



## Learning Outcome

## Assessment Criteria

## Indicative Content

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<b>1 5 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 4 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.		



Learning Outcome		Assessment Criteria		Indicative Content	
3 4 Questions	Understand the law of contract.	3.1	Explain the nature of contractual liability and classification of contracts.	3.1.1	Types of contract.
				3.1.2	Void and voidable contracts.
		3.2	Explain the formation of a contract.	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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		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 4 Questions	Understand the law of agency and its application to insurance.	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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		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.
5 9 Questions	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.				



Learning Outcome		Assessment Criteria		Indicative Content	
		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.
6 8 Questions	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.
				6.2.5	The insurance Act 2015 (IA).
				6.2.6	The effect on compulsory insurances.
				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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<b>7 6 Questions</b>	<b>Understand the main legal principles governing the making of an insurance claim.</b>	<b>7.1</b>	Describe the parties who can claim on or benefit from an insurance contract.	<b>7.1.1</b>	Defining the insured.
				<b>7.1.2</b>	Assignment.
				<b>7.1.3</b>	Agency.
				<b>7.1.4</b>	Trusts.
				<b>7.1.5</b>	Relevant legislation.
				<b>7.1.6</b>	Additional insured.
		<b>7.2</b>	Explain the rules governing notice and proof of loss.	<b>7.2.1</b>	Time limits.
				<b>7.2.2</b>	The burden and standard of proof.
				<b>7.2.3</b>	The loss must be fortuitous.
				<b>7.2.4</b>	Insurance: Conduct of Business sourcebook (ICOBS) rules.
				<b>7.2.5</b>	Consequences for late payment of claims.
		<b>7.3</b>	Explain the insured's contractual duty to mitigate or prevent an insured loss.	<b>7.3.1</b>	Mitigating the loss.
				<b>7.3.2</b>	Prevention costs.
		<b>7.4</b>	Explain the doctrine of proximate cause.	<b>7.4.1</b>	What is proximate cause.
				<b>7.4.2</b>	Proximate cause and excluded and uninsured perils.
				<b>7.4.3</b>	Concurrent causes.
				<b>7.4.4</b>	Combined perils.
				<b>7.4.5</b>	Modification of proximate cause.
		<b>7.5</b>	Explain the investigation of fraudulent claims and the remedies available to the insurer.	<b>7.5.1</b>	What is a fraudulent claim.
				<b>7.5.2</b>	Burden of proof for fraud.
				<b>7.5.3</b>	Remedies for insurers.
<b>7.5.4</b>	Relevant legislation.				
<b>7.6</b>	Apply the main legal principles governing the making of an insurance claim to practical situations.	<b>7.6.1</b>	Apply to a given set of circumstances.		



Learning Outcome		Assessment Criteria		Indicative Content	
<b>8 4 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 6 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.		