

Name(n), Schule	Katrin Stiefel, Berufliche Schulen des Unstrut Hainich Kreises
Schulart	Berufsbildende Schule
Klassenstufe	Bankkaufleute 1. Ausbildungsjahr
Fächer (Sachfach/Fremdsprache)	Lernfeldgruppe 1/Englisch
Thema des Moduls	Legal Capacity
zeitlicher Umfang	135 Minuten
Lernorte	Schule
Zielstellungen/Lehrplanbezüge in Bezug auf Sachfach/-fächer:	Der Schüler kann
Sachkompetenz	<ul style="list-style-type: none"> – den Begriff Geschäftsfähigkeit definieren, – die Stufen der Geschäftsfähigkeit nennen und deren Rechtsfolgen beschreiben, – mit Hilfe des BGB Fälle zur Geschäftsfähigkeit lösen, – seine berufliche Handlungskompetenz erweitern,
Methodenkompetenz	<ul style="list-style-type: none"> – wesentliche Informationen aus einem englischsprachigen Text und dem BGB herausfiltern, – seine Lesekompetenz erweitern, – Sachverhalte zweisprachig verarbeiten und in entsprechenden Situationen in der Fremdsprache angemessen reagieren,
Selbst- und Sozialkompetenz	<ul style="list-style-type: none"> – mit anderen in Gruppen zusammenarbeiten, – Prozesse zielgerichtet steuern, – Meinungen anderer akzeptieren.

Schrittfolge

Zeit	Inhalt	Methodische Vorgehensweise/Sozialformen	Materialien/Medien
10 Minuten	<p>What is shown on the transparency?</p> <p>Role play: opening an account at the bank two students perform the role play, the others observe</p>	<p>Lehrer- Schüler Gespräch</p> <p>Rollenspiel</p>	<p>Folie 1</p> <p>Rollenkarten, Formulare aus der Bank</p>
5 Minuten	<p>Evaluation of the role play</p> <p>What was shown in the role-play?</p> <p>Explanation of the term "legal capacity"</p>	Lehrer- Schüler -Gespräch	Tafel
30 Minuten	Stages of legal capacity and explanations	Gruppenarbeit	verschiedenfarbige Plakate, Arbeitsblätter 1 - 3, BGB
15 Minuten	Stages of legal capacity and explanations	Schülervortrag., Lehrer Schüler Gespräch	Plakate, Tafel
5 Minuten	<p>Reviewing the role play</p> <p>Was the reaction of the bank clerk in the role play right or is there anything he or she should have done differently?</p>	Lehrer- Schüler -Gespräch	

15 Minuten	<ul style="list-style-type: none"> - Stages of legal capacity - "Limited capacity" 	Lehrer Schüler Gespräch	Arbeitsblatt, Folie "limited capacity", BGB
5 Minuten	Introducing (the method of) the group puzzle	Lehrervortrag	Folie "group puzzle"
30 Minuten	Exercises	Gruppenpuzzle	Arbeitsblätter "group puzzle"
15 Minuten	Presentation of exercises	Schülervortrag, Lehrer-Schüler-Gespräch	Arbeitsblätter
5 Minuten	Exercises	Lehrer-Schüler-Gespräch	Folie

Evaluation	Lehrersicht: Das Gruppenpuzzle kann auch durch eine Partnerarbeit oder Gruppenarbeit ersetzt werden.
	Schülersicht: <ul style="list-style-type: none"> - Die Schüler haben konzentriert mitgearbeitet. - Die Methode Gruppenpuzzle wurde gut angenommen. - Die Kombination aus englischsprachigen Texten und dem Einsatz des Bürgerlichen Gesetzbuches hat dazu geführt, dass es kaum Verständnisprobleme gab.

<p><u>Legal Capacity</u></p> <p><i>legal capacity =</i></p> <ul style="list-style-type: none">• <i>ability of a person to enter legal transactions</i>	<p>legal capacity</p>	<p>limited capacity</p>	<p>legal incapacity</p>
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Blackboard 2

Legal Capacity		
<p>legal incapacity</p> <ul style="list-style-type: none">• children 0 to 6 years• mentally ill persons	<p>⇒ declarations of intention are invalid (§ 105 BGB)</p> <p>⇒ the legal representatives act</p> <p>⇒ a person who is incapable of acting in law can act as a messenger</p>	<p>legal persons (e.g. a private limited company or a public limited company) gain their legal capacity at the same time they acquire their capability.</p>
<p>limited capacity</p> <ul style="list-style-type: none">• from 7 to 17 years	<p>⇒ declarations of intention are <u>in abeyance</u> (worksheet)</p>	<p>they are represented by</p> <ul style="list-style-type: none">• authorities that are determined by operation of law (legal representatives)• persons that are determined by virtue of power of attorney (business agents)
<p>legal capacity</p> <ul style="list-style-type: none">▪ from 18 years onwards	<p>⇒ declarations of intention are valid / legally effective</p>	

I'd like to open an account.

What kind of account ...?



Role cards



Role card customer

You are 17 years old and you are doing your apprenticeship. You are very interested in opening a current account for your monthly salary to be paid into. That is why you go to a customer advisor at your bank.



Role card bank clerk

You are the customer advisor of the local bank. Your task is to give customers advice on their banking transactions. Your diary shows you that a customer who wants to open an account has made an appointment with you. This customer is going to arrive in a few minutes.



Task: **group 1**

⊕ Working time: 30 minutes

Legal incapacity

1. Read §§ 104 and 105 of the Civil Code and the following text.
2. Include the essential parts of the stage "legal incapacity" on a poster.
3. Choose one person from your group to present the results to the whole class.

You can find the essential parts of the legal incapacity in §§ 104 and 105 of the Civil Code.

It falls within the articles 104 and 105 of the Civil Code that the declarations of intention, which are expressed by a person with a disability, are void ab initio. This means the declaration of intention is invalid right from the beginning. Only the legal representatives can express declarations of intention which oblige the persons with a disability. The legal representatives of minors are principally the parents together.

A declaration of intention which is expressed vis-à-vis a person with a disability is not effective before it reaches the legal representatives (§ 131 Civil Code). If for instance, a 5-year-old child inherits a block of flats, the notice of a tenant is not going to be effective until it is transmitted to the parents.

If a person with a disability acts as a messenger, the legal incapacity does not matter. This is because the messenger does not declare their own intention but only transmits the already finished declarations of intentions of another person.

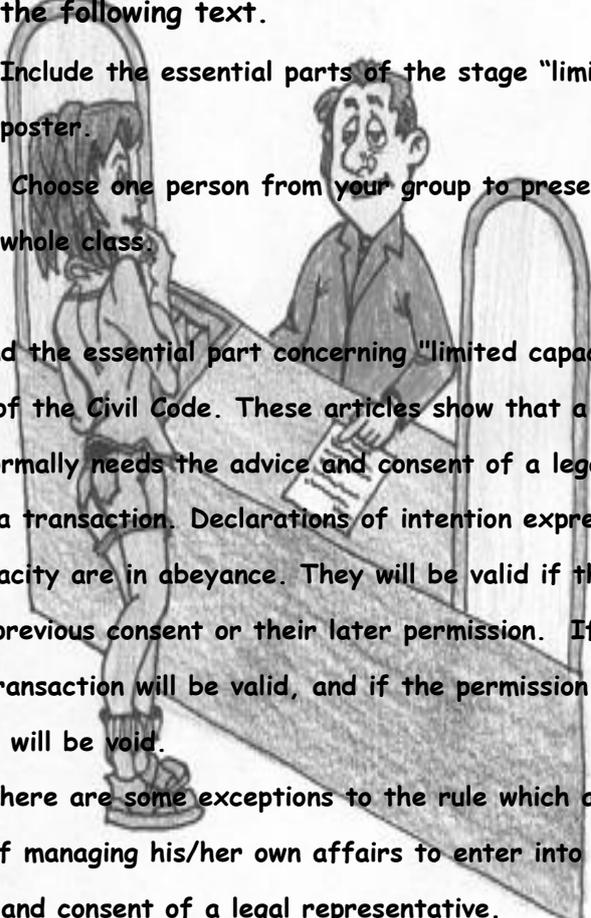


Task: group 2

⊕ Working time: 30 minutes

Limited capacity

1. Read §§ 106 - 108 (1) and §§ 110-113 of the Civil Code and the following text.
2. Include the essential parts of the stage "limited capacity" on a poster.
3. Choose one person from your group to present the results to the whole class.



You can find the essential part concerning "limited capacity" in the articles 106- 108 of the Civil Code. These articles show that a person of limited capacity normally needs the advice and consent of a legal representative to enter into a transaction. Declarations of intention expressed by persons of limited capacity are in abeyance. They will be valid if the legal representatives give their previous consent or their later permission. If the permission is given, the legal transaction will be valid, and if the permission is refused, the legal transaction will be void.

However, there are some exceptions to the rule which allow a person who is incapable of managing his/her own affairs to enter into a transaction without the advice and consent of a legal representative.

These are

- ❖ legal transactions which only have advantages for the person of limited capacity (§ 107 of the Civil Code)
- ❖ legal transactions that are financed by pocket money (§ 110 of the Civil Code)
- ❖ self-employed business operations (§ 112 of the Civil Code)
- ❖ employment (§ 113 of the Civil Code) (this article does not apply to professional training courses)

Task: group 3

⌚ Working time: 30 minutes

Legal capacity

1. Read the following text.
2. Include the essential parts of the stage "legal capacity" on a poster.
3. Choose one person from your group to present the results to the whole class.

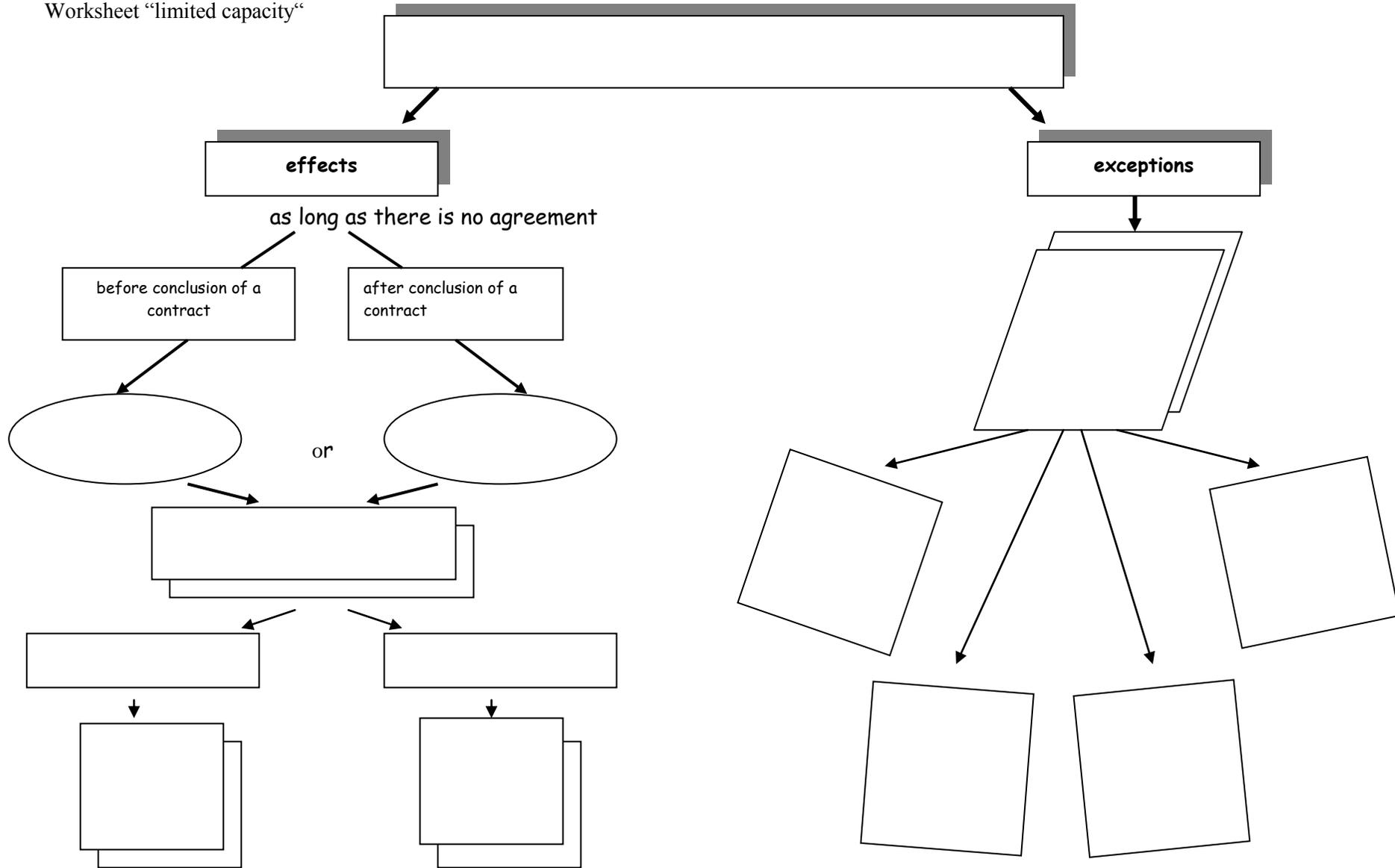
'Natural persons' aged 18 years and above are of full legal capacity as long as they are not declared incapable of managing their own affairs. The declarations of intention of persons of full legal age and capacity are legally effective.

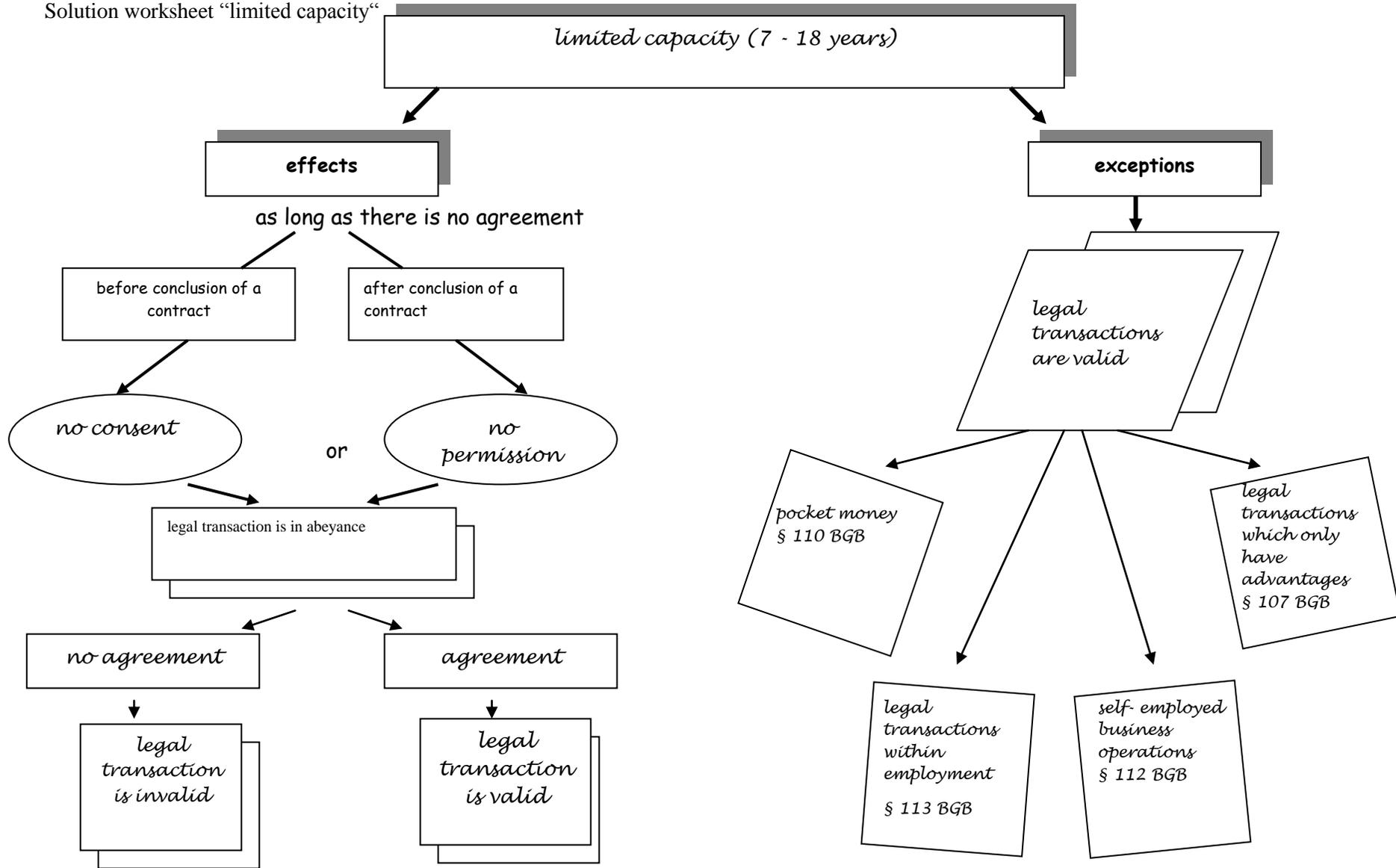
Legal persons gain their legal capacity at the same time they acquire their capability. They are represented by authorities that are determined by operation of law (legal representatives). This could be the managing board of a registered association or the manager of a limited company, for instance.

Furthermore, legal persons can be represented by persons that are determined by virtue of power of attorney (business agents). This could be a proxy or an authorized signatory.



Worksheet "limited capacity"



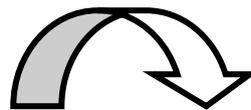
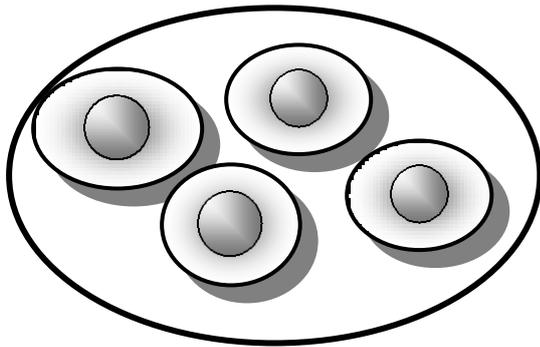


Task group puzzle

1. **Work in the basic group** 🕒 *Working time: 5 minutes*
 - ❖ Solve the exercises individually with the help of the Civil Code.
2. **Work in the expert groups:** 🕒 *Working time: 10 minutes*
 - ❖ Exchange information.
 - ❖ Work on the exercises in the group, clarify any questions.
 - ❖ Choose a group speaker to present the common results.
3. **Exchange in the basic group:** 🕒 *Time: 10 minutes*
 - ❖ Explain the results of the expert group to the others in the basic group.
 - ❖ Everybody presents their results.
4. **Presentation to the class:** 🕒 *Time 10 minutes*
 - ❖ The speaker of the expert group presents the solutions to the exercises and explains the results.

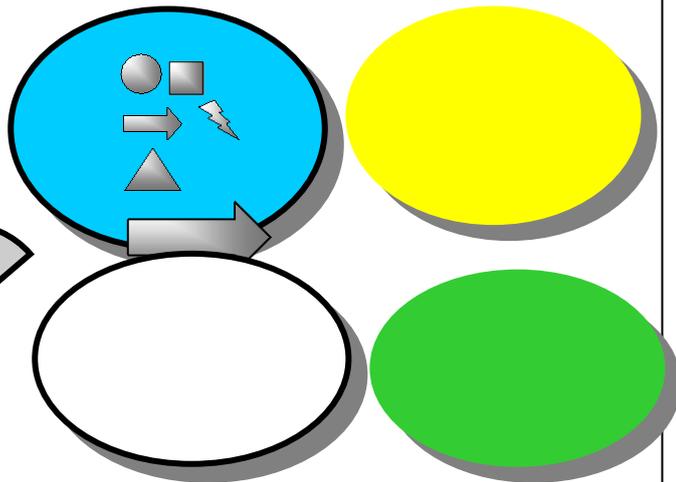
Procedure "group puzzle"

1. basic group (same symbol)

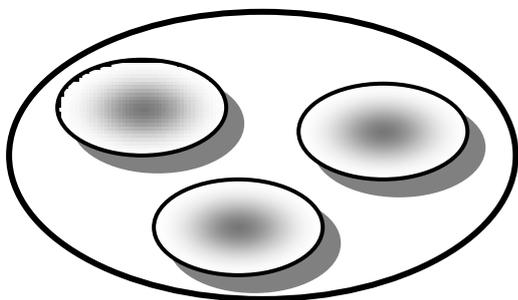


2. expert group

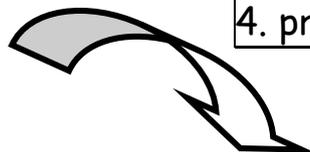
(same colour)



3. basic group



4. presentation



Exercises group puzzle:



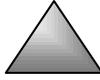
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2. 17-year-old apprentice Andrew is renting a small flat. The landlady Mrs Smith only charges 4 euros per square metre. Is the described legal transaction valid?
3. 16-year-old banking apprentice Barbara has instructed her bank to buy shares to the value of 300 euros. This amount is to be debited from her current account. This account presents a balance of 150 euros to her debit. Is the described legal transaction valid?

Exercises group puzzle:



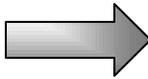
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Exercises group puzzle:



1. 16- year-old student Sarah is interested in opening a current account. She wants her monthly pocket money of 60 euros and the money from her holiday job to be transferred to this account. Is Sarah allowed to express the necessary declaration of intention for opening this account on her own?
2. 5-year-old Ralph is sent by his mother to the bakery to buy a loaf of bread. Ralph pays 2 euros and receives the bread. Is a sales agreement reached? Has a sales agreement been reached?
3. 16-year-old Teresa gives notice that she wants to end her apprenticeship because she wants to do another job. Her parents do not know about this. Is this allowed?

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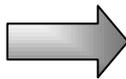
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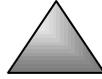
1. 13-year-old Susan buys a CD for 12 euros from her pocket money without her parents' knowledge. Has she entered a valid contract?
2. Hans Meier, who is 16 years old, is starting a job with a firm in Frankfurt. His boss asks him to open an account at a bank to transfer his monthly salary to. Is Hans allowed to open this account?
3. Rich Uncle Karl gives his 17-year-old niece Rebecca a gold bracelet as a present. Rebecca's parents do not approve of this gift because they do not get on well with Karl. Has Rebecca become the owner of the bracelet?

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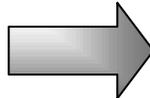
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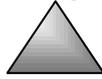
1. 17-year-old Benjamin has opened a furniture shop with the agreement of his parents and the guardianship court. Having bought some French beds, which he cannot sell, he refuses to pay the purchase price. He objects to paying as his parents did not agree to him buying the beds. Does Benjamin have to pay?
2. The very neat looking, not recognizably mentally ill 25-year-old Gustav buys a car at a car dealer in Berlin. Gustav pays cash and receives the car immediately. After the car is damaged in an accident, his legal visitor demands the purchase price back from the car dealer. Is this possible?
3. Mr Cruise enters a bank. He wants to open an account for his 17-year-old daughter, who wants to study law after passing the school-leaving exam. Is it possible for him to open this account?

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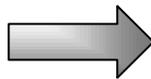
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Exercises

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2. 17-year-old apprentice Andrew is renting a small flat. The landlady Mrs Smith only charges 4 euros per square metre. Is the described legal transaction valid?

3. 16-year-old banking apprentice Barbara has instructed her bank to buy shares to the value of 300 euros. This amount is to be debited from her current account. This account presents a balance of 150 euros to her debit. Is the described legal transaction valid?

4. 16-year-old student Sarah is interested in opening a current account. She wants her monthly pocket money of 60 euros and the money from her holiday job to be transferred to this account. Is Sarah allowed to express the necessary declaration of intention for opening this account on her own?

5. 5-year-old Ralph is sent by his mother to the bakery to buy a loaf of bread. Ralph pays 2 euros and receives the bread. Has a sales agreement been reached?

6. 16-year-old Teresa gives notice that she wants to end her apprenticeship because she wants to do another job. Her parents do not know about this. Is this allowed?

7. 13-year-old Susan buys a CD for 12 euros from her pocket money without her parents' knowledge. Has she entered a valid contract?

8. Hans Meier, who is 16 years old, is starting a job with a firm in Frankfurt. His boss asks him to open an account at a bank to transfer his monthly salary to. Is Hans allowed to open this account?

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12. Mr Cruise enters a bank. He wants to open an account for his 17-year-old daughter, who wants to study law after passing the school- leaving exam. Is it possible for him to open this account?

Key to the exercises “ group puzzle”

1. 5-year-old Peter buys some sweets for 2 euros. Has he entered a sales agreement?

no, §§104(1), 105 (1) Civil Code Peter is incapable of acting in law

2. 17-year-old apprentice Andrew is renting a small flat. The landlady Mrs Smith only charges 4 euros per square metre. Is the described legal transaction valid?

Andrew is responsible to a limited extent §§106-108 Civil Code, legal transaction is in abeyance

3. 16-year-old banking apprentice Barbara has instructed her bank to buy shares to the value of 300 euros. This amount is to be debited from her current account. This account presents a balance of 150 euros to her debit. Is the described legal transaction valid?

Barbara is responsible to a limited extent §§106-108 Civil Code; legal transaction is in abeyance without the agreement of the parents and the guardianship court, because the account is overdrawn

4. 16-year-old student Sarah is interested in opening a current account. She wants her monthly pocket money of 60 euros and the money from her holiday job to be transferred to this account. Is Sarah allowed to express the necessary declaration of intention for opening this account on her own?

limited capacity §§ 106-108 Civil Code, the agreement of the legal representatives is necessary

5. 5-year-old Ralph is sent by his mother to the bakery to buy a loaf of bread. Ralph pays 2 euros and receives the bread. Has a sales agreement been reached?

yes, Ralph is incapable of acting in law but he is only a messenger

6. The 16-year-old Teresa gives notice that she wants to end her apprenticeship because she wants to do another job. Her parents don't know about that. Is this allowed?

Notice is invalid, § 111 Civil Code, permission of the legal representatives is necessary

7. 13-year-old Susan buys a CD for 12 euros from her pocket money without her parents' knowledge. Has she entered a valid contract?

yes, pocket money § 110 Civil Code

8. Hans Meier, who is 16 years old, is starting a job with a firm in Frankfurt. His boss asks him to open an account at a bank to transfer his monthly salary to. Is Hans allowed to open this account?

yes, legal transaction within employment, § 113 Civil Code

9. Rich Uncle Karl gives his 17-year-old niece Rebecca a gold bracelet as a present. Rebecca's parents do not approve of this gift because they do not get on well with Karl. Has Rebecca become the owner of the bracelet?

yes, § 107 Civil Code legal transaction has no disadvantages

10. 17-year-old Benjamin has opened a furniture shop with the agreement of his parents and the guardianship court. Having bought some French beds, which he cannot sell, he refuses to pay the purchase price. He objects to paying as his parents did not agree to him buying the beds. Does Benjamin have to pay?

yes, § 112 Civil Code, self-employed business operations

11. The very neat looking, not recognizably mentally ill 25-year-old Gustav buys a car at a car dealer in Berlin. Gustav pays cash and receives the car immediately. After the car is damaged in an accident, his legal visitor demands the purchase price back from the car dealer. Is this possible?

yes, can demand the whole purchase price back, Gustav is incapable of acting in law, § 104 (2) Civil Code

12. Mr Cruise enters a bank. He wants to open an account for his 17-year-old daughter, who wants to study law after passing the school-leaving exam. Is it possible for him to open this account?

no, §§ 106-108 Civil Code, limited capacity, mother and father have to agree

Solve the following case studies with the help of the "German Civil Code".

1. 16-year-old Anna works as a shop assistant in a shoe shop. She has saved her salary for a holiday trip and bought a cruise for 1,500 euros. Her parents neither agree with the holiday date nor with the cruise

2. 12-year-old Thomas gets a savings book to the value of 500 euros from his uncle. The parents refuse the gift.

3. 24-year-old Daniel meets his landlady after a long pub crawl and gives notice that he is moving out of his flat. The next day his landlady speaks to him about his nightly declaration of intention. Daniel is shocked.
 - Is his notice valid?
 - Was Daniel legally competent at the time of expressing the declaration of intention?

Key to the exercises

Solve the following case studies with the help of the "Civil Code".

1. 16-year old Anna works as a shop assistant in a shoe shop. She has saved her salary for a holiday trip and bought a cruise for 1500 euros. Her parents neither agree with the holiday date nor with the cruise.

limited capacity §§ 106-108 Civil Code, the agreement of the legal representatives is necessary when booking the cruise, the holiday date can be determined by Anna herself (employment § 113 Civil Code)

2. 12-year-old Thomas gets a savings book to the value of 500 euros from his uncle. The parents refuse the gift.

Parents cannot refuse it, § 107 Civil Code, legal transaction has no disadvantages

3. 24 - year old Daniel meets his landlady after a long pub crawl and gives notice that he is moving out of his flat. The next day his landlady speaks to him about his nightly declaration of intention. Daniel is shocked.

- Is his notice valid?
- Was Daniel legally competent at the time of expressing the declaration of intention?
 - the notice is invalid § 105(2) Civil Code
 - Daniel is legally competent (§104(2) Civil Code

Vocabulary list English – German

capability	Rechtsfähigkeit
declaration of intention	Willenserklärung
in abeyance	schwebend unwirksam
incapable of acting in law	geschäftsunfähig
invalid	nichtig
legal capacity	Geschäftsfähigkeit
legal incapacity	Geschäftsunfähigkeit
legal person	juristische Person
legal representative	gesetzlicher Vertreter
legal transaction	Rechtsgeschäft
legally effective	rechtswirksam
limited capacity	beschränkte Geschäftsfähigkeit
minor	Minderjährige(r)
void ab initio	von vornherein ungültig