

**FACULTY OF LAW, UNIVERSITY OF VICTORIA**  
**2022-2023 COURSE REGISTRATION – PRELIMINARY COURSE INFORMATION SUMMARY<sup>1</sup>**

<b>COURSE</b>	LAW 316 Secured Transactions and Negotiable Instruments
<b>UNIT VALUE</b>	2.0 Units (4 hours of instruction per week)
<b>INSTRUCTOR</b>	Geoffrey Loomer (geoffreyloomer@uvic.ca)
<b>TERM OFFERED</b>	Fall 2022
<b>CLASS TIMES</b>	Tues & Thurs, 10:30am–12:20 pm
<b>PREREQUISITES/COREQUISITES</b>	LAW 105 or 1051 is a required prerequisite for this course.

### **COURSE DESCRIPTION**

This course is about commercial transactions involving the financing activities of lenders, vendors, and other “secured parties”. It examines the law relating to secured transactions in personal property and, in particular, involves a detailed study of the *Personal Property Security Act* (the “PPSA”).

A secured transaction involves a creditor granting a debtor a loan or some other form of value, and the debtor granting the creditor a “security interest” in personal property held by the debtor. Such property becomes collateral that the secured party uses to secure payment if the debtor fails to repay or perform their obligations. Subject to the PPSA and the contract between the parties, the secured party obtains certain rights in the collateral even though title, use, and possession of the collateral may remain with the debtor. Although this area of the law arises from the common law, Parliament and all Legislatures have enacted legislative schemes that govern secured transactions. In British Columbia, the British Columbia PPSA governs the area. Topics that will be covered include: the scope and application of the PPSA; attachment of security interests; conflict of laws regarding security interests; registration of security interests; errors in registration; default priority rules; special priority rules; the rights of buyers and other transferees; negotiable instruments and other proceeds; and the rights of secured parties and debtors with respect to enforcement. If time permits, there will be an introduction to security interests in personal property as regulated by the federal *Bank Act*. The aim is to give students a strong foundation for future practice or research in commercial law.

### **COURSE OBJECTIVES**

At the end of the course students should have a basic understanding of the theory and practice of securitization in commercial transactions. More particularly, students should understand the common vehicles of commercial lending, the creation and registration of security interests, the priority structure for competing security interests, and the basic rules relating to the realization of these security interests. Students should be able to apply the provisions of the PPSA, other applicable legislation, and relevant case law to hypothetical problems.

### **TEACHING METHODOLOGY**

This is principally a lecture course, although class participation is very much encouraged. There will also be class discussions to give students the opportunity to critically reflect on the issues surveyed and to apply what they have learned to hypothetical problems.

It is anticipated that all materials in this course will be provided digitally and free of charge.

### **EXPECTED EVALUATION METHODOLOGY**

- 20% mid-term assignment (problem-based, take-home)
- 80% final exam (open book, take-home with duration to be determined)

June 2022

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<sup>1</sup> The information in this document is provided for course registration purposes only and is **subject to change**. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager of Academic Administration and Student Services ([lawmaass@uvic.ca](mailto:lawmaass@uvic.ca)).