                     |  |                     |   | 7.1.4              | Trusts.  |
|                     |  |                     |   | 7.1.5              | Relevant legislation.                                    |
|                     |  |                     |   | 7.1.6              | Additional insured.                                      |
|                     |  | 7.2                 | Explain the rules governing notice and proof of loss.   | 7.2.1              | Time limits.   |
|                     |  |                     |   | 7.2.2              | The burden and standard of proof.                        |
|                     |  |                     |   | 7.2.3              | The loss must be fortuitous.                             |
|                     |  |                     |   | 7.2.4              | Insurance: Conduct of Business sourcebook (ICOBS) rules. |
|                     |  |                     |   | 7.2.5              | Consequences for late payment of claims.                 |
|                     |  | 7.3                 | Explain the insured's contractual duty to mitigate or prevent an insured loss.                      | 7.3.1              | Mitigating the loss.                                     |
|                     |  |                     |   | 7.3.2              | Prevention costs.  |
|                     |  | 7.4                 | Explain the doctrine of proximate cause.  | 7.4.1              | What is proximate cause.                                 |
|                     |  |                     |   | 7.4.2              | Proximate cause and excluded and uninsured perils.       |
|                     |  |                     |   | 7.4.3              | Concurrent causes.                                       |
|                     |  |                     |   | 7.4.4              | Combined perils.   |
|                     |  |                     |   | 7.4.5              | Modification of proximate cause.                         |
|                     |  | 7.5                 | Explain the investigation of fraudulent claims and the remedies available to the insurer.           | 7.5.1              | What is a fraudulent claim.                              |
|                     |  |                     |   | 7.5.2              | Burden of proof for fraud.                               |
|                     |  |                     |   | 7.5.3              | Remedies for insurers.                                   |
|                     |  |                     |   | 7.5.4              | Relevant legislation.                                    |
|                     |  | 7.6                 | Apply the main legal principles governing the making of an insurance claim to practical situations. | 7.6.1              | Apply to a given set of circumstances.                   |



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| <b>8<br/>4<br/>Questions</b> | <b>Understand how losses are measured and how the principle of indemnity applies to insurance claims.</b> | <b>8.1</b>          | Explain the principle of indemnity.   | <b>8.1.1</b>       | Definition of indemnity.                            |
|                              |   | <b>8.2</b>          | Explain the measure of indemnity in various classes of insurance.                     | <b>8.2.1</b>       | How indemnity is measured for property insurances.  |
|                              |   |                     |   | <b>8.2.2</b>       | How indemnity is measured for pecuniary insurances. |
|                              |   |                     |   | <b>8.2.3</b>       | How indemnity is measured for liability insurances. |
|                              |   |                     |   | <b>8.2.4</b>       | How indemnity is measured for marine insurances.    |
|                              |   | <b>8.3</b>          | Explain the factors which limit, reduce, extend or modify the principle of indemnity. | <b>8.3.1</b>       | Limits of liability.                                |
|                              |   |                     |   | <b>8.3.2</b>       | Under insurance and average.                        |
|                              |   |                     |   | <b>8.3.3</b>       | Calculation of average.                             |
|                              |   |                     |   | <b>8.3.4</b>       | Excesses, deductibles and franchises.               |
|                              |   |                     |   | <b>8.3.5</b>       | Extensions to the operation of indemnity.           |
|                              |   | <b>8.4</b>          | Explain the methods of providing indemnity.   | <b>8.4.1</b>       | Payment of money.                                   |
|                              |   |                     |   | <b>8.4.2</b>       | Reinstatement.                                      |
|                              |   |                     |   | <b>8.4.3</b>       | Repair.   |
|                              |   |                     |   | <b>8.4.4</b>       | Replacement.  |
|                              |   | <b>8.5</b>          | Explain the doctrine of salvage and abandonment.                                      | <b>8.5.1</b>       | Marine insurance.                                   |
|                              |   |                     |   | <b>8.5.2</b>       | Non-marine insurance.                               |
|                              |   | <b>8.6</b>          | Explain the effect of claim payments on policy cover.                                 | <b>8.6.1</b>       | Partial losses.                                     |
|                              |   |                     |   | <b>8.6.2</b>       | Total losses.                                       |
|                              |   | <b>8.7</b>          | Apply how losses are measured and the principle of indemnity to practical situations. | <b>8.7.1</b>       | Apply to a given set of circumstances.              |





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| 9<br>6<br>Questions | Understand how the principles of subrogation and contribution apply to insurance claims. | 9.1                 | Explain the doctrine of subrogation in insurance.   | 9.1.1              | Definition of subrogation.                                    |
|                     |  |                     |   | 9.1.2              | Subrogation and indemnity policies.                           |
|                     |  |                     |   | 9.1.3              | Operation of subrogation.                                     |
|                     |  |                     |   | 9.1.4              | Sharing the recovery.   |
|                     |  |                     |   | 9.1.5              | Ex gratia payments.   |
|                     |  | 9.2                 | Explain the source of subrogation rights and apply the law to practical situations.                 | 9.2.1              | In tort.  |
|                     |  |                     |   | 9.2.2              | In contract.  |
|                     |  |                     |   | 9.2.3              | Under statute.  |
|                     |  | 9.3                 | Explain how subrogation rights may be modified or denied and apply the law to practical situations. | 9.3.1              | The differences between subrogation, salvage and abandonment. |
|                     |  |                     |   | 9.3.2              | Modification or denial of subrogation rights.                 |
|                     |  | 9.4                 | Explain the effect of market agreements on rights of contribution.                                  | 9.4.1              | Market agreements.  |
|                     |  | 9.5                 | Explain the nature of double insurance and operation of contribution.                               | 9.5.1              | Double insurance.   |
|                     |  |                     |   | 9.5.2              | How contribution arises.                                      |
|                     |  |                     |   | 9.5.3              | Operation of contribution.                                    |
|                     |  |                     |   | 9.5.4              | Contribution clauses.   |
|                     |  |                     |   | 9.5.5              | Calculation of contribution.                                  |
|                     |  | 9.6                 | Apply the principle of contribution to the main lines of insurance and to practical situations.     | 9.6.1              | Apply to a given set of circumstances.                        |