

NALP Level 3 Award in Commercial Law for Paralegals

Qualification Specification

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National Association of Licensed Paralegals

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1. Introduction

The National Association of Licensed Paralegals (NALP) is an Awarding Organisation recognised by the Office of Qualifications and Examinations (Ofqual) to offer regulated qualifications in England respectively. NALP specialises in providing qualifications for persons working, or looking to work, as a Paralegal.

NALP is also the oldest established professional membership and self-regulatory body for paralegals in the UK, having been established in 1987. NALP advocates for its members and for full recognition of the paralegal profession as an integral part of the legal sector as a whole.

2. Summary of the Level 3 Commercial Law for Paralegals

The NALP Level 3 Award in Commercial Law for Paralegals provides a strong introduction and foundation for Paralegals wishing to work in the Commercial Law sector. It can also provide additional knowledge to Paralegals who are changing their area of expertise, wish to update their knowledge and understanding of this subject or for apprentice Paralegals who wish to take additional qualifications alongside their level 3 Paralegal apprenticeship.

3. Objectives of the Qualification

The NALP Level 3 Award in Commercial Law for Paralegals is designed for paralegals, and those who aspire to train to become paralegals, or those who wish to enter the legal sector and seek to develop key skills and knowledge around Commercial Law under the laws of England and Wales. It may also be useful to individuals working in other sectors where they may have an interest in Commercial Law under English Law.

Please note that these qualifications are specifically written with English law at their base. These qualifications are therefore best suited to those who seek to work in the UK or abroad where the system of law is based on English Common Law.

Learners who successfully achieve NALP Level 3 Award in Commercial Law for Paralegals will gain a recognised and respected qualification that will aid them in their career entry and progression.

The NALP Level 3 Award in Commercial Law for Paralegals does not, on its own, allow the learner to meet the criteria of a NALP Paralegal Technician membership level. Learners seeking to increase their level of NALP Membership will be required to undertake a NALP Level 3 Certificate qualification (or equivalent) or to have completed the Level 3 Paralegal Apprenticeship Standard in order to gain a higher NALP membership level.

4. Entry Requirements

These qualifications are designed to be offered to learners from the age of 16, although in practice the majority of learners are likely to be over 18.

NALP does not specify entry requirements other than that a reasonably high standard of written English is required (e.g. Level 1-2 as a minimum). However, Centres delivering this course are required to ensure that learners who undertake these programmes have sufficient capability at the right level to be suitable to undertake a Level 3 assessment. This would normally include the learner having at least a basic understanding of the English Legal System which forms the basis of any English Law qualification.

All Learners must hold at least Affiliate Membership of NALP. One year's Affiliate Membership is provided to all Learners who enrol on the NALP Level 3 Award in Commercial Law for Paralegals, but this must be renewed for those whose studies continue beyond that period at the Learner's expense.

5. Recognition of Prior Learning

Due to the size of this qualification being comprised of a single unit, recognition of prior learning is not available

6. Progression for Learners

The NALP Level 3 Award in Commercial Law for Paralegals provides learners with additional skills and knowledge to increase employability for jobs that require an understanding of Commercial Law under English Law. It can be also used under Recognition of Prior Learning for larger qualifications, such as the NALP Level 3 Award in Paralegal Practice, the NALP Level 3 Certificate in Paralegal Practice or the NALP Level 3 Diploma in Paralegal Practice.

7. Guided Learning Hours (GLH) and Total Qualification Time (TQT)

"Guided Learning Hours" (GLH) is defined by Ofqual as being "The activity of a Learner in being taught or instructed by – or otherwise participating in education or training under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training".

The NALP Level 3 in Commercial Law for Paralegals is delivered by various different training institutions, called 'Centres', which can use a variety of delivery methods, e.g:

- **Distance Learning** – the learner undertakes the vast majority of their learning via self-study using the NALP workbook or e-learning packages provided by the Centre. They may request additional tutorial support which the Centre is required to provide, but this is often not on a regular basis but rather an 'on demand' service.
- **Blended Learning** – the learner attends some pre-arranged face to face teaching sessions, which can be classroom based or via a live video link with the tutor, and also conducts some self-study, the latter often being set by their teacher/tutor as a form of homework, usually using the NALP workbook.
- **Classroom Based Learning** – the learner attends regular classes for the majority of their learning, undertaking assigned homework. Again the classes can be in a physical classroom with a teacher or via a live video link. The expectation is that learners will also be provided with the NALP workbook by their Centre to use for the assigned homework.

It should be noted that NALP assignments are based on the content of the NALP workbooks provided so it is important that all learners have access to these or that the teaching is based on that content.

NALP has calculated that the GLH for the Level 3 Award in Commercial Law for Paralegals will equal approximately 56% of the overall study time necessary to pass the units needed to attain these qualifications for those learning in a classroom setting and has therefore set our GLH at around that figure. Please note that this is based on the 'average learner' studying in the classroom setting, which means someone who has not previously studied Commercial Law in any form and so is starting from a basis of having very little previous knowledge or understanding of the subject. This is because this qualification is considered 'entry level'. Some learners may take longer to achieve the qualification than others and some, particularly those who already work in the legal sector but wish to enhance and formalise their knowledge, may well be able to achieve this qualification chosen in a shorter timeframe.

Dependent on their chosen way of learning, a learner may spend more or less time on GLH than is given in the table below. This should, therefore, only be considered a rough guide and not a strict rule as to the hours a learner is required to be taught directly. The overall TQT should be a fair approximation of the total hours it would take an average learner to complete the qualification, regardless of the method of learning chosen.

The total TQT represents the total time an average Learner might spend studying for this single unit qualification plus completing a single attempt at the assignment.

Unit	Title	GLH	Self-study and assignment	Total TQT
35	Commercial Law for Paralegals	45	35	80

8. Learning Materials and Support

NALP provides full Course Workbooks for each unit of study which are provided to Centres for onward provision to the learners that enrol on our Level 3 qualifications. NALP also provides full Learner Guides which provides lots of information, hints and tips regarding how to complete the assignments that are set for each unit of study. These guides are also available to download from NALP's website at <https://www.nationalparalegals.co.uk/qualifications/level-3/>. The workbooks are only available to enrolled learners via their chosen training centre/college.

As part of their approval process, NALP ensures that all of our approved training centres have suitably trained and experienced staff that are able to provide learners with any support they may require in order to attain their NALP qualification. Learners should therefore contact their chosen training centre in the first instance should they have any queries or concerns.

Note: NALP is unable to provide any tutorial assistance to learners. Learners should always contact their chosen Centre for any queries or requests for tutorials, etc.

9. Assessment

9.1. Assessment Methodology and Time Restrictions

As this qualification is made up of a single unit it is assessed via one written for the learner to complete over a four-week period.

In order to achieve the NALP Level 3 Award in Commercial Law for Paralegals qualification a learner must have completed and achieved the required pass mark within 12 months of initial enrolment with a NALP approved Centre.

Whilst this is the maximum timeframe it is normal for a learner to have completed their studies within 3-6 months, studying 5-10 hours per week.

If a learner fails to pass the required assessment for this qualification within this timeframe they will be required to re-enrol, including payment of new enrolment fees.

9.2. Availability of Sample Assessments

Sample Level 3 assignment questions can be found on the website here:
<https://www.nationalparalegals.co.uk/qualifications/level-3/>

9.3. Marking the Assessment

Learners will submit their completed assignments to their Centres who will, in turn, submit these to NALP for marking. All submissions must be received by the deadline provided at the time the assignment was issued to the Centre. Late submissions will not be accepted.

All assessments are externally marked by NALP's examining team against a standard marking scheme. The examiners also carry out additional checks to ensure that the work submitted by the Learner is authentic and has been completed by that Learner.

Unit assignments are graded pass, refer or re-sit. A pass is achieved when a Learner gains 45% or above and has passed all the Learning Outcomes. A refer is when the Learner has gained 45% or above but has failed 1 or more Learning Outcomes. If this occurs then, the Learner will be advised which questions in the assignment will need to be re-done and will have two weeks to re-do these. Learners have two opportunities to pass a referral, after which they will be deemed to have failed the assignment and will be required to take a new paper.

If a Learner has failed to achieve 45% overall, or have failed two referral attempts, they will be required to re-sit the assessment with a new assignment and will have a further four-week period in which to do so.

9.4. Reasonable Adjustments and Special Considerations

All requests for reasonable adjustments must be received prior to the assessment taking place. These will then be considered by the examination team prior to the assignments being assessed.

Requests for special considerations may be considered at the time of the assessment but must be received before the date the assignment is due for submission.

Where such a request includes provision of additional time to complete a qualification and/or assignment(s), the maximum time allowed will not exceed 25% of the usual required time for completion of the qualification and/or assignment(s). For the avoidance of doubt, if a learner has been granted an

extension to their qualification, the maximum time they will be allowed to complete it under Reasonable Adjustments or Special Considerations is 15 months.

As all assignments are required to be completed and submitted within 4 weeks of it being sent to the learner, the maximum extension allowable under Reasonable Adjustments or Special Considerations is 1 week (7 calendar days) for any single assignment attempt.

Please note that the above are the **maximum times allowed** and learners could be granted extensions of differing lengths, dependent upon the reasons for the request, etc.

All requests for reasonable adjustments and special considerations will be considered on a case-by-case basis, in line with the NALP Reasonable Adjustments and Special Considerations Policy, a copy of which is available at the bottom of the NALP website:

<https://www.nationalparalegals.co.uk/reasonable-adjustments-and-special-considerations-policy/>.

9.5. Appeals

Should a learner disagree with an assessment decision, this will be handled under the NALP Appeals Policy, a copy of which is available at the bottom of the NALP website:

<https://www.nationalparalegals.co.uk/wp-content/uploads/2023/01/Appeals-Policy-V8-January-2023.pdf>.

Learners should note that appeals are not allowed on the sole basis of a disagreement with an academic judgment made by an assessor without additional clear justification and evidence. See policy for full details.

10. Quality Assurance and Moderation

As all assessments are set and marked externally by NALP (i.e. the Centres do not draft or mark their Learners' assignments). NALP has in place a Quality Assurance and Moderation Policy covering all assessment results (copy available on request). This aims to ensure that all assessments have been marked in line with the standard mark scheme, that all members of the examining team are fully trained and that sufficient standardisation of results is undertaken. This also ensures that any learner who achieves a 'borderline' score (i.e. within 1-2% of a pass) will have their results double checked before being issued.

Because NALP assessments are externally set and marked by NALP, they are not subject to the requirements of the Centre Assessment Standards Scrutiny (CASS) conditions under Ofqual.

11. Award and Publication of Results

Once assessments have been marked and it has been confirmed the Learner has successfully attained the full qualification, a full Qualification Certificate will be issued. NALP aims to issue all results and certificates within four weeks of completion of a qualification.

Replacement certificates can be provided by completing the relevant form which can be found on the bottom of the NALP website and by paying the fee of £27.50. The form is available from the website and you can pay the fee via the website also: <https://www.nationalparalegals.co.uk/replacement-certificate/>.

12. Units for the Qualification

NALP Unit Ref:	35	Ofqual Unit Ref:	K/504/6036
Unit Name:	Commercial Law for Paralegals		
Aim of Unit:	The aim of the unit is to provide the learner with detailed knowledge of aspects of commercial law. The learner will understand the business mediums of companies and partnerships and will be able to identify the appropriate business medium in given scenarios. The learner will understand the scope of commercial contracts and have a detailed knowledge of contract law. The learner will analyse the concept of confidential information and how to protect it. The learner will understand the concept and scope of intellectual property and the need for businesses to protect their rights. The skills developed by the learner include: the ability to identify and use factual, procedural and theoretical understanding to complete tasks and address well defined but complex or non-routine issues; time management to include taking responsibility for initiating and completing tasks; the ability to exercise autonomy and judgement within a given scenario; the ability to use and interpret legal language.		
Learning Outcomes	Assessment Criteria	Indicative Content	
1. Understand the formation and principles of a Company	1.1 Describe characteristics of a company	Include: Legal identity: incorporation; piercing the veil; single member companies, public and private companies; liability; perpetual succession	
	1.2 Explain the advantages and disadvantages of forming a company in a given scenario	Include: New business venture, expansion of existing business, formalities, tax, liability, commercial image, business needs, cost, tax implications – as specifically applicable to the given scenario and not just generalisations.	
	1.3 Explain the rules in relation to Directors	Include: Appointment and removal; powers; board of directors; duties, protection of directors from liability	
	1.4 Describe the purpose and content of a memorandum of association.	Include: Details of the purpose and content	

	1.5 Describe the purpose and content of articles of association	Include: Details of the purpose and content
	1.6 Describe the process of incorporation for private and public companies	Include: the process under the Companies Act 2006, Formation documents; constitution; articles; company name.
	1.7 Give advice to a client regarding the principles and formation of a Company in a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
2. Understand the formation and principles of a Partnership	2.1 Describe the legal consequences between trading as a partnership and a Limited Liability Partnership	Include: Definition of partnership; formation of partnership and LLP; the partnership agreement; name; partners as agents; members and designated members property; fiduciary duties ss 28-30 PA 1890 ; winding up
	2.2 Explain the extent to which Partners or members of Limited Liability Partnerships are agents of each other and are liable for each other's torts	Include: Regulation 7 of the Limited Liability Partnership Regs 2001; s.10 of the PA 1890
	2.3 Apply knowledge of the principles and formation of a Partnership in a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
3. Thoroughly understand the formation and terms of a contract	3.1 Describe the requirements for a legally binding contract	Include: Offer, invitation to treat, acceptance, intention, consideration, consensus ad idem, public policy, counter offers, postal rules, part payment of debt, promissory estoppel

	3.2 Describe the difference between express and implied terms	Include: By statute, at common law, contract of sale of goods or service.
	3.3 Describe the difference between conditions and warranties and innominate terms	Include: definition of conditions, warranties and innominate terms
	3.4 Describe the terms implied by the Sale of Goods Act 1979 and associated statutes	Include: Terms implied by statute; Sale of Goods Act 1979 as amended by the Consumer Rights Act 2015 ss 9-11; s13; s14; s17
	3.5 Explain the extent to which exclusion clauses can exclude or restrict contractual liability	Include: UCTA 1977, sections 2(1), (2) and 3; incorporation, interpretation, contra proferentum rule; Consumer Rights Act 2015 s2; s61; s62; s65
	3.6 Apply knowledge of the formation and terms of a contract to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
4. Understand vitiating factors that affect a contract	4.1 Explain the principles and effect of Misrepresentation	Include: Definition of an actionable misrepresentation, terms and representations; fraudulent, negligent and innocent; burden of proof; remedies.
	4.2 Explain the principles and effect of Mistake	Include: Common mistake; unilateral mistake; non est factum, existence of subject matter; identity.
	4.3 Explain the concept and effect of duress	Include: Duress to the person; economic duress.
	4.4 Explain the principles and effect of illegality	Include: Contracts to commit a tort, crime or fraud; commercial contracts.

	4.5 Explain the principles and effect of undue influence	Include: Relationship of trust and confidence; paralegal and client; solicitor and client; burden of proof.
	4.6 Give advice to a client of the effect of vitiating factors on a contract	Include: Contracts can either be void or voidable dependent on what vitiating factor may be present. Detail the effects of both on a contract
5. Understand how a contract may be discharged and the remedies that are available	5.1 Explain the ways a contract may be discharged	Include: By performance, anticipatory or actual breach, agreement, frustration.
	5.2 Identify whether a contract has been discharged in a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
	5.3 Explain the common law remedies for a breach of contract	Include: Damages; causation; remoteness of damage; amount of damages; mitigation of loss; loss of bargain, reliance loss, restitution.
	5.4 Explain the potential equitable remedies for a breach of contract	Include: Specific performance, Injunction, Rectification.
	5.5 Identify possible remedies in a given scenario in order to advise a client	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
6. Identify and understand the concept of confidential information and how to protect it	6.1 Demonstrate an understanding of situations when information may be imparted in confidence	Include: Contract negotiations; telephone calls; conferences; round table discussions; meetings with clients or customers.

	6.2 Demonstrate an understanding of the types of information that may be confidential in a given scenario	Include: Company data; company records; plans; estimates; litigation documents; accounts; customer or client details
	6.3 Describe the scope and purpose of a Confidentiality Disclosure Agreement (CDA)	Include: One way and two way CDA's; identification of subject area; limitation of obligations under cda to identified information; limitation of the purposes for use of the confidential information; basic clause in a simple CDA
	6.4 Identify and describe the preliminary information required to enable a CDA to be drafted	Include: Who is disclosing information; type of information; sensitivity of information; advantages of disclosing; disadvantages of disclosing; when will the confidential information become publicly known; commercial reasons for disclosure.
	6.5 Describe the remedies and defences available for a breach of confidence	Include: Injunctions; Damages; Public interest defence.
	6.6 Apply knowledge in advising a client in a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
	7. Understand the scope of Intellectual Property in commercial matters	7.1 Explain the nature of Intellectual Property in commercial matters
7.2 Describe the scope of Patents		Include: In UK; Temporary protection; technological inventions.
7.3 Describe the scope of Copyright and Designs		Include: In UK; Rights in literary, artistic and music creations; database.

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	7.4 Describe the scope of Trade Marks	Include: In UK; Protection against imitation; brand names; logos.
	7.5 Apply knowledge of Intellectual Property to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.