

LAW TRANSITION PACK



Name:

Welcome to AS Law

Congratulations on choosing AS Law. Law is a fascinating subject but it is also a lot of hard work. The emphasis on this course is on Criminal Law and many former students feel that this course is an excellent way to pursue future careers as either a lawyer or a police officer. In the section below complete what qualities you think are needed to become a successful law student.

What makes a successful law student?

1.

2.

3.

4.

5.

Rules for the class

1.

2.

3.

4.

5.

Success in Law

Students of all abilities can do well in the law exams. How successful you are depends on how much effort you put in. Some things to remember:

1. **READING** – a good law student will spend time reading through class notes, the hand outs, websites, articles and textbooks. Even if reading is not set for homework, it is always worthwhile to re-read what was covered in the previous lesson before you attend the next lesson or read ahead. Ask your teacher if you want to know where to find extension reading.
2. **HOMEWORK** – always leave enough time to do your homework. Rushed or incomplete homework will not help you progress in Law. If you are struggling to find an answer to a homework question, speak to your classmates or ask your teacher before the deadline rather than hand in your homework incomplete. Your homework should always be of the standard that you wish to reach in the exam (or preferably higher) e.g. if you are aiming for a grade B in the exam, homework should be grade A or B and never below. You are welcome to re-do homework that doesn't reach the standard you require. Always read the comments made on your homework. If you don't understand something or want to know how to improve, ask your teacher. Always keep to deadlines. Your progress will be monitored through the "flag" system. If you are unable to meet a deadline, see your teacher before the lesson when it is due to arrange an extension.
3. **SET TARGETS** – having a target to work towards will help focus your progress and inform your teacher what you wish to achieve.
4. **REVISION** – don't leave your revision to the few weeks before the exam. Write your revision notes as soon as you finish a topic. It will be fresh in your mind and will save you a lot of time closer to the exam. Fill in the revision templates that you are given or use the headings and come up with your own style of revision notes.
5. **IN CLASS** – the time spent in class is your chance to make sure that you understand the subject content and the requirements of the exam. Bad behaviour is totally unacceptable in sixth form.
6. **WORK ON WEAKNESSES** – by recognising your areas for improvement, you can improve them! Help with essay writing, organisation, exam anxiety, revision etc is available.
7. **ASK FOR HELP** – if you are finding the course or a particular topic difficult, ask your teacher for help.
8. **MISSING LESSONS** – this should be avoided as it is easy to fall behind. Book non-emergency medical appointments after college. If you know you are going to miss a lesson, see your tutor before and collect the work in advance. If you are off ill, try to catch up before the next

lesson. See your tutor before the lesson and/or ask a classmate to explain what you missed or let you borrow their notes.

9. **ARE YOU ON THE RIGHT COURSE?** – if you are finding the course difficult or uninteresting then A-level Law is not for you. Take action sooner rather than leaving it too late. As a minimum requirement, a GCSE grade of 5 or above in English Language should allow you to deal with the extensive written demands of this subject.

10. YOU ARE RESPONSIBLE FOR YOUR OWN SUCCESS.

Examination technique

The ultimate challenge for any Sixth Form student is the ability to produce quality work under examination conditions. Examinations will take the form of unit examinations taken in May or June. Below is some advice on how to improve your performance in an examination.

- **Read the whole examination paper thoroughly**

Make sure that the questions you choose are those which you can produce a good answer. Do **NOT** rush – allow time to decide which questions to choose. It is probably too late to change your mind half way through a question.

- **Read the question very carefully**

Once you have made the decision to answer a specific question, read it very carefully. Make sure that you understand the precise demands of the question, specifically that you understand whether you are being asked to **describe, discuss or evaluate**. Law is a subject which requires not only a subject specific vocabulary but also an appreciation of what these command verbs are expecting from students in an exam.

- **Make a brief plan**

Sketch out either on paper or “in your head” what you intend to include in your answer. Order the points that you wish to make. Good planning before you start writing will help the structure of your answer and make it less likely that you lose focus and concentration when writing the essay.

- **Pace yourself as you write**

Success in examinations has a lot to do with successful time management. If, for instance, you have to answer an essay question in 45 minutes, then you should be one-third of the way through after 15 minutes. With 30 minutes gone, you should start writing the last third of your answer. Where a question is divided into sub-questions, make sure that you look at the mark tariff for each question.

- **Summary**

1. Read the question carefully (Note command instructions, look for key words and phrases).
2. Prepare some form of plan on how you will answer the question. Clear and accurate use of paragraphs for each new point will indicate to examiners that you are a candidate who has the ability to present your arguments in a logical and structured fashion.
3. When you write your answer be aware of time and write your answer as accurately and fluently as you can.
4. Leave time at the end to write a conclusion, if appropriate, and to read and correct what you have written.

Course Content

The A Level Law course qualification is linear. Linear means that students will sit all their exams at the end of Year 13. There will still be formal, internal exams at the end of Year 12 which will provide an assessment of how students are progressing. The 3 papers examined cover the following areas:

Paper One: Criminal Law and the legal system

This is a 2 hour written exam worth 100 marks which will form 33% of your A Level and is a combination of multiple choice, short answer and extended writing questions with a large focus on solving problems in case scenarios.

The topics that you will be studying include the civil and criminal court system, the legal professions and access to justice. The paper also provides an introduction to criminal liability through the study of Offences against the Person such as murder and Offences against Property such as theft

Paper Two: Tort law and the legal system

This is a 2 hour written exam worth 100 marks which will form 33% of your A Level and is a combination of multiple choice, short answer and extended writing questions with a large focus on solving problems in case scenarios.

The topics that you will be studying include the law making methods and their underpinning concepts. This paper also allows you to focus on the rules of tort, liability in negligence and the civil remedies available to claimants.

Paper Three: Human Rights

This is a 2 hour written exam worth 100 marks which will form 33% of your A Level and is a combination of multiple choice, short answer and extended writing questions with a large focus on solving problems in case scenarios.

The topics that you will be studying include studying Human rights law in the context of a UK and European context and also allows you to analyse how the law interacts with society, morality and justice.

Preparation work

The intention is to start the course in September focusing on the role of Lay People in the Criminal Law. Your transition pack therefore contains a number of activities designed to enable you to:

1. Identify some of the main differences between civil law and criminal law
2. Explain fundamental legal concepts which underpin both the AS and A2 Law course
3. To make you aware of the language and linguistic demands of the course.
4. Read an academic article on juries and answer the linked questions

Completion of this transition workbook, together with your own notes where there is not enough room in the workbook to complete the activity to the best of your ability, is a pre-requisite to acceptance on this course. It must be handed in on your first Law lesson in September. No excuses will be tolerated for non- completion as you have all holidays to complete.

Please use the workbook and your own research skills to complete the activities.

There will then be an assessed written assignment in the 2nd week of term to assess your suitability for the course. Core textbooks will be handed out in Term 1 of Year 12.

ACTIVITY 1 - Fill in the blanks using one of the words from the box below

Susceptibility	Sufficient	Mandatory
Compulsory	Guilty	Fatal
Appreciate	Recklessness	Mitigating
Incapacitation	Remote	Significant
Deterrent	Burden	Mens Rea
Discretion	Denunciation	Summoned
Prudent	Objective recklessness	Acquitted
Retribution	Aggravating	Negligence
Prosecution		

1. SENTENCING

In sentencing, certain factors are considered before the sentence is imposed. These factors include areas such as pre-sentence reports, _____ factors which may reduce the sentence or _____ factors which may increase the sentence.

Judges and Magistrates can sometimes have _____ in their sentencing options, but some sentences are _____ such as the automatic life sentence for murder.

The aims of sentencing include; acting as a _____ or making the offender unable to reoffend again, which is known as _____. Other aims include _____, which means punishing them for the crime they have committed. Other aims include _____, which means society is showing their disapproval of the act and rehabilitation is the final aim of sentencing.

2. TRIALS

Juries are a _____ part of the criminal system and jury service is _____ if you are _____ by the jury summoning bureau.

The party who takes the case to court against the defendant is known as the _____. In order for a case to be taken to court, there must be _____ evidence against the defendant.

The _____ of proof is upon the prosecution to prove that the defendant is _____ of the offence that was committed.

3. OFFENCES

In this course, we study 5 offences from the criminal liability section. All of these offences are known as non – _____ offences. We also study tort law, which focuses on _____, which is failing to take proper care over something.

_____ plays a key role in the _____ section of the 5 offences. It is known as unjustified risk taking.

Elliot v C is a case we will look at while studying this topic. In this case, the defendant was _____. It was held that if the risk is one which would have been obvious to a reasonably _____ person, then lack of intelligence or exhaustion, meaning that she would not _____ the risk, is not a defence. This shows _____.

In tort law, damages will be awarded where it is established that the damage or injury caused was not too _____, meaning far away.

Take your victim as you find them relates to the pre-existing weaknesses of the victim. This links into the _____ of the victim.

ACTIVITY 2 - Define these key terms that form an important part of the terminology that AS Law students will be expected to understand

1. Apprehend

2. Malice

3. Foreseeable

4. Presumption

5. Intention

6. Unlawful

7. Reasonable

8. Dissenting

9. Delegated

10. Void

11. Oblique

12. Vicinity

13. Precedent

14. Hierarchy

15. Unanimous

The difference between criminal and civil law:

CRIMINAL LAW	CIVIL LAW

State whether the criminal law, civil law or both would best deal with the following situations:

1. Peter has an argument with John and punches him in the face.
2. Sarah plays her music very loud late into the night. Her neighbours want to get her to stop.
3. Simon buys a DVD player from a shop. When he plugs it in he receives an electric shock.
4. Victoria takes a bottle of wine from the supermarket and does not pay for it.
5. Natalie is late for work. She drives over the speed limit and knocks a cyclist off their bike.

Donoghue v Stevenson (1932)

Court

House of Lords

Area of law

Negligence — duty of care (the 'neighbour principle')

Facts

Donoghue suffered gastroenteritis after drinking a bottle of ginger beer that contained a dead snail. She sued Stevenson, the manufacturer of the drink. However, the drink had been bought for Donoghue by a friend, and therefore she could not make a claim under contract law.

Verdict

For the claimant (Donoghue)

What the court held

The House of Lords made a landmark decision when it determined that there was a duty of care between a manufacturer and the ultimate consumer of its product (where there was no contract). The House of Lords established the 'neighbour principle' as a way to decide if a duty of care is owed.

Judicial quote

Lord Atkin:

The rule that you are to love your neighbour becomes, in law, you must not injure your neighbour; and the lawyers' question 'Who is my neighbour?' receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who then, in law, is my neighbour? The answer seems to be persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.

Evaluation point

The 'neighbour principle' turned out to be too wide, as it established a duty of care in almost every situation. The response of the House of Lords was to make policy decisions in order to limit duty according to what was in the interests of the public. The case of *Anns v Merton London Borough Council* (1978) created a two-stage test in which the judge had to consider:

- ▣ proximity between the claimant and defendant (similar to the 'neighbour principle')
- ▣ the existence of any policy reasons why a duty of care should not be owed

This case was overruled by *Murphy v Brentwood District Council* (1991), and since then a three-stage test defined in *Caparo Industries PLC v Dickman* (1990) has become the method for establishing a duty of care.

Cross-references to other important cases

- ▣ *Caparo Industries PLC v Dickman* (1990) — the House of Lords modernised the neighbour principle and created a new three-stage test to establish a duty of care.
- ▣ *Hill v Chief Constable West Yorkshire Police* (1988) — an example of the courts making a 'policy decision'.

R v Howe (1987)**Court**

House of Lords

Area of law

Duress — murder

Facts

The 19-year-old defendant, along with two others aged 19 and 20, took part in two murders and conspired to murder a third person. Their first victim was a 17-year-old, whom they tortured and killed. The second victim was 19. Their third victim managed to escape before the group could attack him. The defendant and the others involved claimed that they had only acted as they did through fear of an older man, Murray, who was 35 and had numerous previous convictions for violence. They believed that they would be treated in the same way as their victims if they did not comply with Murray's orders. The defendant and the other two involved were convicted of all charges and appealed.

Verdict

Guilty

What the court held

Duress was not a defence to murder and was not available to the person who killed the victim, nor to those who had participated in the murder. The defendant and his accomplices were therefore guilty of all charges.

Judicial quote

Lord Hailsham of St Marylebone LC:

The fact is that, where it is applicable at all, in a long line of cases duress has been treated as a matter of defence entitling an accused to a complete acquittal. But in almost every instance where duress is so treated, a cautionary note has been sounded excluding murder in terms sometimes more, and sometimes less, emphatic, from the number of crimes where it can be put forward.

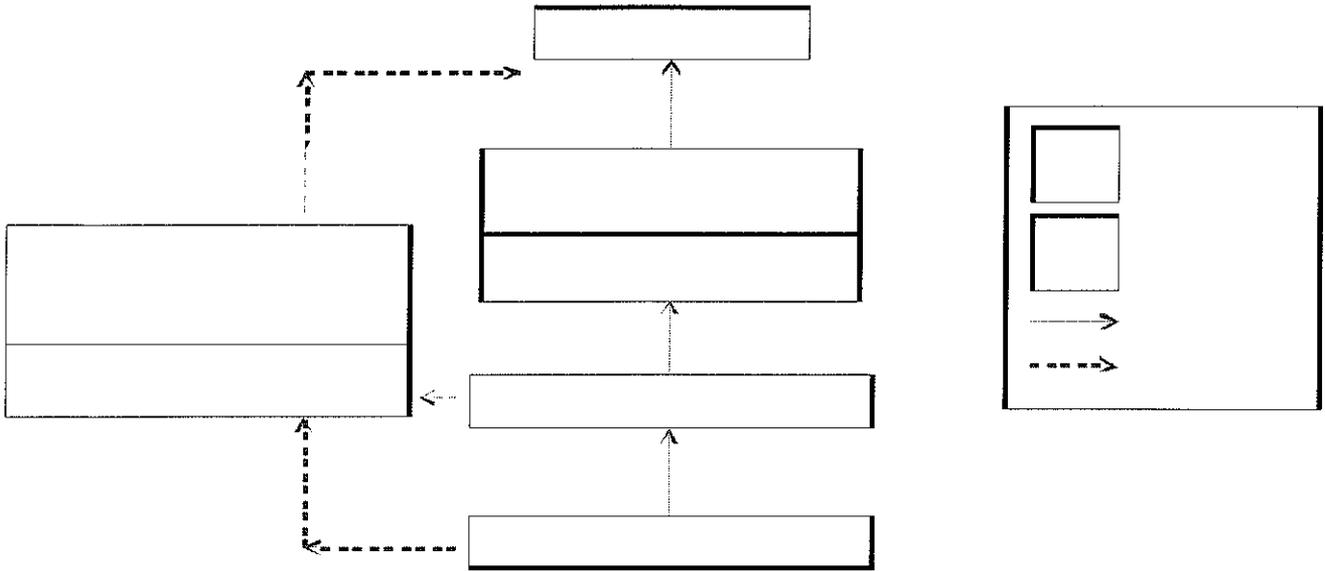
Evaluation point

The court decided that the ordinary person of reasonable fortitude might be expected to sacrifice his or her own life instead of taking the life of an innocent person.

Cross-references to other important cases

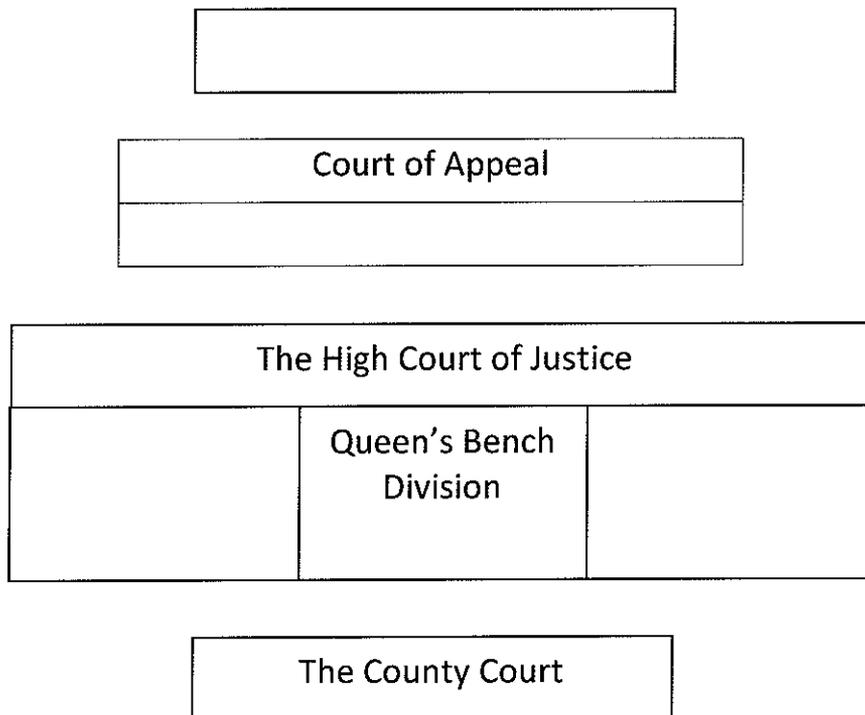
- ✦ *R v Dudley and Stephens* (1884) — duress was no defence to murder when the shipwrecked defendants, who would otherwise have starved to death, killed and ate a cabin boy.
- ✦ *R v Gotts* (1991) — duress cannot be used as a defence to a charge of attempted murder.

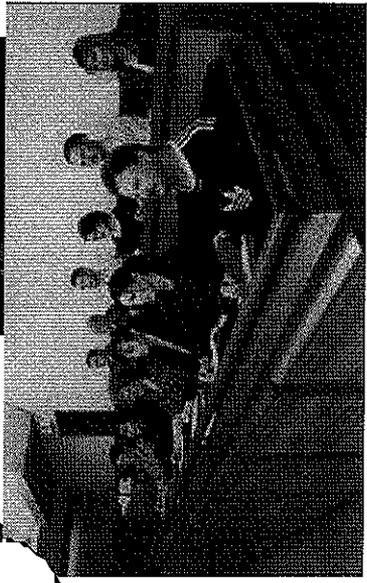
Criminal Court Structure



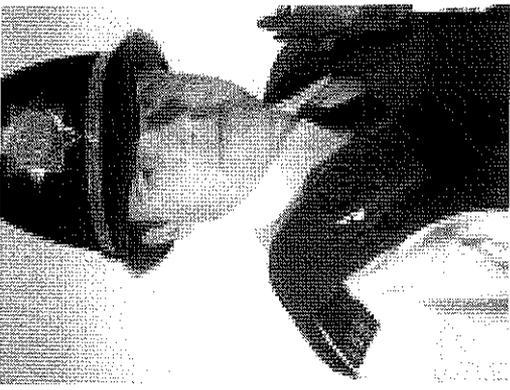
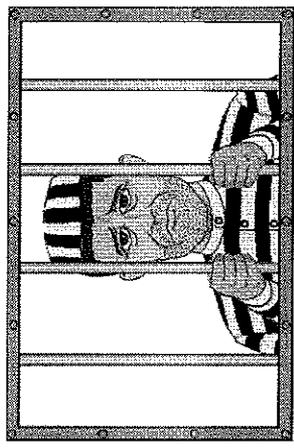
Appeal	Description
Appeal against conviction	→
Appeal against sentence	→
Appeal by way of case stated	→

The Civil Court Structure





Who are these people and what do they do?



Re-cap questions

1. In a **criminal case** that goes to court, who takes the action against the **defendant**?
 - Prosecution
 - The Judge
 - The Jury
 - The Claimant

2. What is the **first court a criminal case** will be brought to?
 - Crown Court
 - High Court
 - County Court
 - Magistrates Court

3. In a **civil action** what term is given about a defendant if the claimant wins the case?
 - Liable
 - Offender
 - Guilty
 - Not guilty

4. **Criminal prosecutions** result in some form of:
 - Prison sentence
 - Punishment
 - Rehabilitation
 - Probation

5. The **aim of a civil action** is essentially to:
 - Punish the defendant
 - Reward the claimant
 - Restore the claimant back to the original position before the act took place
 - Provide a solution

6. If a case is brought against a defendant which could be either criminal or civil, which would be the easiest to prove?
 - Criminal
 - Civil
 - Both the same
 - Whichever benefits the victim most

Basic Legal Concepts

Make notes under the following headings:

The Presumption of Innocence

The Rule of Law

The Separation of Powers

WELCOME TO A LEVEL LAW AT ST GEORGE'S ACADEMY

Your A Level Law course starts in September with the topic of 'Lay People'. These are people who are not paid and not qualified in law but are still very important in our legal system. Juries and Magistrates are lay people.

We want you to start thinking about this topic area of law. Read the article 'Trial by jury faces axe in up to 70,000 cases per year to cut costs' and answer the questions below.

1. The article is about juries. What is the main argument in the article for axing trial by jury?
2. How many people sit on a jury?
3. Why are civil liberties campaigners opposed to the idea of getting rid of juries?
4. In which types of cases does the author believe that trial by jury may be scrapped?
5. Summarise the view of the Magistrates Association in relation to the proposed reforms to trial by jury

**Complete the activities in this transition pack
ready for handing in to Mr. Herrick in the
first week back after the Summer Holidays.**

ENJOY THE SUMMER BREAK!



Updated: 06:30, 16 January 2012

Trial by jury faces axe in up to 70,000 cases per year to cut costs

- **Some theft, assault, burglary and drugs offences will have juries axed under proposals**
- **Magistrates Court hearing costs £900 per day - a case in the Crown Court costs £3,000**
- **Reforms could save £30million per year**

Jury trials face the axe in thousands of cases each year under reforms being drawn up to cut the costs of court cases, it was revealed today.

The changes could save in excess of £30million per year but will meet fierce opposition from civil liberties campaigners.

Juries in minor theft cases, assaults, burglaries, some drug offences, criminal damage cases and some driving cases will be scrapped under the reforms, The Times reported.



Under threat: Juries could be axed from thousands of cases each year under proposals to cut costs.

Currently these offences are 'triable either way' and can be heard either by magistrates or by a judge sitting with a jury in the Crown Court.

The least serious offences are already heard only by magistrates.

The proposals will be contained in a White Paper to be published next month.

As well as saving money, by sending more cases to magistrates' courts it will enable judges to hear murder trials, rape cases and serious frauds more quickly.

Civil liberties campaigners and criminal law barristers are opposing the reforms and say the right to be tried by 12 ordinary men and women is sacrosanct in the English legal system.

The right to a jury trial dates back to the Magna Carta in 1215 and the principle was famously described by the late Lord Devlin as 'the lamp that shows that freedom lives'.



Opposition: Civil liberties campaigners say the right to trial by jury - which has existed since 1215 - is sacrosanct in English law

However, it costs the taxpayer £3,000 per day to send a case to the Crown Court - but just £900 if it is heard by Magistrates.

Currently two thirds of the triable either way offences are sent to the Crown Court. Many of these result in guilty pleas just before the trials start.

In 80 per cent of theft cases the items involved are worth less than £200 in total.

The Magistrates' Association are backing the proposals and Louise Casey, a Government adviser appointed to lead the response to the riots, said she was in favour of the reforms.

She told The Times: 'We should not view the right to a jury trial as being so sacrosanct that its exercise should be at the cost of victims of serious crime.'

'It is known that waiting for a criminal trial often means that victims put their lives on hold; bereaved families of murder victims cannot grieve until the trial is over.'

'Defendants should not have the right to choose to be tried by a jury over something such as the theft of a bicycle or stealing from a parking meter.'

Under the proposed changes, Magistrates may be allowed to order a trial by jury.

It takes an average of 22 weeks for cases to be heard in the Crown Courts, and a year for the most serious cases.

Opponents say that in a low-value theft case although the value of a stolen item may be small, the impact of a conviction will be very large - especially if the defendant has never been before the courts before.

Four men who carried out a £1.75million hold-up at Heathrow Airport became the first people to be found guilty by a judge sitting alone in March 2010.

Juries can be removed from serious criminal trials if there is a serious risk of jury tampering.

Jack Straw tried to reduce the number of cases that go before juries more than 10 years ago although the proposals were dropped following widespread opposition.

David Blunkett also tried to introduce judge-only trials in complex fraud cases but the proposals were later dropped after they ran into opposition in the House of Lords.