

# INTERNATIONAL ADVANCED LEVEL

# LAW

## GETTING STARTED GUIDE

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Pearson Edexcel International Advanced Level in Law (YLA1)

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## Introduction

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This Getting Started guide will give you an overview of the International Advanced Level (IAL) in Law qualification and what it means for you and your students. This guidance is intended to help you plan the course outline and give you further insight into the principles behind the content to help you and your students succeed.

### Key principles

The specification has been developed taking account of the following key principles:

#### Clear Specification

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Clear guidance on what students need to learn, providing clarity for planning, teaching and assessment. The changes we have made to the structure of the specification are explained on page 4.

#### Progression, not repetition

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The specification allows the development of understanding while at the same time avoiding repetition ensuring students are engaged and thereby inspired to develop their knowledge.

#### Reflect today's global world

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Building on the strengths of the previous International Advanced Level in Law, this specification develops an understanding of current developments in English law and allows for flexibility as the law changes.

#### Clear assessments

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Clear and consistent use of command words across assessments and between series. Our approach to assessments, definitions for the command words and details of how the command words are explained can be found in the glossary on page 48.

#### Clear mark schemes

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The mark schemes provide a consistent understanding of the skills and connections between these skills required for each question type. Clear wording reflects how teachers and examiners describe the qualities of student work, so the expectations are clear for teachers and markers.

### **Skills for progression**

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The variety of content that will be found in the examination allows the student to demonstrate knowledge as well as its application which are required elements for further study or progression into employment.

### **Support for delivering the new specification**

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Our package of support to help you plan and implement the new specification includes:

**Planning** – A course planner and scheme of work that you can adapt to suit your delivery style is included in this guide.

**Teaching and learning** – To support you in delivering the new specification, we will be providing suggested resource lists and suggested activities.

**Understanding the standard** – Sample assessment materials will be provided.

**Tracking learner progress** – Results Plus provides the most detailed analysis available of your students' exam performance. It can help you identify topics where students could benefit from further learning.

**Support** – Our subject advisor service and online community will ensure you receive help and guidance from us as well as enabling you to sharing ideas and information with each other. You can sign up to receive e-newsletters to keep up-to-date with qualification updates, and product and service news.

## What's Changed?

### IAL qualification

#### Changes to subject criteria

There is now no optional element to the specification. The range of subject content to be studied has been reviewed with the underlying concepts, institutions and procedures of English Law contained within Paper 1 and specified aspects of criminal law contained in Paper 2.

#### Changes to Assessment Objectives

The IAL in Law Assessment Objectives have been revised. Each assessment objective has equal weighting, as shown in the table below.

<b>AO1</b> IAL 25%	Demonstrate knowledge and understanding of legal terms, concepts, cases, statutes and theories
<b>AO2</b> IAL 25%	Apply appropriate knowledge and understanding of legal rules and principles to a situation
<b>AO3</b> IAL 25%	Analyse legal disadvantages, showing an understanding of how the law might resolve disputes
<b>AO4</b> IAL 25%	Evaluate how the law and legal theories are applied in context, using areas of law studied in a coherent and logical manner

#### Changes in the specification

The content of the new IAL in Law has undergone a full review, to ensure it is current. It has also been developed in line with the World Class Qualification principles. The IAL specification is structured into two papers. Paper 1 introduces the law students to the nature and purpose of Law. Legal theories are introduced that help develop an understanding of the role, function and benefits of law in society. The theoretical background is explored through the process of parliamentary and judicial law making and how legal disputes are resolved by a range of people involved in that process. The role that law plays in society is evaluated through its effectiveness, the impact on participants and its costs.

In Paper 2, the students will explore different areas of substantive law in depth. The theoretical background to aspects of civil and criminal law and human rights is developed through the application of the legal principles. The use of decided cases and statutes allows students to explore potential outcomes in dispute resolution.

## Qualification Overview

This section provides an overview of the course to help you see what you will need to teach. The overview gives a general summary of each of the examined papers.

### Specification overviews

The chart below provides an overview of the course. The IAL Law is structured into two externally assessed examination papers:

<b>Paper 1: Underlying Principles of Law and the English Legal System</b>	<b>Paper 2: The Law in Action</b>
1.1 The nature, purpose of and liability in law 1.2 The sources of English law, its enforcement and administration	2.1 The market 2.2 The criminal offender 2.3 The individual

### Assessment overviews

<b>Paper 1: Underlying Principles of Law and the English Legal System</b>	<b>Paper 2: The Law in Action</b>
External assessment: written examination Total marks: 100 Weighting: 50% of the total IAL marks Examination time: 3 hours	External assessment: written examination Total marks: 100 Weighting: 50% of the total IAL marks Examination time: 3 hours

## Assessment guidance

<b>Paper 1: Underlying Principles of Law and the English Legal System</b>	<b>Paper code YLA1/01</b>
Externally assessed Availability: June First assessment: June 2017	<b>50% of the total IAL raw marks</b>
<p><b>Content summary</b></p> <ul style="list-style-type: none"> <li>■ The nature and purpose of law.</li> <li>■ Legal theories are introduced that help develop an understanding of the role, function and benefits of law in society.</li> <li>■ Concepts of justice and morality are compared with law both in England and elsewhere.</li> <li>■ Process of parliamentary and judicial law making.</li> <li>■ How legal disputes are resolved by a range of people involved in that process.</li> <li>■ The effectiveness, impact and costs of the law.</li> </ul>	
<p><b>Assessment</b></p> <p>100 marks. Time allowed 3 hours.</p> <p>Questions 1–4: 20 marks for a range of short and extended open-response questions or problem-solving questions</p> <p>Question 5: 20 marks for a problem-solving question.</p>	

<b>Paper 2: The Law in Action</b>	<b>Paper code YLA1/02</b>
Externally assessed Availability: June First assessment: June 2017	<b>50% of the total IAL raw marks</b>
<p><b>Content summary</b></p> <ul style="list-style-type: none"> <li>■ The overlap between civil and criminal outcomes from the same event.</li> <li>■ Separate legal consequences of activities.</li> <li>■ The application of legal principles.</li> <li>■ Outcomes of dispute resolution in decided cases and statutes.</li> <li>■ The contrast in the use of law is explored through different contexts.</li> </ul>	
<p><b>Assessment</b></p> <p>100 marks. Time allowed 3 hours.</p> <p>Questions 1–4: 20 marks for a range of short and extended open-response questions or problem-solving questions</p> <p>Question 5: 20 marks for a problem-solving question.</p>	

## Command words

The new question papers have questions that are of varying difficulty. The command words set out in the following table guides students as to the required answers.

Command word	Definition and question types
<b>Analyse</b>	Examine in detail. Break down into individual components methodically. Identify relationships between separate elements. Extended open-response questions.
<b>Assess</b>	Weigh up factors and events that may apply and identify which are the most important or relevant. Extended open-response questions.
<b>Describe</b>	Paint a picture with words. Give an account which demonstrates the meaning of a legal term. Short open-response questions.
<b>Evaluate</b>	Identify and analyse relevant areas of law, review information and draw on evidence. Use understanding of the law to justify an argument or apply to a scenario and come to a conclusion. Extended open-response questions.
<b>Explain</b>	Requires a linked justification/exemplification of a point. Short open-response questions.
<b>Give/state</b>	Requires the recall of one or more piece of information. Short open-response questions, points-based one-step answers.
<b>Identify</b>	Find individual components, which requires recall and/or application of legal information. Short open-response questions, points-based one-step answers.

### Planning

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#### **Planning and delivering the linear IAL in Law**

The IAL in Law qualification is linear, with assessments taken at the end of the course. There will be no January assessment window.

If a sequential approach is adopted, centres will need to ensure that they leave sufficient time at the end of the course to revisit topics studied in the first year.

#### **Delivery models**

One of the first decisions that centres will have to make is whether they intend to offer a sequential or thematic approach. A linear A level offers a more flexible approach as topics can be selected in an order that meets the needs of students.

#### **Suggested resources**

To support the teaching and learning of the new specification, we have provided a list of suggested text books you may find useful to use.

## Paper overview

The paper overview gives a summary of the content of each paper so that you organise your teaching effectively.

### Paper 1: Underlying Principles of Law and the English Legal System

#### Topics

##### The nature, purpose of and the liability in law

- The distinction between rules and law - definitions, differences, examples
- The role, function and benefits of law in society
- Legal theories of law and justice - understanding the theorists relating to each theory together with examples and application
- The relationship between law and morality and relevant theorists

##### The sources of English law, its enforcement and administration

- Legislation
- Delegated legislation
- Judicial law making
- EU law and its institutions
- Methods of civil dispute resolution and Alternative Dispute Resolution (ADR) - definition, advantages and disadvantages
- Role, selection and appointment of people in law - advantages and disadvantages
- The costs of going to law

### Paper 2: The Law in Action

#### Topics

##### The Market

- The law of contract
- Liability in negligence as a alternative to contract

##### The criminal offender

- The nature of criminal liability
- Property offences
- General defences
- Sanctions and sentencing

##### The individual

- Freedom of speech and defamation
- *Human Rights Act 1998*
- Right to privacy
- Occupiers' liability

## Course Planner

This section contains a course planner for each of the papers in the Pearson Edexcel IAL in Law specification.

The course planner follows the specification in topic order.

This is only a suggested course planner and it does not need to be followed. However, it may be useful when working through the specification for the first time.

### Timings

The following tables show the suggested timings for each topic:

<b>Paper 1: Underlying Principles of Law and the English System</b>		
<b>Topics</b>		<b>Time (approx. hours)</b>
1.1	The nature, purpose of and liability in law	60
1.2	The sources of English law, its enforcement and administration	100
Revision time		20
<b>Total teaching time (hours)</b>		<b>180</b>

<b>Paper 2: The Law in Action</b>		
<b>Topics</b>		<b>Time (approx. hours)</b>
2.1	The market	60
2.2	The criminal offender	60
2.3	The individual	40
Revision time		20
<b>Total teaching time (hours)</b>		<b>180</b>

## Paper 1: Underlying Principles of Law and the English System

Content		
<b>Week 1</b>	<b>Introduction to the course</b>	Review of the specification
<p><b>Suggested activities/resources:</b> Desert island activity: Students have to decide leaders, process of election and developing a society.</p> <p><b>Teaching points to note:</b> Students should focus on the processes of creating a society and what it involves. How will everyone be heard? Is might always right?</p>		
<b>Week 2</b>	<b>Distinction between a rule and a law</b>	Differentiate between a rule and a law
<p><b>Aim: Students to understand the difference between rules and laws</b></p> <p><b>1.1.1 Certainty</b> Students should be able to explain what is meant by certainty in law and the effects if law is not certain. Laws must be passed to become effective. For example, students could look at areas of law that are considered certain, such as burglary and theft, and compare these with areas of law that are not considered to be so certain such as <i>satisfactory quality</i>. Students should be able to define what is meant by a 'rule' and a 'law'. The differences between rules and laws should be established where a comparison is made between the effects of breaking a rule compared with those breaking a law. Rules are more flexible than laws. Students could be given a case study where they compare the effects of breaking a school rule with breaking a law passed by the state. This will allow a development of an understanding of the difference between legal and moral rules. If a thematic approach is used, then students could compare the effects of stealing from a friend at school with stealing from a shop.</p> <p><b>1.1.2 Enforcement</b> If a law is not followed, there is an associated penalty that is enforced by government bodies such as the Police, Crown Prosecution Service and the court system using an organised process. Students can compare the different ways in which laws can be enforced. For example, comparing theft from a friend at school with theft from a shop. English law has to deal with a variety of cultures and beliefs and the law is inflexible.</p> <p><b>1.1.3 Sanctioned by the state</b> Laws are sanctioned by the state through consequences such as imprisonment, financial penalties or community based punishments.</p> <p><b>Suggested activities/resources:</b> Developing the desert island activity, students have to create rules that everyone must abide by. They must also create laws with associated parties.</p> <p><b>Teaching points to note:</b> Who will be the judge? Why have they been elected judge? Should the leader be the judge and is this too much power?</p>		
<b>Week 3</b>	<b>Legal personality</b>	'Piercing the corporate veil'. Explanation of who/what is and who/what is not a legal personality
<p><b>Aim: Students can explain who/what is and what is not a legal personality</b></p> <p><b>1.1.4 Rights, duties, privileges, liabilities and examples of legal personality</b> Describe what is meant by legal personality. Examples of natural and juridical persons should be explored as well as the obligations that are placed on them. The role of the individual within the community. The individual often gives up individual rights to be part of a community, such as obeying laws they might not agree with. This is part of Plato's idea of a social contract and was developed by Thomas Hobbes.</p> <p><b>Suggested activities/resources:</b> If desired, the notion of a legal personality can be discussed as part of the desert island activity. Alternatively students could create a leaflet on legal personality, which could be in the form of a checklist.</p> <p><b>Teaching points to note:</b> Is a criminal a legal personality? Why are businesses a legal person? Should it be better to sue the directors of a negligent business as individuals?</p>		

## A Getting started for teachers

<b>Week 4</b>	<b>Liability and sanctions in civil law</b>	The principle definitions in civil law such as 'liable' and not 'liable etc'
<p><b>Aim: Students to understand the principle definitions in civil law such as 'liable' and 'not liable etc'</b></p> <p><b>1.1.5 Liability and remedies in civil law</b></p> <p>Students should be aware of the different types of civil law:</p> <ul style="list-style-type: none"> <li>• contract law; a legally binding relationship</li> <li>• law of tort; a wrong between two people and/or businesses</li> <li>• family law; law dealing with domestic disputes</li> <li>• employment law; regulation of working relationships</li> <li>• company law; regulation of business activities.</li> </ul> <p>Students should be aware of the standard of proof in civil cases as well as the hierarchy of the civil court structure. They should be aware that in a civil case, the decision is one of either being liable or not liable. Students should explore the remedies available; injunction, specific performance, damages, rescission or rectification. For example, the application of damages in a case of slander. Students should be encouraged to look for real examples of civil cases in the media. The case involving the MP <b>Andrew Mitchell</b> (found liable for defaming police who would not permit his exit by the Prime Minister's front gates) will be useful.</p> <p><b>Suggested activities/resources:</b> Students could prepare a briefing sheet on what a litigant could expect if they were to undertake a civil action.</p> <p><b>Teaching points to note:</b> Drawing comparisons with criminal law.</p>		
<b>Week 5</b>	<b>Liability and sanctions in criminal law</b>	The principle definitions in criminal law that identify the parties involved as well as the language that is applied
<p><b>Aim: Students to understand liability and sanctions in criminal law</b></p> <p><b>1.1.6 Liability and sanctions in criminal law</b></p> <p>Students should be aware of the higher standard of proof in criminal cases and of the person(s) making the decision. Students should be aware that in criminal cases, the decision is one of either guilty or not guilty. Students should explore the various sanctions that are available in a criminal case; prison, fine, discharge, community based punishment and understand the implications of each sanction.</p> <p><b>1.1.7 Relationship and differences between civil and criminal law sanctions</b></p> <p>Students could compare the purpose of civil and criminal law by identifying the differences between civil and criminal law. Through the use of case studies, students could decide what would be the most appropriate form of punishment and compare the outcomes. If a thematic approach is used, students could compare a criminal offence with a civil case and identify the differences. This process could be developed through looking at reported cases found in newspapers or other media.</p> <p><b>Suggested activities/resources:</b> Student could prepare a briefing sheet on what a litigant could expect if they were arrested.</p> <p><b>Teaching points to note:</b> Drawing comparisons with civil law.</p>		
<b>Week 6</b>	<b>REVISION</b>	

<b>Week 7</b>	<b>Theories of punishment (1)</b>	Revenge, retribution, rehabilitation, reparation, restoration, denunciation, deterrence
<p><b>Aim: Students to understand theories of punishment</b></p> <p><b>1.1.8 Theories of punishment: revenge, retribution, rehabilitation, reparation, restoration, denunciation, deterrence – examples and applicability of each, including their relationship with sentences/sanctions</b></p> <p>Students should know the theories of punishment and understand how judges apply and justify the most appropriate criminal sanction in a given situation:</p> <ul style="list-style-type: none"> <li>• Revenge: society demonstrates its anger over the offender and demands a punishment. For example, media campaigns to hang Ian Huntley - who committed the Soham murders of two young school girls in 2002. The death penalty and life sentences. The <i>Criminal Justice Act 2003</i> and the <i>Sentencing Act 2020</i> are useful discussion points.</li> <li>• Retribution: society demonstrates its anger over the offender. Society states that the offender deserves the punishment they have received making sure the offender suffers a loss. Retribution contains an element of revenge - 'an eye for an eye' - one of the factors used in the past to justify the death penalty for murder.</li> <li>• Rehabilitation: reforming the offender so that they will not commit the same offence again. Tariffs are also important, but there is a problem in applying this principle to fines so the personal situation of the offender is taken into account.</li> </ul> <p><b>Suggested activities/resources:</b> Class could be divided into groups each researching examples from around the world that demonstrate different types of punishment.</p> <p><b>Teaching points to note:</b> Illustrating some of the theories can be difficult; in this case, using events from overseas can help.</p>		
<b>Week 8</b>	<b>Theories of punishment (2)</b>	Revenge, retribution, rehabilitation, reparation, restoration, denunciation, deterrence
<p><b>Aim: Students to understand theories of punishment</b></p> <p><b>1.1.8 Theories of punishment: revenge, retribution, rehabilitation, reparation, restoration, denunciation, deterrence – examples and applicability of each, including their relationship with sentences/sanctions</b></p> <ul style="list-style-type: none"> <li>• Reparation: where the offender compensates the victim</li> <li>• Restoration: repairing any material damage that the offender might have caused such as painting over any graffiti</li> <li>• Denunciation: where society condemns the offence and the punishment is a reflection of its abhorrence</li> <li>• Deterrence: dissuading others from committing the same offence by making the punishment so severe it becomes a deterrent. This can be an individual deterrence such as punishing the offender with a heavy punishment. An example is the heavier sentences passed on young drivers for motoring offences. A general deterrence is where an individual is given a heavy sentence as a warning to others. In some countries, capital punishment or drugs related offences could be seen as a general deterrent. The <i>Criminal Justice Act 2003</i> and the <i>Sentencing Act 2000</i> set out the purposes of sentencing for those over 18 years of age, i.e.:             <ul style="list-style-type: none"> <li>◦ punishment of offenders</li> <li>◦ deduction of crime</li> <li>◦ reform and rehabilitation of offenders</li> <li>◦ protection of the public</li> <li>◦ offenders making reparation to the victim.</li> </ul> </li> </ul> <p><b>Suggested activities/resources:</b> Students could research local or national events that illustrate each of the theories of punishment.</p> <p><b>Teaching points to note:</b> Illustrating some of the theories can be difficult; in this case, using events from overseas can help.</p>		

<b>Week 9</b>	<b>Law and justice; positivism</b>	Theories relating to positivism
<p><b>Aim: Students to understand the theories relating to positivism</b></p> <p><b>1.1.9 Positivism</b> Although law is often thought of outcome based, it is more than that. Law is a reflection of the beliefs and perceptions of society and what is considered to be 'just'. Students should be able to explain the command theory of law proposed by John Austin and the criticism from Professor H.L.A Hart and Hans Kelsen. The beliefs of the positivists should be compared and contrasted with those defined as natural lawyers.</p> <p><b>Suggested activities/resources:</b> Using Hart and Austin, a debate on whether it is possible to make law simple.</p> <p><b>Teaching points to note:</b> The objective is to critique Hart as well as Austin's response.</p>		
<b>Week 10</b>	<b>Law and justice; natural law</b>	Theories relating to natural law
<p><b>Aim: Students to understand the theories relating to natural law</b></p> <p><b>1.1.10 Natural law</b> The beliefs of Thomas Aquinas, Fullers 'inner morality of law' and Hart's response should be analysed.</p> <p><b>Suggested activities/resources:</b> Students could provide examples of laws that are derived from a 'higher' law and ones which are not.</p> <p><b>Teaching points to note:</b> A discussion on the extent religion should be a part of natural law would be useful as long as it did not breach sensitivities or a discussion on which parts of religion should be part of natural law.</p>		
<b>Week 11</b>	<b>Law and justice; utilitarianism</b>	Theories relating to utilitarianism
<p><b>Aim: Students to understand the theories relating to Utilitarianism</b></p> <p><b>1.1.11 Utilitarianism</b> The utilitarian theories of Bentham and J. S. Mill should be considered. All theories should be critiqued in terms of how well they can be applied in a modern society. If a thematic approach is used, then the student could consider how the criminal offender would be treated by each theorist and matched with the theories of punishment.</p> <p><b>Suggested activities/resources:</b> A research paper could be created comparing Bentham with J. S. Mill, highlighting similarities and differences.</p> <p><b>Teaching points to note:</b> The notion of 'good' can be hard to understand. If students reflect on what they have done that is good and map it to where they have been 'not so good' this can create a good discussion on what is, in effect, good.</p>		
<b>Week 12</b>	<b>REVISION</b>	
<b>Week 13</b>	<b>What is morality? Hart/Devlin</b>	Contrasting the theories put forward by Hart and Devlin
<p><b>Aim: Students to understand the relationship between law and morality</b></p> <p><b>1.1.12 The Hart/Devlin debate and the Wolfenden Report</b> Students should be able to explain Lord Devlin's concept of a shared morality (<b>Conventional Morality</b>) and Professor H.L.A Hart's response of a more limited (<b>Paternalistic</b>) role. Students should be able to use examples to demonstrate the differences in approach. Students should understand the role of the <b>Wolfenden Report</b> as the basis of this debate.</p> <p><b>Suggested activities/resources:</b> A moot where one side represents Devlin and the other side Hart. A vote and discussion at the end to decide who presented the best arguments.</p> <p>Current case law should be researched and outcomes of current cases compared in relation to the current position between law and morality.</p> <p><b>Teaching points to note:</b> Do the best arguments make the decision right?</p>		

<b>Week 14</b>	<b>Differences between public and private morality</b>	The differences between public and private morality
<p><b>Aim: Students to understand the differences between public and private morality</b></p> <p><b>1.1.13 Public and private morality - definitions, examples and application</b></p> <p><b>Public morality</b> – moral and ethical behaviour that is enforced by society. Usually relates to issues that could offend society such as homosexuality, prostitution or issues that relate to children. It can also cover other areas such as pornography or lewd behaviour. Students could explore what issues should be regulated by society and compare public and private morality</p> <p><b>Private morality</b> – the Wolfenden Report should be covered with respect to private morality. Using case law, students can explore the limitations of private morality and whether the state should involve itself in private morality issues such as adultery, lying, etc.</p> <p><b>1.1.14 The legal interpretation of morality together with the application of examples of specific relevant case law decisions</b></p> <p>Students should look at the basic definition of morality in terms of custom, <i>mores</i>, <i>etiquette</i> or based on religious tenets. Students could look at what is meant by a custom and discuss relevant customs and why they exist. For example, the shaking of hands or waving was used to show the other person that the greeter was not holding a weapon. A discussion of customs could lead to Durkheim's theory of <i>anomie</i> or the fragmentation of society; is there a need to wave or shake hands in today's society? This can extend to an understanding of the relationship between legal and moral rules. Effective use of cases, such as <i>R v R</i> (1939), <i>Bourne</i>, <i>R v Wilson</i>, <i>Brown and Others</i> (1993) <i>R v Dudley &amp; Stevens</i> (1884), <i>Pretty v United Kingdom</i> (ECHR) (2002), <i>Re v A (conjoined twins)</i> (2000) see also: <a href="http://www.solicitorsjournal.com/comment/sadomasochism-unleashed">http://www.solicitorsjournal.com/comment/sadomasochism-unleashed</a> could be used to explain the difficulties the law has when dealing with moral issues. Using cases such as these or others see also: <a href="http://www.solicitorsjournal.com/comment/sadomasochism-unleashed">http://www.solicitorsjournal.com/comment/sadomasochism-unleashed</a> could be used to explain the difficulties the law has when dealing with moral issues. Using cases such as these or others illustrates the Hart/Devlin debate on morality as well as the differences between public and private morality.</p> <p><b>Suggested activities/resources:</b></p> <p>Students could evaluate case law on morality and decide if it was correctly decided and whether the concept of morality is certain and thereby enforceable. For example, compare the (1960) <i>R v Penguin Ltd</i> (1960) trial of Obscenity in the book <i>Lady Chatterley's Lover</i> with the 1971 Obscenity trial of the <i>Oz</i> magazine, Mary Whitehouse. Anti-obscenity campaigner, or other, more current cases on morality.</p> <p><b>Teaching points to note:</b></p> <p>Does decided case law on morality reflect the morality of the country it comes from?</p> <p>Is the notion of public/private morality based on 'shifting sands'? Do the current cases against high media profiles such as Rolf Harris, Australian entertainer jailed for historic sex offences in 2014, illustrate a shift in morality?</p>		
<b>Week 15</b>	<b>Creating an Act of Parliament</b>	Covering from green/white paper to Royal Assent and identifying the process irrespective of whether the paper originates in the House of Commons or House of Lords
<p><b>Aim: Students to understand creating an Act of Parliament</b></p> <p><b>1.2.1 Stages in the creation of an Act of Parliament</b></p> <p>This should include the pre-legislative procedure and the role of Green Papers; to solicit opinion and White papers; suggested bill format as well as the formal legislative process including private members' bills; by ballot and 10 minute rule, public bills, private bills and hybrid bills.</p> <p>The role of the House of Commons and the House of Lords and the stages in the creation of an Act of Parliament. Students could follow bills either commencing in the House of Lords or the House of Commons. The role of the Queen and whether there is any importance to the Royal Assent. Advantages and disadvantages of parliamentary law making could be explored. This could be compared with the potentially undemocratic delegated legislation where far more laws are created than within Parliament.</p> <p><b>Suggested activities/resources:</b></p> <p>Students could create a poster that illustrates the creation of an Act of Parliament.</p> <p><b>Teaching points to note:</b></p> <p>There are some good videos published on the creation of an Act of Parliament.</p>		

## A Getting started for teachers

<b>Week 16</b>	<b>Influences on law reform</b>	Political parties, pressure groups, law reform agencies, judges, media
<p><b>Aim: Students to understand influences on law reform</b></p> <p><b>1.2.2 The influences on law reform in developing English law - examples of success and disadvantages</b>            Influences on law reform should include the Law Commission; role, examples of success, benefit and disadvantages of the Law Commission. The role and examples of political parties in law reform including the role of the party manifesto; advantages and disadvantages of political parties influencing law reform. Examples of the role of the media in influencing law reform; Sarah's law, Snowdrop Campaign, MP's expenses as well as others.</p> <p>Students could consider the effectiveness of pressure groups in bringing about change; environmental; Greenpeace, human rights; Amnesty International, and other national campaigns; Fathers4Justice or similar campaigns could be considered in terms of their effectiveness. Students could consider the morality of lobbying as a tool for change; as a method to access MP's often used as a method by powerful organisations to access MPs.</p> <p><b>Suggested activities/resources:</b>            Students could be divided into smaller groups and evaluate a given method of reform and present their findings to the rest of the class group.</p> <p><b>Teaching points to note:</b>            If this is done as a written activity, copies of the investigations undertaken by the group would be good revision material.</p>		
<b>Week 17</b>	<b>Judicial interpretation of statutes</b>	Process of judicial interpretation of statute law
<p><b>Aim: Students to understand the process of judicial interpretation of statute law</b></p> <p><b>1.2.3 Judicial interpretation of statutes - why there is a need for it</b>            Judges can act when Parliament is unable or unwilling to act. For example, judges can act swiftly; <i>McLoughlin v O'Brian</i> (1983), <i>Marks &amp; Spencers v One in a Million</i> (1997), <i>R v R</i> (1991), <i>C (a minor) v DPP</i> (1995). Judges can make bold or new decisions; <i>Shaw v DPP</i> (1962), <i>Kneller v DPP</i> (1973). Judicial creativity such as <i>Donoghue v Stevenson</i> (1932), <i>British Railways Board v Herrington</i> (1972).</p> <p>The need for statutory interpretation; words having more than one meaning, changes in the use of language, new developments that means existing law is not effective; for example, in terms of use and dissemination of domain names: ambiguity, drafting issues, or where a word has a broad term. Definition and use of literal words given their plain and ordinary meaning, golden rule; avoiding an absurd result and the mischief rule; using <b>Heydon's case</b> to see what a mischief the Act was passed to solve. <i>Ejusdem generis</i> rule can be applied where general words following specific words set out in a list are found. Cases should be used to illustrate each point. Advantages and disadvantages of each rule. The role of the purposive rule; advantages and disadvantages. Students could use each rule to interpret a sentence; for example: 'In order to avoid being run over, pedestrians must always walk on the footpath'.</p> <p>Students should also be familiar with internal and external aids to interpretation, rules of language and the effects of the <i>Human Rights Act 1998</i>.</p> <p><b>Suggested activities/resources:</b>            Students could be presented with a short 'law' and asked to interpret it using each of the methods of interpretation.</p> <p><b>Teaching points to note:</b>            For example 'Men must only walk on pavements' can provide interesting results.</p>		
<b>Week 18</b>	<b>REVISION</b>	

<b>Week 19</b>	<b>Delegated legislation</b>	Types of delegated legislation Control of delegated legislation: judicial, parliamentary
<p><b>Aim: Students to understand delegated legislation</b></p> <p><b>1.2.4 Types of delegated legislation - definitions, examples, advantages and disadvantages</b> Delegated legislation is a law made by a person outside of Parliament but who has the authority of Parliament. Students should cover Orders in Council, Statutory Instruments and bylaws together with examples of each. Orders in Council are laws made by the Privy Council along with the Queen and other members of government including the Prime Minister. Orders in Council can be used in a wide variety of ways and students could research examples of such as the <i>Civil Contingencies Act 2004</i> where the Privy Council can make laws when Parliament is not sitting. Statutory Instruments gives ministers authority from government to make law. More laws are created by Statutory Instrument than by Acts of Parliament. Bylaws are created by local authorities because they have local knowledge. Students could research examples of local bylaws, e.g. The Drivers Hours and Tachograph (Temporary Exceptions No 4) Regulations 2021.</p> <p><b>1.2.5 Control of delegated legislation</b> Control of delegated legislation can be through either the Enabling Act, Delegated Powers Scrutiny Committee, affirmative resolutions, negative resolutions, or questions to MPs or the Scrutiny Committee. Students should consider the purpose of each control and value of each process as an effective method of control. Delegated legislation can also be controlled through the courts via judicial review. Difference between procedural ultra vires such as <i>Agricultural Training Board v Aylesbury Mushroom Ltd</i> (1972), compared with substantive ultra vires <i>Customs and Excise v Cure &amp; Deeley</i> (1962).</p>		
<b>Week 20</b>	<b>Advantages and disadvantages of delegated legislation</b>	Comparing the need to enable delegated legislation while sacrificing the democratic process
<p><b>Aim: Students to understand advantages and disadvantages of delegated legislation</b></p> <p><b>1.2.6 Advantages and disadvantages of delegated legislation</b> The advantages and disadvantages of delegated legislation should be explored to determine its suitability as a source of English law. Students could consider time saving, understanding of local issues, technical expertise, speed of decision making and the ability to consult against the disadvantages of being undemocratic, a lack of media coverage, the real risk of sub-delegation and being an undemocratic method.</p> <p><b>Suggested activities/resources:</b> Students could research local bylaws and decide if they could have been initiated through any other means.</p> <p><b>Teaching points to note:</b> Alternatively, they could identify a local area for change and create their own bylaw and lobby their local councillors.</p>		

<b>Week 21</b>	<b>Precedent</b>	The doctrine of precedent in the court hierarchy The role of equity in developing remedies in contract law
<p><b>Aim: Students to understand precedent</b></p> <p><b>1.2.7 The doctrine of precedent in the court hierarchy</b></p> <p>Precedent is based on the notion of <i>Stare decisis</i> that is, 'stand by previous decisions'. Students should understand the concept of <i>ratio decidendi</i> and <i>obiter dicta</i> using case law such as <i>Hill v Baxter</i> (1958). Precedent can be divided into three types; original precedent (a new precedent), binding precedent (mapping the decision of a previous case to the present one and given that there are sufficient similarities, it can be followed) and persuasive precedent (the judge wants to follow the precedent because a) a higher court agrees with the decision of a lower court b) following a statement made <i>obiter</i>, c) following decisions of the judicial committee of the Privy Council d) decisions made in other countries and e) dissenting judgements in other cases. Students should be encouraged to find examples of case law for each of these types where this has occurred.</p> <p>It is essential that students know the court hierarchy in order to follow the process of appeal and to know which courts are bound by other courts. This should include the Supreme Court and the role of each divisional court. The leap frog procedure is essential in speeding up appeals. The 1966 House of Lords Practice Statement allows the Supreme Court to overrule itself and so become more effective. The decision in <i>Young v Bristol Aeroplane</i> (1944) has a similar effect on the Court of Appeal. Students are required to know the process of appeal and which courts can make use of the principles relating to distinguishing, reversing, overruling and disapproving.</p>		
<b>Week 22</b>	<b>The role of equity</b>	Determining whether equity still has a place in modern law
<p><b>Aim: Students to understand equity</b></p> <p><b>1.2.8 The role of equity in developing remedies in contract law - advantages and disadvantages</b></p> <p>Equitable remedies are available in the event that a party is found liable in contract. Rescission is used where it is possible to place both parties in their pre-contractual position. This remedy is often used in cases involving misrepresentation. See <i>Redgrave v Hurd</i> (1881).</p> <p>Injunction is used where one party is deemed to be vulnerable and requires protection. An injunction will stop an event occurring which if not applied, would harm one party to a contract. See <i>Argyll v Argyll</i> (1967).</p> <p>Specific performance is the reverse of an injunction where one of the parties is compelled to complete their part of the contract. It is rare because damages are often the more suitable option. <i>Nutbrown v Thornton</i> (1804) is an example where there was a need to provide specialised machinery that could not be purchased from anyone else. Students are encouraged to look at equitable remedies when studying contract law (see 2.1.8 of Paper 2)</p> <p><b>Suggested activities/resources:</b> Students to draw a chart showing how equity operates</p> <p><b>Teaching points to note:</b> Students can use examples from their contract studies.</p>		
<b>Week 23</b>	<b>Advantages and disadvantages of judicial law making</b>	Examination of the role of judges
<p><b>Aim: Students to understand judicial law making</b></p> <p><b>1.2.9 Advantages and disadvantages of judicial law making</b></p> <p>Precedent has a number of advantages in that it creates flexibility in that the law can respond quickly and so save time. Precedent is seen to be fair because it is consistent and comes with a degree of certainty. However, it is complex and hard to follow. This makes it unpredictable with the consequence of illogical decisions. Precedent can only grow when there is a case before the courts. As a result, this can slow development; the highest courts only deal with a few cases each year.</p> <p><b>Suggested activities/resources:</b> A moot discussing whether judges should make law. Students would need to provide examples of where judges have been effective or not so effective.</p> <p><b>Teaching points to note:</b> Students could look at cases where judges have interpreted the law, for example <i>Fisher v Bell</i> (1961).</p>		

<b>Week 24</b>	<b>EU Law and its institutions</b>	Directives Regulations Decisions of the European Court of Justice and the role of the European Commission
<p><b>Aim: Students to understand the EU law and its institutions</b></p> <p><b>1.2.10 Directives - examples</b> Directives are laws that are passed by a national government in order to bring harmony to laws throughout the EU. Directives are a way that countries can avoid being dictated to by the EU as it give the host country a degree of flexibility. Directives can be aimed at just one country or aimed at many. If the national country does not comply, then the EU Directive itself will come into effect. See <i>Francovich v Italy</i> (1991).</p> <p><b>1.2.11 Regulations - examples</b> Regulations automatically become law within countries of the EU. There is not a need for the country to pass a law. See <b>Tachographs; Commission v United Kingdom</b>.</p> <p><b>1.2.12 Decisions of the European Court of Justice(ECJ) and the role of the European Commission</b> The ECJ is the highest court relating to EU law (not national law) and listens to questions about EU law or to questions about the interpretation of EU law; article 267 referral. The European Commission is the senior executive branch of the EU. A commissioner is selected from each member country to form a cabinet. They swear allegiance to the European Union and act on behalf of the union as a whole rather than their own country. One commissioner is called to be the President. The role of the European Commission is to develop strategies for the whole of the EU and to draft legislation, make rules and regulations and to represent the EU in trade negotiations (Article 17 of the Treaty of the European Union). It is the only body within the EU framework that can create law. This is so that there is one voice in the creation of pan-European law. Most of its laws relate to trading relations between member countries and beyond. However, it is now beginning to develop criminal law. This was challenged in the ECJ but upheld.</p> <p><b>Suggested activities/resources:</b> Student to give a presentation on the different types of EU law and how the EU affects the UK., or on the ECJ or EC.</p> <p><b>Teaching points to note:</b> Students could research examples of EU law.</p>		
<b>Week 25</b>	<b>REVISION</b>	

Week 26	Civil dispute resolution	The courts Conciliation Ombudsman	Public tribunals Mediation	Arbitration Negotiation
<p><b>Aim: Students to understand civil dispute resolution</b></p> <p><b>1.2.13 The courts</b></p> <p>The courts refer to the civil court hierarchy as well as the appeals procedure. Students should be aware of the three tier system for dealing with civil dispute claims; small claims, fast track and multi-track.</p> <p><b>Suggested activities/resources:</b></p> <p>Students should research the financial limits for 'normal' claims as well as personal injury for claims in both the County Court and the High Court.</p> <p><b>Teaching points to note:</b></p> <p>Students should be encouraged to undertake research in <a href="http://www.gov.uk">www.gov.uk</a> or <a href="http://www.adviceguide.org.uk">www.adviceguide.org.uk</a>. and to check the current financial limits for each of the tiers.</p> <p>The High Court has three divisions:</p> <ul style="list-style-type: none"> <li>• Queens Bench – contract and tort claims</li> <li>• Family – relating to family issues and children</li> <li>• Chancery – relates to financial issues such as trusts, patents, copyrights, etc.</li> </ul> <p>Students do not need to familiarise themselves with the Woolf reforms or the 2011 <i>Solving disputes in the County Court</i>. Students should know the grounds for appeal and the methods of appeal;</p> <ul style="list-style-type: none"> <li>• Appeals from the county court are based on who heard the original case; if a district judge, then appeal is to a circuit judge. If the original case was heard by a circuit judge, then appeal is to a High Court judge</li> <li>• Appeals from the county court are based on a second appeal to the Court of Appeal (Civil Division) on the grounds of an important principle or practice or some other important reason.</li> <li>• Appeals from the High Court go to the Court of Appeal (Civil Division) with the potential for 'leap frog' to the Supreme Court if the case:             <ul style="list-style-type: none"> <li>◦ raises a point of public importance relating to statutory interpretation</li> <li>◦ raises an issue relating to a binding precedent</li> <li>◦ raises an issue relating to a previous decision by the Supreme Court</li> <li>◦ Supreme Court must give leave to appeal.</li> </ul> </li> </ul> <p>Students should be familiar with the advantages and disadvantages of using the civil courts.</p> <p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• The process/time frame is made clear to all parties</li> <li>• There is some legal aid but this is getting rarer</li> <li>• The judge is an expert, impartial and qualified</li> <li>• Clear appeal routes</li> <li>• Judgements can be enforced</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• Can be expensive, particularly if the party loses and has to pay the costs of the winning party</li> <li>• Results are uncertain and unpredictable</li> <li>• Time frame is slow</li> <li>• Can be complicated and so requires hiring expensive lawyers. However, more litigants are representing themselves in order to avoid costs.</li> </ul> <p><b>Suggested activities/resources:</b></p> <p>Students could be presented with a series of events and identify which is the most suitable method of solution in the UK.</p> <p><b>Teaching points to note:</b></p> <p>Students should look at ACAS as well as the Ombudsman website.</p> <p>Students could view Judge Rinder television series and discuss the advantages and disadvantages of an adversarial system of dispute resolution.</p>				

Week 27	Public tribunals	The role of public tribunals
<p><b>Aim: Students to understand Public tribunals</b></p> <p><b>1.2.14 Public tribunals</b></p> <p>Students are required to know the different types of Alternative Dispute Resolution (ADR) and know/understand how to apply them to a given situation. Students should also be able to compare and contrast them with how the courts solve disputes and their relative merits or problems.</p> <p>Public Tribunals are NOT part of ADR but are available to parties where there is no court system available to deal with the issue, including with the courts. Students should be able to give examples from both the first and upper tier of tribunals; First tier has seven chambers:</p> <ul style="list-style-type: none"> <li>• Social entitlement; child Support, criminal injuries</li> <li>• Health, education and social care</li> <li>• War pensions and the armed forces</li> <li>• Taxation</li> <li>• Land, property and housing</li> <li>• Asylum and immigration</li> <li>• General regulatory chamber.</li> </ul> <p>The upper tier is divided into four chambers:</p> <ul style="list-style-type: none"> <li>• Administrative appeals</li> <li>• Tax and chancery</li> <li>• Lands</li> <li>• Asylum and immigration.</li> </ul> <p>All legally qualified members are called judge. There is a right of appeal to the Court of Appeal. Tribunals are made up of a chairperson who is the judge and they have two lay members with them who have an expertise in the area.</p> <p>Many tribunals are informal and the laws of hearsay are not strictly enforced. Parties will present their case and will be cross examined. Tribunal members can ask questions in order to assist parties who are not normally legally represented. Tribunal members come to their decision in private and the decision is binding.</p> <p>Tribunals are cheap as it is unlikely that there will be legal representation although this is not the case in more formal tribunals such as medical or employment, often quick, staffed by experts who may/may not be legally qualified. The main problems with tribunals is that they are not properly funded and are viewed as being inferior to the formal court system because of their informality. The role of the tribunal judge is different than in the formal court system in that tribunal judges will play a more active role in the case.</p> <p><b>1.2.15 Arbitration</b></p> <p>Arbitration is commonly used to define the process of referring a dispute to an arbitrator who makes an award based on either a hearing or a submission by the parties in dispute. The decision of the arbitrator is usually binding with the most common form of appeal based on procedural irregularity. Businesses often include a <i>Scott v Avery</i> (1885) clause into their contracts in order to identify the process of dealing with any issues associated with the contract. Businesses like arbitration because they are held away from the public eye and so avoid publicity. Arbitrators are often experts rather than lawyers and this means the basis for an award is on the technical rather than the legal merits of the case. The process is cheaper, more efficient and convenient to both parties. However, given that arbitrators are technical experts means that they may not be legal experts. There are limited rights of appeal. If one of the parties is an international business, there could be a delay when organising the hearing. This is not to say that all arbitration hearings are cheap. In some cases, the fee for arbitrators can be high as well as the cost of any legal representation. Arbitration hearings can either be formal or informal.</p> <p><b>1.2.16 Conciliation</b></p> <p>A conciliator will play a major role in resolving issues between the contested parties. They will identify areas of common agreement as well as the issues in contention. Mediation is a required element of all contested divorces prior to a court hearing. Students should be familiar with the role of ACAS as a conciliator in employment issues. Conciliation has no legal foundation and the conciliator has no legal powers.</p> <p>The process of conciliation requires that each party identifies the issues that are important to them and then the conciliator works with each party seeking to resolve each of the objectives through a process of give and take.</p>		

## Week 27 *continued*

### 1.2.17 Mediation

The role of the mediator is to enable parties in dispute to come together and through working independently, not representing either party, to assist the parties to arrive at their own solution. Students should be familiar with the role of the mediator in contractual issues. Again, students should refer to the role of ACAS as a mediator. Mediation is not free and costs in excess of £1,000 per day where the issue relates to contractual disputes. Community-based mediation can be free.

The process of mediation is usually flexible with both parties determining the process. The mediator will carry proposals from one party to another without offering their opinion unless asked. It can be in the form of a tribunal where both parties present their case to a panel of mediators who give their opinion: assuming this is what is agreed by both parties. It can be in the form of both parties telling a single mediator what is wanted and the mediator helping parties to arrive at a non-binding solution.

### 1.2.18 Negotiation

Negotiation is the swiftest, cheapest and quickest form of solving disputes. It is the process of both parties recognising their differences and attempting to come to a mutually beneficial conclusion. This is a non-legal process.

### 1.2.19 Ombudsman

An Ombudsman is appointed by government to represent the interests of the general public. They investigate complaints brought by members of the public. For example, the Financial Ombudsman Service settles disputes between businesses and/or their customers. Ombudsmen exist in a variety of areas such as energy, property or licensing. Students should be familiar with the Ombudsman service. Students should know the role of the legal Ombudsman.

<b>Week 28</b>	<b>The role of public tribunals (2)</b>	Comparing the role of public tribunals with the conventional legal system
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### **Aim: Students to understand Public tribunals**

#### **Suggested activities/resources:**

Students could be presented with a series of events and identify which is the most suitable method of solution in the UK. A discussion on whether there is a place for public tribunals in the English legal system will highlight the similarities and differences between the two processes. Looking at tribunals such as employment tribunals will show that some of them are very close to the court system.

#### **Teaching points to note:**

Students should look at ACAS as well as the Ombudsman website.

<b>Week 29</b>	<b>Judges (including the <i>Courts and Legal Services Act 1990</i> and the <i>Constitutional Reform Act 2005</i>)</b>	The appointment, role, training and dismissal of judges
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### **Aim: Students to understand the role of the Judge**

#### **1.2.20 Judges (including the *Courts and Legal Services Act 1990* and the *Constitutional Reform Act 2005*)**

Students should explore all of the different types of judges; Justices of the Supreme Court, Lord Justices of Appeal, High Court Judges, circuit Judges, district judges and recorders. The differences between superior and inferior judges, how they are appointed, their qualities, their training and the role of the Judiciary Appointments Commission. There is no need to memorise the composition of the judiciary appointments Commission. However, there is a need to know the importance of human awareness training and why it was initiated.

Students should be able to deliberate on whether there is a need for a career judiciary, the percentage of women in the judiciary as well as the limited involvement of ethnic minorities in the judiciary; there is an increasing number of people from ethnic minorities in the judicial system but it is from a small base, this is the same for women. Students should be aware of the educational background of many judges; private school, privileged backgrounds, isolated from 'normal' life. There is not a need to look at the issues surrounding the separation of powers.

#### **Suggested activities/resources:**

Students to create an advertising poster for judges.

#### **Teaching points to note:**

Students could research the titles and names for each of the superior judges.

<b>Week 30</b>	<b>Solicitors</b>	'The appointment, role, training and dismissal of solicitors'
<p><b>Aim: Students to understand the role of solicitors</b></p> <p><b>1.2.21 The legal profession – solicitors</b></p> <p>Students are expected to know the pathways that are available to become a solicitor including the new Solicitors Qualifying Examination SQE' which begins in Autumn 2021. They should know the work that solicitors do including conveyancing, representation; certificate and rights of advocacy, letter writing, wills and specialisms. Students should be able to explain how complaints can be made against solicitors including the role of the Law Society, the Office for Legal Complaints, the Solicitors Regulation Authority and the Legal Ombudsman.</p> <p><b>Suggested activities/resources:</b></p> <p>Students could draw a chart highlighting the various routes to becoming a solicitor.</p> <p><b>Teaching points to note:</b></p> <p>A discussion on whether the solicitors and barristers should be fused would be useful. Additionally, there is the increased use of paralegals to consider.</p>		
<b>Week 31</b>	<b>REVISION</b>	
<b>Week 32</b>	<b>Barristers</b>	'The appointment, role, training and dismissal of barristers'
<p><b>Aim: Students to understand the role of a barrister</b></p> <p><b>1.2.21 The legal profession – barristers</b></p> <p>Students are expected to know the pathways that are available to become a barrister including joining an Inn of Court, the 'Bar Course Aptitude Test (BCAT) and vocational training'. They should know the work that barristers do including representation, writing opinions and working in industry. Students are expected to know the training routes including non-graduate. They should be able to explain the purpose of pupillage; work shadowing and being mentored by an experienced barrister as well the purpose of belonging to an Inn of Court and the role of dining. Students should explain the cab rank rule.</p> <p>When evaluating the role of barristers, students should consider the difficulties associated with gaining pupillages, and issues in finding a tenancy. The role and methodology to become a Queens Counsel. Student should explain how complaints can be made against barristers and the role of the Bar Council, Bar Standards Board and the Council of the Inns of Court. Student should know the lack of a contractual relationship between the litigant and the barrister and the role of 'instructing'.</p> <p><b>Suggested activities/resources:</b></p> <p>Students could draw a chart highlighting the various routes to becoming a barrister.</p> <p>Students could interview a local barrister.</p> <p><b>Teaching points to note:</b></p> <p>A discussion on whether the two professions should be fused would be useful.</p> <p>The long-running television series <i>Law and Order UK</i> highlights the relationship between solicitors, barristers and the CPS.</p>		

<b>Week 33</b>	<b>The legal profession</b>	Evaluating the legal profession
<p><b>1.2.21 The legal profession</b>            Students should be able to explain the opportunities for women and ethnic minorities in the legal profession; increasing numbers and arguments for and against the two professions being fused. This suits a debate where both sides prepare arguments for and against fusion.</p>		
<b>Week 34</b>	<b>Magistrates</b>	'The appointment, role, training and dismissal of magistrates'
<p><b>Aim: Students to understand the role of a Magistrate</b></p> <p><b>1.2.22 Lay people in the law:</b>            Students are expected to know the process required to become a <b>Magistrate</b> including the six qualities, the two stage interview process, the role of the Local Advisory Committee and interview panel and how magistrates are trained, including appraisal and their role as 'wingers'.            Students should be able to explain the role of a magistrate including their participation in youth and adult courts, issuing warrants, and hearing appeals. Students should be able to explain how magistrates can be removed and the age of retirement.            The advantages and disadvantages of magistrates should be critically considered. For example, they are cheap but their decision making is inconsistent. They are invariably old and do not representative of a cross section of society but they have local knowledge and understand local issues.</p> <p><b>Suggested activities/resources:</b>            Students could invite a local magistrate for an interview or visit the local magistrate's court.</p> <p><b>Teaching points to note:</b>            Needs to be booked in advance. The local magistrates often have a liaison officer.</p>		
<b>Week 35</b>	<b>Jurors</b>	The appointment and role of a juror
<p><b>Aim: Students to understand the role of a juror</b></p> <p><b>1.2.22 Lay people in the law:</b>            Students are expected to know the role of jurors in civil and criminal courts, the types of cases they hear and the numbers of jurors in each court. It is essential that students know how to qualify as a juror and who is disqualified from jury service as well as discretionary excusals.            The process of jury selection and jury vetting will allow the student to discuss whether police checks are an infringement of human rights; <i>R v Ford</i> (1989), <i>R v Wilson</i> (1996) and <i>R v Fraser</i> (1982) will be of use. The process of selecting juries in court should be explained and the prosecution's rights to challenge to array, for cause or 'stand by' and its validity as a process can be discussed. Students should be able to explain the role of majority verdicts and whether they affect justice; paradox that a guilty verdict is because a juror is convinced of guilt beyond reasonable doubt but a majority verdict of 10:2 is acceptable.            Advantages and disadvantages of the jury system can be debated. For example, confidence in the system against perverse decisions <i>R v Ponting</i> (1985). Juries are seen as impartial but are bound by secrecy, limited research. Juries can be 'nobbled' and many jurors do not understand their role. There are further problems with using juries in civil cases where they are asked to decide damages. Students are not required to know about alternatives to the jury system.</p> <ul style="list-style-type: none"> <li>• tribunal members – see 1.2.14</li> <li>• mediators – see 1.2.17</li> <li>• conciliators – see 1.2.16</li> <li>• ombudsman – see 1.2.19</li> <li>• arbitrators – see 1.2.15</li> </ul> <p><b>Suggested activities/resources:</b>            Students could put on a play where they act the parts of court officers and have other members of the school as jurors. This could include the challenging.</p> <p><b>Teaching points to note:</b>            There are numerous television court dramas that illustrate this. For example, the much dated <i>Crown Court</i>.</p>		

<b>Week 36</b>	<b>Costs of taking legal action</b>	How costs are awarded
<p><b>Aim: Students to understand the costs of taking legal action</b></p> <p><b>1.2.23 The costs of taking legal action:</b></p> <p>The financing of legal action can be complex and is subject to political changes. Students should be aware of the support available and be able to apply it to a case study or explain it as a single topic.</p> <ul style="list-style-type: none"> <li>• Court costs - can run into hundreds of thousands of pounds.</li> <li>• Legal representation costs – must also cover the costs of the administration staff.</li> <li>• Awarding of costs against unsuccessful party – although this is a basic rule, it is not always the case. Even if judgment is made against the losing party, they may not have the funds to pay.</li> <li>• Hidden costs of loss of reputation – for this reason industry prefers to use ‘hidden’ methods of resolving disputes such as ADR.</li> </ul> <p><b>Suggested activities/resources:</b></p> <p>Students could examine the financial costs of winning and losing a court case.</p> <p><b>Teaching points to note:</b></p> <p>Students could look at the case involving the MP Andrew Mitchell.</p>		
<b>Week 37</b>	<b>Funding available when going to law</b>	Insurance, state funding, conditional fees, trade union, membership, Citizens Advice Bureau, <i>pro bono</i>
<p><b>Aim: Students to understand funding available when going to law</b></p> <p><b>1.2.24 Funding of going to law:</b></p> <ul style="list-style-type: none"> <li>• Insurance – legal insurance associated with driving for example. Insurers offer legal representation in the event of a car accident for an additional fee.</li> <li>• State funding – is based around the availability of funds to support the system, As a result the process involves means testing with a resultant allocation of state funds in proportion to the ability of the client to pay. The threshold is uncertain.</li> <li>• Conditional fees – often known as ‘no win; no fee’. This is based on solicitors being willing to take on the case. This acts as an informal ‘filter’ for cases but valid cases might not be taken up. Solicitors often take out an insurance policy in the event that the case is not successful. Solicitors claim their fees for winning the case from the losing parties.</li> <li>• Trade union membership – members of trade unions are often able to access legal representation in disputes with their employer and in some cases can have access to legal representation in other matters.</li> <li>• Citizens Advice Bureau – offers free advice in its offices but does not represent clients.</li> <li>• <i>Pro bono</i> – free advice for those unable to afford it but based on the commitment of the legal profession to support it.</li> </ul> <p><b>Suggested activities/resources:</b></p> <p>Students could create a pamphlet on the costs of going to law including how to apply for state funding.</p> <p><b>Teaching points to note:</b></p> <p>Students could collect examples of each type of funding and compare the benefits.</p>		
<b>Week 38</b>	<b>REVIEW/RECAP WEEK PAPER 1</b>	

## Paper 2: The Law in Action

Content		
Week 39	Contract law (1)	Nature of a contract; offer and acceptance
<p><b>Aim: Students to understand the elements required for the formation of a contract</b></p> <p><b>2.1.1 Formation of contract:</b></p> <ul style="list-style-type: none"> <li>• offer</li> <li>• acceptance</li> <li>• consideration</li> <li>• legal intention</li> <li>• capacity.</li> </ul> <p>These five elements are the elements required for the formation of a contract. Students need to understand each of the elements and explain them by reference to decided cases. A good starting point is the difference between a bilateral and a unilateral contract. Offers need to be distinguished from invitations to treat. Once an offer is established students need to be able to work out how long the offer remains open. This requires considering ways in which an offer can come to an end, such as lapse of time or withdrawal of the offer. The offer must be communicated in order to be accepted.</p> <p>Whilst an offer is open it can be accepted at any time until the offer ends. There are some rules with respect to acceptance.</p> <p>The acceptance must be unconditional and not just a request for information. A request for information does not end the offer. Acceptance can be in any form unless it has been specified to be in a particular form in the offer. In bilateral contracts the general rule is that acceptance must be communicated to the offeror to be effective. Acceptance by silence is insufficient. The main exception is the postal rules. These need to be known. Acceptance is complete when the letter is posted rather than when the acceptance is effectively communicated to the offeror. The law relating to acceptance by modern communications such as telex, telephone and internet needs to be studied. Students are expected to be able to analyse detailed formation of contract problems and use the decided cases to prove their arguments in coming to a conclusion as to whether there is a contract or not.</p> <p><b>Suggested activities/resources:</b></p> <p>As an introduction to contract law, students should undertake activities that revise the burden and standard of proof in a civil case along with key terms and the court hierarchy.</p> <p>This activity will introduce students to the law of contract and to try and build an understanding of some key terms as well as a range of key case law that define the elements of contract formation.</p> <p>Please note, suggested cases can be substituted with the teacher's own favourite cases for comment.</p> <p><b>Contract law cases for discussion</b></p> <p>Read the summaries of the following contract cases, and for each be prepared to discuss:</p> <ul style="list-style-type: none"> <li>• what aspect of contract law is involved; and</li> <li>• whether, and why, the claimant should succeed in his claim.</li> </ul> <p><b>Pharmaceutical Society of Great Britain v Boots</b> (1953)</p> <p>Boots introduced a self-service system in their shops whereby customers would pick up goods from the shelf put them in their basket and then take them to the cash till to pay. The Pharmaceutical Society of Great Britain brought an action to decide when the sale took place as the sale of pharmaceutical products were required by law to be sold in the presence of a pharmacist.</p> <p><b>Suggestions for discussion:</b></p> <ul style="list-style-type: none"> <li>• When should a customer be legally obliged to buy goods?</li> <li>• Should a consumer be able to change his mind when he agrees to buy goods?</li> <li>• Should the law be different for business and consumer contracts?</li> <li>• Should those under 18 be able to create legally binding contracts and enforce them?</li> </ul> <p><b>Felthouse v Bindley</b> (1862)</p> <p>A nephew discussed buying a horse from his uncle. He offered to purchase the horse and said if I don't hear from you by the weekend I will consider him mine. The horse was then sold by mistake at auction.</p>		

**Week 39** *continued***Suggestions for discussion:**

- Is there a valid contract between the nephew and the uncle?
- Does it matter that the agreement is between family members?
- Should a contract be able to be made by silence or inaction?

**Chappel v Nestle** (1960)

Nestle ran a sales promotion whereby if persons sent in three chocolate bar wrappers and a small amount of money they would be sent a record. The question for the court was whether the chocolate bar wrappers formed part of the consideration.

**Suggestions for discussion:**

- As a contract requires consideration, do used chocolate bar wrappers have any value?
- Does it matter that the selling price is far less than the true value of the item purchased?

**Edgington v Fitzmaurice** (1885)

The claimant purchased some shares in the defendant company. The company prospectus stated the shares were being offered in order to raise money to expand the company. In fact the company was in financial difficulty and the money raised from the sale of the shares was going to be used to pay the company debts.

**Suggestions for discussion:**

- Why should a misrepresentation make a contract voidable not void?
- Is a statement as to future intention (the use of the money raised by the sale of the shares) being pursued by the purchaser of shares? What remedy does he want?
- Is there criminal activity here too? Would the purchaser of the shares prefer a civil remedy or a criminal prosecution?

**Cundy v Lindsey** (1878)

A conman, Blenkarn, hired a room at 37 Wood Street, Cheapside. This was in the same street that a highly reputable firm called Blenkiron & Son traded. The conman ordered a quantity of handkerchiefs from the claimant disguising the signature to appear as Blenkiron. The goods were dispatched to Blenkiron & co 37, Wood Street but he did not pay for the goods.

**Suggestions for discussion:**

- Is the mistake as to the person buying the goods important?
- Does a shop keeper care who he sells his goods to?
- Should the contract be valid, void or voidable?
- Is there criminal activity here too? Would the seller of the goods prefer a civil remedy or a criminal prosecution?

Week 40	Contract law (2)	Consideration; legal intention; capacity; solving offer and acceptance problems
<p><b>2.1.1 Formation of contract</b> <i>continued:</i></p> <p>Consideration is what passes from one party to another in a contract and must be of some value. Consideration need not be adequate but must be sufficient. Past consideration is not valid consideration. The situation with respect to part payment of the debt in place of the whole debt needs to be considered. This can be done separately to the consideration of an existing duty.</p> <p>Intention to create legal relations needs to be considered from the point of view of both social or domestic arrangements and commercial arrangements. This includes the idea of rebutting the presumption being possible.</p> <p>The law of capacity states that those who enter in a contract must have the capacity to do so, or the contract is voidable. The law sets out those who do not have the legal capacity to form a contract, including minors and those who are mentally disabled.</p> <p><b>Suggested activities/resources:</b></p> <p>The following cases and acts are some of those that need to be explored. Once the principles of the case have been understood, they can be considered in other cases and also in past exam paper scenarios.</p> <p><b>Consideration:</b></p> <p><i>Chappell v Nestle</i> (1960)  <i>Re McArdle</i> (1951)  <i>Foakes v Beer</i> (1884)  <i>D&amp;C Builders v Rees</i> (1965)  <i>Central London Property Trust v High Trees House</i> (1947)  <i>Williams v Roffey</i> (1989)</p> <p><b>Legal intention:</b></p> <p><i>Simpkins v Pays</i> (1955)  <i>Wilson v Burnett</i> (2007)  <i>Balfour v Balfour</i> (1919)  <i>Merritt v Merritt</i> (1970)  <i>Jones v Padavatton</i> (1968)  <i>Jones v Vernon's Pools Ltd</i> (1938)</p> <p><b>Capacity:</b></p> <p><i>Family Reform Act 1969</i>  <i>Minors' Contracts Act 1987</i>  <i>Doyle v White City Stadium</i> (1935)  <i>Clements v London &amp; NW Rail Co</i> (1894)  <i>Proform Sports Management Ltd v Proactive Sports Management Ltd</i> (2011)  <i>Pearce v Brain</i> (1929)</p>		

<b>Week 41</b>	<b>Contract law (2)</b>	Contract terms - express, implied terms, condition, warranty and exclusion clauses)
<p><b>Aim: Students to understand the contract terms</b></p> <p><b>2.1.2 Terms in a contract:</b></p> <ul style="list-style-type: none"> <li>• express</li> <li>• implied</li> <li>• condition</li> <li>• warranty</li> </ul> <p>Terms of the contract are what the parties have agreed amongst themselves. These terms may be either express or implied; implied either by business efficacy or custom or statute.</p> <p>Whether the term is express or implied, it can be designated either a condition and warranty or an innominate term. A term must be distinguished from a mere representation which, if false, can be a misrepresentation</p> <p><b>Suggested activities/resources:</b></p> <p>Analysis of the development of what constitutes and express or implied term, a condition or a warranty in the context of case law and everyday situations affecting students such the purchase of mobile phones, cars and other consumer goods.</p> <p><a href="https://youtu.be/6HyWNNyJA1Y">https://youtu.be/6HyWNNyJA1Y</a></p> <p><a href="https://youtu.be/jBHNztXHoFk">https://youtu.be/jBHNztXHoFk</a></p> <p><a href="https://youtu.be/Ngvcbn9wR5I">https://youtu.be/Ngvcbn9wR5I</a></p>		
<b>Week 42</b>	<b>Contract law (3)</b>	Contract terms – implied terms, exclusion clauses and remedies in statute
<p><b>Aim: Students to understand the implied contractual terms in statute and the effect of statute on exclusion clauses</b></p> <p><b>2.1.2 Terms in a contract</b></p> <p><b>2.1.3 Consumer Rights Act 2015:</b></p> <ul style="list-style-type: none"> <li>• implied terms in the <i>Consumer Rights Act 2015</i> – section 9, section 10, section 11, section 20, section 49, section 24, section 49, section 52, section 55 and section 56</li> <li>• exclusion clauses - including the <i>Unfair Contract Terms Act 1977</i>, sections, 2, 3 and 11; and the <i>Consumer Rights Act 2015</i>, sections 31, 57, 62 and 65</li> <li>• remedies for the breach of an implied term in the <i>Consumer Rights Act 2015</i></li> </ul> <p>Courts are reluctant to imply terms into a contract at common law. However, the Parliament has imposed implied terms in contracts that are judged to be those between consumers and businesses in order to protect their basic rights to receive goods and services that meet minimum standards. Legislation has further conferred on consumers a range of remedies that can be relied on where statutory implied terms have been breached by the other party.</p> <p>Exclusion clauses intend to exclude one parties' liability or limit their liability within a contractual agreement. Exclusion clauses must be incorporated into the contract, be judged as being sufficiently clear and adhere to the <i>Unfair Contract Terms Act 1977</i> and the <i>Consumer Rights Act 2015</i>.</p> <p><b>Suggested activities/resources:</b></p> <p>Analysis of the usefulness of published information about the use of the statutory implied terms and exclusion clauses in the context of known situations to students and their families. There are many guides on the internet such as:</p> <p><a href="https://www.moneysavingexpert.com/reclaim/consumer-rights-refunds-exchange/">https://www.moneysavingexpert.com/reclaim/consumer-rights-refunds-exchange/</a></p> <p><a href="https://youtu.be/781v8vfGvTQ">https://youtu.be/781v8vfGvTQ</a></p> <p><a href="https://youtu.be/Ulz-RRbByWs">https://youtu.be/Ulz-RRbByWs</a></p>		

Week 43	Contract law (4)	Validity of contract – implied terms, exclusion clauses and remedies in statute
<p><b>Aim: Students to understand the effects of a misrepresentation and a mistake on the validity of a contract</b></p> <p><b>2.1.4 Validity of contracts:</b></p> <ul style="list-style-type: none"> <li>• misrepresentation</li> <li>• mistake.</li> </ul> <p>Students need to know that contracts may be valid, voidable or void. The vitiating factors need to be understood in detail so they can be applied.</p> <p>Misrepresentation, including the <i>Misrepresentation Act 1967</i> and the <i>Law Reform (Contributory Negligence) Act 1945</i> need to be considered in terms of what amounts to an untrue statement, what is a material fact, whether it is made by one party to the contract to the other or not, and whether it is during negotiations and in order to induce the entry into the contract. Misrepresentations need to be distinguished from terms in the contract and that, in general, silence cannot be a misrepresentation but that there are exceptions to the rule on silence. The representation needs to be distinguished in terms of whether it is fraudulent or negligent or innocent and the different remedies for each type are to be explored.</p> <p>There are three types of mistake:</p> <p>Common mistake – where both parties make the same mistake</p> <p>Mutual mistake – where the parties are at cross-purposes</p> <p>Unilateral mistake – where only one party is mistaken.</p> <p>Students need to understand the distinctions and that where the courts make a finding of mistake this will generally render the contract void, so it is as if the contract never existed.</p> <p><b>Suggested activities/resources:</b></p> <p>The following cases are typical of those that need to be explored. Once the principles of the case have been understood, they can be considered in other cases and also in past exam paper scenarios.</p> <p><b>Misrepresentation:</b></p> <p><i>With v O’Flanagan</i> (1936)</p> <p><i>Bisset v Wilkinson</i> (1927)</p> <p><i>Edgington v Fitzmaurice</i> (1885)</p> <p><i>Spice Girls v Aprilia World Service</i> (2002)</p> <p><i>Roscorla v Thomas</i> (1842)</p> <p><i>Redgrave v Hurd</i> (1881)</p> <p><i>Museprime Properties v Adhill Properties</i> (1990)</p> <p><i>Derry v Peek</i> (1889)</p> <p><i>Goodwill v British Pregnancy Advisory Services</i> (1996)</p> <p><i>Howard Marine and Dredging v Ogden Excavations</i> (1978)</p> <p><i>Long v Lloyd</i> (1958)</p> <p><i>Leaf v International Galleries</i> (1950)</p> <p><i>Lewis v Avery</i> (1971)</p> <p><b>Mistake</b> could be explored through videos such as:  <a href="https://youtu.be/dvwwAT6CK4k">https://youtu.be/dvwwAT6CK4k</a></p>		

<b>Week 44</b>	<b>Contract law (5)</b>	Validity of contract – performance, discharge, breach and frustration of a contract
<p><b>Aim: Students to understand the validity of contracts</b></p> <p><b>2.1.4 Validity of contracts:</b>  <i>continued</i></p> <ul style="list-style-type: none"> <li>• discharge of contract</li> <li>• performance</li> <li>• agreement</li> <li>• breach</li> <li>• frustration.</li> </ul> <p>Performance of the contract normally must be complete and exact but there are differences when there can be divisible performance. Substantial and part performance must be considered as well as the time of performance. Remedies for failure to perform must be included.</p> <p>Discharge by agreement usually comes either from the existing contract or from a new contract that ends or amends the previous one.</p> <p>Breach may be either actual or anticipatory. Breach and its remedies depend on the type of term that has been broken. The general principle of frustration needs to be understood and also when frustration may not apply, including the effects of the <i>Law Reform (Frustrated Contracts) Act 1943</i>.</p> <p><b>Suggested activities/resources:</b>  Performance could be started by discussing exactly how complete and exact performance is achieved (<i>Cutter v Powell</i>; <i>Ritchie v Atkinson</i>) and what might amount to substantial performance (<i>Hoening v Isaacs</i>; <i>Bolton v Mahadeva</i>; <i>Supter v Hedges</i>). This leads to the concept of breach by failure to perform and the idea of time being of the essence of the contract (<i>Rickards v Oppenheim</i>) and then links back to the type of term broken.</p>		
<b>Week 45</b>	<b>Contract law (6)</b>	Privity of contract and remedies for breach Review of contract
<p><b>Aim: Students to understand the Privity of contract, remedies for breach and Review of contract</b></p> <p><b>2.1.5 Privity of contract and remedies:</b></p> <ul style="list-style-type: none"> <li>• the privity rules</li> <li>• the effect of the <i>Contracts (Rights of Third Parties) Act 1999</i>.</li> </ul> <p>The general rule that only the parties to the contract are bound by it and can benefit from it needs to be understood along with what might be considered exceptions to the rule such as agency, collateral contracts and the statutory rules under the <i>Contracts (Rights of Third Parties) Act 1999</i>.</p> <p><b>Suggested activities/resources:</b>  The following cases are typical of those that need to be explored. Once the principles of the case have been understood, they can be considered in other cases and also in past exam paper scenarios.</p> <p><i>Dunlop v Selfridge</i> (1915)  <i>Tweddle v Atkinson</i> (1861)  <i>Jackson v Horizon Holidays</i> (1974)  <i>Shanklin Pier v Detel Products</i> (1951)  <i>Nisshin Shipping v Cleaves</i> (2003)</p> <p><b>2.1.8 Remedies for the market:</b></p> <ul style="list-style-type: none"> <li>• damages including the mitigation of loss</li> <li>• injunctions.</li> </ul> <p>These remedies need to be studied for all aspects of the law covered in 2.1 <i>The market</i>, not just for the specific areas stated in the above guidance.</p> <p><b>Suggested activities/resources:</b>  Remedies should focus on damages including the purpose of damages and the remoteness of damage (<i>Hadley v Baxendale</i>). This should then lead onto the concept of loss of bargain (<i>Ruxley v Forsyth</i>), the quantification of damages and the mitigation of loss (<i>White v McGregor</i>) (Injunctions should be also considered where damages are not an adequate remedy and the claimant needs protecting (<i>Page One Records v Britton</i>).</p>		
<b>Week 46</b>	<b>REVISION</b>	

<b>Week 47</b>	<b>Contract law (7)</b>	Privity of contract Review of contract
<p><b>Aim: Students to understand the Privity of contract and Review of contract</b></p> <p><b>2.1.5 Privity of contract, including the effect of the Contracts (Rights of Third Parties) Act 1999</b></p> <ul style="list-style-type: none"> <li>the privity rule</li> <li><i>Contracts (Rights of Third Parties) Act 1999.</i></li> </ul> <p>The general rule that only the parties to the contract are bound by it and can benefit from it needs to be understood along with what might be considered exceptions to the rule such as agency, collateral contracts and the statutory rules under the <i>Contracts (Rights of Third Parties) Act 1999</i>.</p> <p><b>Suggested activities/resources:</b></p> <p>The following cases are typical of those that need to be explored. Once the principles of the case have been understood, they can be considered in other cases and also in past exam paper scenarios.</p> <p><i>Dunlop v Selfridge</i> (1915)  <i>Tweddle v Atkinson</i> (1861)  <i>Jackson v Horizon Holidays</i> (1975)  <i>Shanklin Pier v Detel Products</i> (1951)  <i>Nisshin Shipping v Cleaves</i> (2003).</p>		
<b>Week 48</b>	<b>The law of tort (1)</b>	Introduction; relationship of tort and contract; elements of negligence
<p><b>Aim: Students to understand the relationship of tort and contract (liability in negligence as an alternative to contract)</b></p> <p><b>2.1.6 Negligence:</b></p> <ul style="list-style-type: none"> <li>duty of care</li> <li>breach of the duty of care</li> <li>damage resulting from breach of duty of care, including <i>res ipsa loquitur</i></li> <li>damages as a remedy.</li> </ul> <p>The three elements of duty, breach and damage need to be understood as well as the fact that all three elements must be proved for a person to be found liable in negligence. Only then can the quantum of damages be ascertained.</p> <p><b>Suggested activities/resources:</b></p> <p>To introduce students to the law of tort and to try and build an understanding of tortious principles use a discussion of a selection of noteworthy tort cases that cover a range of torts and issues.</p> <p>Please note, suggested cases can be substituted with the teacher's own favourite cases for comment.</p> <p><b>Tort law cases for discussion</b></p> <p>Read the summaries of the following tort cases, and for each be prepared to discuss:</p> <ul style="list-style-type: none"> <li>which tort is the relevant liability; and</li> <li>whether, and why, the claimant should succeed in his claim.</li> </ul>		

**Week 48** *continued***Bolton v Stone** (1952)

A batsman hit a ball over the fence surrounding the cricket pitch and injured C who was standing on the pavement. The evidence was that the fence was 17 feet high and 78 yards from the wicket, and that only about six balls in over 30 years had been hit outside the ground.

Discussion points include:

- The ball was not struck negligently by the batsman: the claim related to the lack of precautions.
- Does a cricket club have to spend a large sum of money to increase the height of the fence to protect against one ball every few years? What would a reasonable cricket club do?
- If liability exists, the only alternative to a higher fence is not to play cricket at all.
- Is playing sports a worthwhile activity which justifies a little risk?

The court decided that there was no liability as the risk of hitting someone was so small as not to be reasonably foreseeable.

**Tomlinson v Congleton Borough Council** (2004)

C, a visitor to a country park operated by D, dived into lake and broke his neck as the water was too shallow.

Notices on the beach prohibited swimming.

Discussion points include:

- Is C a lawful or an unlawful visitor at the time of the accident? By exceeding his permission, C turned himself into an unlawful visitor and his claim was therefore dealt with under OLA 1984.
- Were the premises in fact unsafe? How safe can a lake be? The HL decided the accident was caused by C's misjudgement.
- Could D have done more to prevent the accident? The HL said that D's plans to change the beach into a marsh, so that it would be impossible for people to dive into the lake, was an unnecessary expenditure that would deprive others of the amenity of a beach.
- To what extent does a person have a responsibility to look out for themselves in respect of obvious dangers such as obscure water?

C lost his claim.

**Phelps v Hillingdon London Borough Council** (2001)

C was diagnosed with dyslexia shortly before she left school. She had had learning difficulties throughout her school career, but none of the local authority educational psychologists to whom she had been referred had identified her condition. C claimed for past and future loss of earnings.

Discussion points include:

- If this is a negligence case, does the local education authority itself owe a duty of care? If so, does this extend to bullying, to classroom disruption and to a student not obtaining a good grade in GCSE French? The HL decided that it did not have to answer this issue.
- The individual educational psychologists owed a duty to the girl. The LEA was thus vicariously liable.
- In order to avoid the problem of pure economic loss, the HL decided that an undiagnosed congenital injury could be compensated as a personal injury.

Damages for remedial tuition fees were awarded. No damages for past loss of earnings were awarded, but a best guess of £25,000 for future loss of earnings was made. How do you prove what future loss of earnings might be? Do you award for a life-time's loss of earnings?

**Byrne v Deane** (1937)

C was a member of a golf club in which there had been some illegal gambling machines. As a result of a complaint being made to the police, the machines were removed. A poem then appeared on the club notice board which included the words, 'But he who gave the game away, may he byrne in hell and rue the day'.

Discussion points include:

- This is a libel case.
- C felt that the verse referred to him because of the unusual spelling.
- Does the verse damage the reputation of C in the eyes of right minded people?

All three members of the CA rejected the idea that a complaint to the police would diminish someone as right-minded people support the police.

Only one member of the CA was prepared to find libel on the basis that the poem was saying that C was disloyal. C thus lost the case.

## Week 48 *continued*

### **Yetkin v Newham London Borough Council** (2010)

D, a local council, had built a road crossing with lights for both cars and pedestrians. C, a pedestrian, crossed when the lights for her were red, and was hit by a car she had not seen because D had not kept shrubbery at the crossing properly pruned.

Discussion points include:

- Does a local council have a duty of care to build a road crossing at a dangerous location?
- Does a local council have a duty to maintain a crossing having decided to build one?
- Does a pedestrian have a degree of responsibility for her own safety?

The court held that there was no duty to build a crossing in the first place as the council had a power/discretion not an obligation; that, having decided to build a crossing, the council did owe a duty to maintain it; the council had broken that duty, but that C should lose 75% of her damages to reflect contributory negligence.

This type of teaching activity can be used more or less anywhere else in the specification, as each topic contains cases that explore the policy issues.

## Week 49

### The law of tort (2)

Duty of care; Capro test; breach

### **Aim: Students to understand the duty of care, Capro test; breach**

#### **2.1.6 Negligence:**

With respect to duty, the three elements of the Caparo test need to be explained and applied by reference to decided cases. For breach, it is the concept of the reasonable man and the factors that affect the liability of the reasonable man.

#### **Suggested activities/resources:**

The following cases are typical of those that need to be explored. Once the principles of the case have been understood, they can be considered in other cases and also in past exam paper scenarios.

#### **Haley v London Electricity Board** (1965)

C, who was blind, fell into a hole dug in the pavement by D, and suffered serious injuries. D had left a hammer propped against some railings to warn of the danger, and C had missed it.

Discussion points include:

- If you dig a hole in the pavement, do you owe a duty of care to the users of the pavement? The HL said that you do.
- Does the duty of care extend to blind pedestrians? Yes, if that is foreseeable. The HL held that it was foreseeable given the number of people registered blind or with very poor eyesight. Lord Reid cited a figure of one person in every 500 and said that it was impossible to say that it would be unforeseeable that no blind person would be walking down that road.
- Is it right that someone like D should be put to the expense of putting little fences around holes (which the cost of will be passed onto their customers)? Or is it right that a blind person will be unable to leave the house because of the fear of an unmarked hole? C won his case.

#### **Hill v Chief Constable of West Yorkshire** (1989)

C was the mother of the last victim of the so-called Yorkshire Ripper, a serial rapist who usually murdered those he attacked. She sued the police alleging that had their investigation been carried out more effectively, the Ripper would have been caught sooner, and her daughter at least would still be alive.

#### **Discussion points include:**

- Whether the police owe a duty of care to each member of society or to the community
- Whether the police have finite resources and who should determine their deployment
- Which group of people is best placed to manage a police investigation – police commanders or senior judges
- What level of general liability might result from a decision in C's favour?

The court decided that C did not owe a duty of care.

**Week 49** *continued***Sutradhar v National Environment Research Council** (2006)

C, who lived in Bangladesh, had fallen ill after drinking water poisoned by arsenic. He sued D on the ground that it was responsible for a geological research report on Bangladeshi water resources which had suggested that the water was safe to drink.

**Discussion points include:**

- Whether a UK research body owes a duty of care to the citizens of another country
- The relevance of the fact that D had no responsibility for the water supply
- The fact that the information was public and could be read by anyone and whether liability would discourage future publication of research information.

The court decided that D did not owe a duty of care.

**Calvert v William Hill Credit Ltd** (2008)

C was financially ruined as a result of an uncontrollable gambling addiction. He sued D, a bookmaker, for failing to offer help or to prevent him from gambling.

**Discussion points include:**

- Is it possible for a bookmaker to identify the small number of problem gamblers, and how could this be done?
- If a problem gambler is identified, what can the bookmaker do practically?
- Does the gambler have a responsibility to look after himself? Does the gambler have the right to manage his affairs as he sees fit?

The court decided that D did not owe a duty of care.

**Bhamra v Dubb** (2010)

C attended a Sikh wedding and ate a dessert that contained egg. C, who was aware he had a severe allergy to egg, died. For religious reasons, Sikh food should not contain egg. D was the caterer that supplied the food.

**Discussion points include:**

- Does a caterer owe a general duty of care to guests at a function for which he has supplied the food? Compare this with Donoghue itself.
- Does a caterer owe a specific duty of care to those who have an allergy to a particular food?
- Does a caterer owe a duty of care to an egg-allergy sufferer who might be off his guard because he (the sufferer) believes that no egg will be served at a Sikh wedding?

The court decided that D did owe a duty of care which it had breached.

**Week 50****The law of tort (3)**

Damage; defences; application of the elements of defences to negligence to scenarios

**Aim: Students to understand damage; application of the elements of negligence to scenarios****2.1.6 Negligence** *continued:*

For damage it is both factual causation and the law with respect to remoteness of damage (also known as legal causation) that is required. Damage needs to be considered in terms of damage to property and personal injuries. *Res ipsa loquitur* also needs to be correctly applied to a problem, where the defendant is said to have exclusive control over the incident that causes injury and damages. The defences of *volenti non fit injuria* (consent) and contributory negligence also need to be applied accurately to appropriate negligence situations. Calculation of damages for personal injuries is not required, just the process that is used in arriving at the sum of money, including the the idea of mitigation of loss.

**Suggested activities/resources:**

Critically comment on the video presentation on this topic found on YouTube:

<https://youtu.be/v0FQb6uX5r4>

<https://youtu.be/EHln71f9aI8>

<b>Week 51</b>	<b>The law of tort (4)</b>	<i>Occupiers Liability Acts 1957 and 1984 as a special duty of care; application to scenarios</i>
<p><b>Aim: Students to understand <i>Occupiers Liability Acts 1957 and 1984 as a special duty of care</i></b></p> <p><b>2.3.7 Occupiers' Liability Act 1957</b> The key aspect of occupiers' liability is the distinction between lawful visitors and trespassers. This forms the distinction between the two <i>Acts</i>. As the <i>Act</i> only sets out a duty of care, students need to be reminded that the other two elements of negligence also need to be proved to ensure liability. It is therefore recommended that this topic is taught after 2.1.5.</p> <p><b>2.3.8 Occupiers' Liability Act 1984</b> Just as with the <i>1957 Act</i>, all three elements of negligence need to be proved and students need to have an awareness of the possible defences and the remedies available.</p> <p><b>Suggested activities/resources:</b> Produce a chart distinguishing between the two <i>Acts</i>.</p>		
<b>Week 52</b>	<b>REVISION</b>	
<b>Week 53</b>	<b>The law of tort (5)</b>	Remedies in tort relating to negligence and occupiers liability; application to scenarios
<p><b>Aim: Students to understand remedies in tort relating to negligence and occupiers liability</b></p> <p><b>2.1.8 Remedies for the market:</b></p> <ul style="list-style-type: none"> <li>• damages</li> <li>• injunctions.</li> </ul> <p>These remedies need to be studied for all aspects of the law covered in 2.1, the market, not just for the specific areas stated in the above guidance.</p> <p><b>2.3.10 Remedies for the individual</b> This is limited to damages and injunctions. Students should be able to outline the way in which damages are calculated and injunctions granted and apply the rules to given scenarios, including the the idea of mitigation of loss. An indication of the likely terms of an injunction is required in answering problem scenarios.</p> <p><b>Suggested activities/resources:</b> Review cases studied where an injunction appears to be appropriate as a remedy and discuss the wording of that injunction.</p>		

Week 54	The law of tort (6)	Trespass to land and relevant remedies; link to occupiers liability and application to scenarios
<p><b>Aim: Students to understand trespass to land and relevant remedies linking to occupiers liability</b></p> <p><b>2.3.9 Trespass to land:</b> This tort can be seen as the obverse of occupiers, liability as it allows a remedy for those with an interest in land against those entering it. Students should be able to identify and apply to a scenario the concepts of: unlawful entry, intentional and direct interference and continuing trespass of land.</p> <p><b>2.3.10 Remedies for the individual</b> This is limited to damages and injunctions. Students should be able to outline the way in which damages are calculated and injunctions granted and apply the rules to given scenarios. An indication of the likely terms of an injunction is required in answering problem scenarios.</p> <p><b>Suggested activities/resources:</b> Discuss the contents of the briefing paper 'Police powers: unauthorised encampments' at <a href="https://researchbriefings.files.parliament.uk/documents/SN05116/SN05116.pdf">https://researchbriefings.files.parliament.uk/documents/SN05116/SN05116.pdf</a></p>		
Week 55	The law of tort (7)	Defamation and the <i>Defamation Act 2013</i> ; link to idea of freedom of speech; defences and remedies
<p><b>Aim: Students to understand Defamation and The Defamation Act 2013</b></p> <p><b>2.3.1 Defamation Act 2013, sections 1, 2, 3, 4 and 15:</b></p> <ul style="list-style-type: none"> <li>• libel</li> <li>• slander</li> <li>• defences and remedies.</li> </ul> <p>The law on defamation needs to be understood in the context of the <i>Defamation Act 2013</i>. Section 1 provides that a statement is not defamatory unless its publication has caused or is likely to cause serious harm to the reputation of the claimant. The meaning of serious harm has been left to the courts as can be seen in the case of <i>Cooke v MGN Ltd</i>. Sections 2 and 3 effectively restate the current defences of truth and honest opinion but sections 4 and 5 provide essentially new defences. Students should understand the meaning of 'publish' and 'statement' as defined by s15 of the <i>Act</i>.</p> <p><i>Human Rights Act 1998</i></p> <p><b>Suggested activities/resources:</b> Individuals take a different article and outline the key points being made from, for example, <a href="http://www.theguardian.com/law/defamation-law">http://www.theguardian.com/law/defamation-law</a></p>		

## A Getting started for teachers

<b>Week 56</b>	<b>Human rights law (1)</b>	The purpose and operation of the <i>Human Rights Act 1998</i> ; the ideas of freedom of information, speech and assembly
<p><b>Aim: Students to understand the purpose and operation of the <i>Human Rights Act 1998</i></b></p> <p><b>2.3.2 Protection under the Human Rights Act 1998 with respect to freedom of speech and assembly:</b></p> <p><b>Suggested activities/resources:</b></p> <p>Introduce students to the law on human rights and to try and build an understanding of why the <i>Human Rights Act 1998</i> exists and what impact it has in the UK through a discussion of a selection of human rights issues.</p> <p><b>Points for discussion:</b></p> <p><b>Assembly</b></p> <ul style="list-style-type: none"> <li>• Should you have the right to protest by holding meetings and demonstrations with other people?</li> <li>• Should such assembly be peacefully and without violence or threat of violence?</li> <li>• What amounts to violence or the threat of violence?</li> <li>• What restrictions should be placed on this right and by whom?</li> </ul> <p><b>Expression</b></p> <ul style="list-style-type: none"> <li>• Should you have the right to hold your own opinions and to express them freely without government or other (for example international) interference?</li> <li>• Should there be different rules for: <ul style="list-style-type: none"> <li>◦ published articles, books or leaflets</li> <li>◦ television or radio broadcasting</li> <li>◦ works of art</li> <li>◦ communication on the internet</li> <li>◦ spoken word in public</li> <li>◦ spoken word in private.</li> </ul> </li> </ul>		
<b>Week 57</b>	<b>Human rights law (2)</b>	Articles 10 and 11
<p><b>Aim: Students to understand the purpose of Articles 10 and 11</b></p> <p><b>2.3.2 Protection under the <i>Human Rights Act 1998</i> with respect to freedom of speech and assembly:</b></p> <p>This is essentially Articles 10 and 11 of the European Convention on Human Rights. Detailed information on acceptable restrictions can be studied in the government guide to the convention arrangements and commercial arrangements. This includes the idea of rebutting the presumption being possible. Students need to understand the role of the European Court of Human Rights including an outline of the claims procedure for an individual and the function of the court.</p> <p><b>Suggested activities/resources:</b></p> <p>A discussion based on material from the Law Commission consultation paper on hate crime:  <a href="https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/Hate-crime-final-summary.pdf">https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/Hate-crime-final-summary.pdf</a></p>		
<b>Week 58</b>	<b>REVISION</b>	

<b>Week 59</b>	<b>Human rights law (3)</b>	Right to privacy
<p><b>Aim: Students to understand legal actions to protect privacy and confidentiality and freedom of information</b></p> <p><b>2.3.5 Legal actions to protect privacy and confidentiality:</b> Data protection Article 8 of the European Convention on Human Rights, covering the right to respect for family and private life, his home and correspondence. Students need to be able to understand where article 8 may have been breached and be able to apply relevant concepts and case law to a scenario to assess the individual's rights under this article. The security and access to an individual's data should also be examined including relevant terms in the Data Protection Act 2018 with students being able to assess where there has been a breach.'</p> <p><b>2.3.6 Freedom of information Act 2000:</b> • access to official, government and personal records. This is to be studied in the context of the human rights topics above.</p> <p><b>Suggested activities/resources:</b> Production of an outline of the law as it applies to a school, college or an individual. This can be researched from material such as: <a href="https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/">https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/</a> <a href="https://www.gov.uk/make-a-freedom-of-information-request/the-freedom-of-information-act">https://www.gov.uk/make-a-freedom-of-information-request/the-freedom-of-information-act</a> <a href="https://www.whatdotheyknow.com/">https://www.whatdotheyknow.com/</a></p>		
<b>Week 60</b>	<b>Human rights law (4)</b>	Appeals to the ECHR; claims with respect to privacy and confidentiality in English courts
<p><b>Aim: Students to understand the appeals process to the ECHR</b></p> <p><b>2.3.3 Appeals to the European Court of Human Rights:</b> This is to be studied in the context of the human rights topics above. Students need to understand the role of the European Court of Human Rights including an outline of the claims procedure for an individual and the function of the court. Successful appeals also need to be understood in the context of potential effects or actions of the UK government on local laws and in individual case.</p> <p><b>2.3.4 Effect on the government of successful appeals to the European Court of Human Rights</b> Students need to understand the role of the European Court of Human Rights including an outline of the claims procedure for an individual and the function of the court.</p> <p><b>Suggested activities/resources:</b> Review of material on the court structure etc in Paper 1. Production of an outline of the appeals process getting students to summarise the process and outcomes and effects on the UK government in a flow chart using the following resource: <a href="https://www.unlockthelaw.co.uk/how-to-make-an-application-to-the-european-court-of-human-rights.html">https://www.unlockthelaw.co.uk/how-to-make-an-application-to-the-european-court-of-human-rights.html</a>.</p>		
<b>Week 61</b>	<b>Human rights law (5)</b>	The effect of appeals to the ECHR and to English courts with respect to privacy and confidentiality
<p><b>Aim: Students to understand the effects of appealing to the ECHR and English courts</b></p> <p><b>2.3.4 Effect on the government of successful appeals to the European Court of Human Rights</b> Right to privacy. Students need to be able to understand where article 8 may have been breached and the right to privacy. They then need to consider the impact of a successful appeal to the European Court of Human Rights may have on the UK government in terms of the current case and law making.</p> <p><b>Suggested activities/resources:</b> Small groups examine a case of their choice and present their findings on the implications of the decision. Production of an outline of the possible effects of a successful appeal to the European Court of Human Rights on the government. This can be researched from material such as: <a href="https://www.echrcaselaw.com/en/the-benefits/">https://www.echrcaselaw.com/en/the-benefits/</a></p>		

Week 62	Criminal law (1)	The nature and purpose of criminal law; actus reus; causation
<p><b>Aim: Students to understand the nature and purpose of criminal law (Actus reus)</b></p> <p><b>The nature of criminal liability</b></p> <p><b>2.2.1 actus reus:</b></p> <ul style="list-style-type: none"> <li>• causation</li> <li>• liability for omissions.</li> </ul> <p>Students need to recognise that the actus reus of the crime is the voluntary act of the defendant. The idea that an omission can form the actus reus needs to be understood using the different examples that are available. Causation includes both factual and legal causation. Students need to understand examples of how the principle can be applied to problem situations. The actus reus of each specified crime in this qualification needs to be understood as well as the <i>actus reus</i> and <i>mens rea</i> of sections 18, 20 and 47 of the <i>Offences Against the Person Act 1861</i> – the underlying concepts in this part of the specification are designed to help that understanding.</p> <p><b>Suggested activities/resources:</b></p> <p>An introduction to criminal law by taking the statutory definitions of a number of offences including sections 18, 20 and 47 of the <i>Offences Against the Person Act 1861</i>, and trying to establish how the offence is broken down into its constituent parts and deciding which parts are the actus reus and which parts are the mens rea. For example – theft is defined in S1(1) of the <i>Theft Act 1968</i> as:</p> <p>A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; and ‘thief’ and ‘steal’ shall be construed accordingly.</p> <p><b>actus reus:</b></p> <ul style="list-style-type: none"> <li>• appropriation</li> <li>• property</li> <li>• belonging to another.</li> </ul> <p><b>mens rea:</b></p> <ul style="list-style-type: none"> <li>• dishonestly</li> <li>• with the intention of permanently depriving the other of it.</li> </ul> <p>This is then investigated in more detail in subsequent weeks but the idea of actus reus and mens rea are introduced too.</p>		
Week 63	Criminal law (2)	Mens rea
<p><b>Aim: Students to understand Mens Rea</b></p> <p><b>2.2.2 mens rea:</b></p> <ul style="list-style-type: none"> <li>• intention, including transferred malice</li> <li>• subjective recklessness.</li> </ul> <p>Students need to recognise that all crimes, except those of strict liability, require not only actus reus but also mens rea to establish guilt. <i>Mens rea</i> can be considered as either direct intention or a oblique (indirect) intention or recklessness. Only subjective (Cunningham) recklessness is required for this part of the specification. Other forms of mens rea that are part of particular crimes such as theft are only needed for problem-solving questions rather than theory only questions. <i>Mens rea</i> needs also to be understood in terms of the doctrine of transferred malice, where the <i>mens rea</i> of the offence can be transferred from the intended to the actual victim.</p> <p><b>Suggested activities/resources:</b></p> <p><i>Mens rea</i> can be recognised in the generic forms of intention and recklessness as well as the specific types of mens rea in specific offences. These specific offences can be listed week by week as wall mounted or ceiling mobiles in the classroom.</p>		

<b>Week 64</b>	<b>Criminal law (3)</b>	Strict liability
<p><b>Aim: Students to understand strict liability</b></p> <p><b>2.2.3 Strict liability</b> Crimes of strict liability need to be considered largely in theory. The idea that the definition of the crime requires an actus reus alone and no mens rea is central to an understanding of the reasons for these crimes and how they are used to regulate aspects of society. The arguments in favour of and against such crimes need to be evaluated.</p> <p><b>Suggested activities/resources:</b> A discussion of the advantages and disadvantages of strict liability offences in the context of law and justice considered in Paper 1.</p>		
<b>Week 65</b>	<b>REVISION</b>	
<b>Week 66</b>	<b>Criminal law (4)</b>	Theft
<p><b>Aim: Students to understand Theft in relation to property offences</b></p> <p><b>2.2.4 Theft Act 1968:</b> All the elements of the offence - actus reus and mens rea - need to be understood in detail. As with the other offences, the details of the actus reus and mens rea in the <i>Theft Act 1968</i> and the interpretative cases are needed to ensure full coverage of problem scenarios. There are many aspects of this offence that are difficult for students. Some of the areas such as the mens rea overlap with other offences. It will be useful to ensure that students understand these before proceeding to burglary or robbery.</p> <p><b>Suggested activities/resources:</b> Sections 1 – 6 of the <i>Theft Act 1968</i> need to be explored through decided cases so that each section can be identified in detail. The key aspect of dishonesty including the Ghosh test and the implications of the case Ivey and Genting Casinos can be highlighted in the other offences where it is relevant on the wall mounted or ceiling list previously constructed in week 65.</p>		
<b>Week 67</b>	<b>Criminal law (5)</b>	Theft and the application to scenarios
<p><b>Aim: Students to understand Theft and the application to scenarios</b></p> <p><b>2.2.4 Theft Act 1968: continued</b></p> <p><b>Suggested activities/resources:</b> The activity in week 68 is continued with lists of relevant cases and their aides memoir added.</p>		
<b>Week 68</b>	<b>Criminal law (6)</b>	Burglary and the application to scenarios
<p><b>Aim: Students to understand Burglary and the application to scenarios</b></p> <p><b>2.2.4 Theft Act 1968:</b> <b>Burglary</b> needs to be considered under both sections 9(1)(a) and (9)(1)(b) of the <i>Theft Act 1968</i>. There are some common areas for the offences that need to be drawn out and understood. The distinction between the two sections is critical. Scenario problems require not just an assertion of the underlying offence but an explanation of it as well as the specific aspects relating to burglary.</p> <p><b>Suggested activities/resources:</b> Construction of a chart that highlights the distinctions between the two sections of the <i>Theft Act 1968</i>.</p>		

<b>Week 69</b>	<b>Criminal law (7)</b>	Robbery and the application to scenarios
<p><b>Aim: Students to understand Robbery and the application to scenarios</b></p> <p><b>2.2.4 Theft Act 1968:</b>  <b>Robbery</b> is often incorrectly known as theft with violence. Whilst theft is an integral part of the offence, it is the aspect of force or the threat of court makes the crime robbery. Students need to explore the level of force that is needed as this can easily be explored in scenario questions.</p> <p><b>Suggested activities/resources:</b>            The following cases are typical of those that need to be explored. Once the principles of the case have been understood, they can be considered in other cases and also in past exam paper scenarios.</p> <p><i>R v Dawson and James</i> (1976)  <i>B and R v DPP</i> (2007)  <i>R v Clouden</i> (1987)  <i>R v Hale</i> (1978)  <i>Corcoran and Anderton</i> (1980)</p>		
<b>Week 70</b>	<b>Criminal law (8)</b>	Blackmail and the application to scenarios
<p><b>Aim: Students to understand Blackmail and the application to scenarios</b></p> <p><b>2.2.4 Theft Act 1968:</b>  <b>Blackmail</b>, under section 21 and 34 of the <i>Theft Act 1968</i>, focuses on the question of an unwarranted demand with menaces to be explored in the context of the decided cases. The three aspects of the mens rea need also to be explored. As with other offences, questions can be descriptive of the offence or require application to a given scenario.</p> <p><b>Suggested activities/resources:</b>            Application of the actus reus of blackmail to newspaper reports of blackmail such as:  <a href="http://www.theguardian.com/uk/2011/jun/20/coleen-rooney-blackmail-case-court">http://www.theguardian.com/uk/2011/jun/20/coleen-rooney-blackmail-case-court</a>  <a href="https://www.bbc.co.uk/news/blogs-the-papers-60077777">https://www.bbc.co.uk/news/blogs-the-papers-60077777</a>            and one with particular <i>Human Rights Act 1998</i> implications:  <a href="http://www.dailymail.co.uk/news/article-1315839/Public-figure-wins-court-gag-sex-blackmail-case.html">http://www.dailymail.co.uk/news/article-1315839/Public-figure-wins-court-gag-sex-blackmail-case.html</a></p>		

<b>Week 71</b>	<b>Criminal law (9)</b>	Fraud Act 2006 s2 and 11; making off without payment; application to scenarios
<p><b>Aim: Students to understand the Fraud Act 2006 S2 and 11 and the application to scenarios</b></p> <p><b>2.2.5 Fraud Act 2006:</b> Sections 2 and 11 of the <i>Fraud Act</i> cover many aspects of fraud and avoid the need for study of specialist sections of the Act such as fraud by abuse of position. Students will be pleased to note the recurring use of the Ghosh test and the potential impact of the case of <i>Ivey v Genting Casinos</i>. If that test has been explained in a previous answer in the examination, reference back to that question may be made in later questions in the paper. There are few decided cases interpreting the Act.</p> <p><b>2.2.6 The Theft Act 1978:</b> The offence of making off without payment under the <i>Theft Act 1978</i> was created to avoid difficulties in the <i>Theft Act 1968</i>. The offence does not require any deception, but does include the dishonesty test in Ghosh once more, taking into account the potential impact of the case of <i>Ivey v Genting Casinos</i> (2017). There are a few relevant cases for this offence.</p> <p><b>Suggested activities/resources:</b> The following cases are typical of those that need to be explored. Once the principles of the case have been understood, they can be considered in other cases and also in past exam paper scenarios:</p> <p><i>DPP v Ray</i> (1973) <i>R v RAI</i> (1999) <i>MPV v Charles</i> (1977) <i>R v Lambie</i> (1981) <i>R v Sofroniou</i> (2003) <i>R v Allen</i> (1872) <i>Brooks v Brooks</i> (1995) <i>R v McDavitt</i> (1981) <i>R v Vincent</i> (2001)</p>		
<b>Week 72</b>	<b>REVISION</b>	
<b>Week 73</b>	<b>Criminal law (10)</b>	Criminal damage; and application to scenarios
<p><b>Aim: Students to understand Criminal damage and the application to scenarios</b></p> <p><b>2.2.7 Criminal Damage Act 1971:</b> The three offences under the <i>Criminal Damage Act 1971</i> need to be explored. The offence of basic criminal damage under section 1 is quite straightforward. Students should consider the statutory defence of without lawful excuse in section 5 and the unusual effect of the legislation when combined with the defence of necessity and intoxication.</p> <p><b>Suggested activities/resources:</b> The following cases are typical of those that need to be explored. Once the principles of the case have been understood, they can be considered in other cases and also in past exam paper scenarios:</p> <p><i>Hardman v Chief Constable of Avon and Somerset Constabulary</i> (1986) <i>Morphitis v Salmon</i> (1990) <i>Jaggard v Dickinson</i> (1981) <i>R v Denton</i> (1981) <i>R v Hill and Hall</i> (1989)</p>		

<b>Week 74</b>	<b>Criminal law (11)</b>	Defences of duress and intoxication; application to scenarios
<p><b>Aim: Students to understand defences of duress and intoxication and the application to scenarios</b></p> <p><b>General defences:</b></p> <p><b>2.2.8 Duress of threats and duress of circumstances</b>            Students need to consider the defences of duress of threats and circumstance. This avoids a consideration of the defence of self-defence which is not in the specification, but does allow for the consideration of intoxication having an influence where the intoxication is not self-induced. Duress of threats occurs where the defendant is forced to perform a criminal act by another for fear of death or serious injury. Duress of circumstance is where the the defendant is forced to perform a criminal act as he believes he, or those with him, would suffer death or serious injury if he did not escape by doing what he did. Students need to understand the rules of each offence and how it may apply to the offences studied in the specification, together with relevant case law.</p> <p><b>2.2.9 Voluntary and involuntary intoxication</b>            The defence of intoxication requires students to understand the difference between crimes that are basic intent and specific intent. Students also need to understand the different rules and their application depending on whether the intoxication is voluntary or involuntary. One way of ensuring this is correct is to have a simple list to which this information is added. However, students will benefit from understanding the distinction and will then be more comfortable with evaluating scenarios.</p> <p><b>Suggested activities/resources:</b>            The lists of offences with their actus reus etc that might have already been prepared can have added to them a note if duress seems particularly appropriate and so may be looked for in examination scenarios and also identifying each offence as specific or basic intent.</p> <p><i>R v Martin</i> (1989)  <i>R v Graham</i> (1982)  <i>R v Pommell</i> (1995)  <i>R v Quayle &amp; Others</i> (2005)  <i>R v Valderrama-Vega</i> (1985)  <i>R v Cole</i> (1994)  <i>R v Bowen</i> (1996)  <i>AG v Whelan</i> (1933)  <i>R v Hudson &amp; Taylor</i> (1971)  <i>R v Sharp</i> (1987)  <i>R v Allen</i> (1988)  <i>R v Kingston</i> (1994)  <i>R v Hardie</i> (1985)  <i>DPP v Beard</i> (1920)  <i>Majewski v DPP</i> (1976)  <i>R v Limpman</i> (1970)</p>		
<b>Week 75</b>	<b>Criminal law (12)</b>	Criminal sanctions; review of crime
<p><b>Aim: Students to understand Criminal sanctions</b></p> <p><b>Sanctions and sentencing:</b>  <i>Criminal Justice Act 2003</i> and <i>Sentencing Act 2020</i>            These four areas of sentencing need to be explored in terms of the possible maximum sentences for offences and sentencing guidelines issued to the judiciary and magistracy. Students need to understand that the aims of sentencing can be achieved in a number of different ways and how that impacts on the individual offender. In Paper 2 the practical aspects are studied in context rather than a pure theory.</p> <p><b>Suggested activities/resources:</b>            This can be linked back to material studied in Paper 1.</p>		
<b>Week 76</b>	<b>REVISION</b>	
<b>Week 77</b>	<b>REVIEW/RECAP WEEK</b>	Review of Paper 2 and mock exam

## Resources

### Textbooks

Most law textbooks are technical. It is best to select a range of books that can be used as resources such as:

Elliot C and Quinn F –  
*Criminal Law, 9th Edition*  
(Pearson Longman, 2012) ISBN 140828071X

Elliot C and Quinn F –  
*Contract Law*  
(Pearson Longman, 2011) ISBN 1408282917

Elliot C and Quinn F –  
*Tort Law*  
(Pearson Longman, 2009) ISBN 1405899336

Wortley et al –  
*AS Law*  
(Oxford University Press, 2012) ISBN 1408519462

*A2 Law*  
(Oxford University Press, 2013) ISBN 1408519712

*Guide to the Human Rights Act 1998* – UK Ministry of Justice  
<https://www.justice.gov.uk/downloads/human-rights/act-studyguide.pdf>

# B Getting started for students

## Student Guide

### Why Study Pearson Edexcel IAL in Law?

This course will give you the opportunity to gain the following skills and understanding:

- To gain an understanding of the nature of the law
- To appreciate the role of law in society
- Understand and apply legal principles, using case and statute law to support your conclusions
- Develop an analytical approach to legal issues
- Gain an understanding of the processes of law
- Provide a sound understanding of the nature of law demonstrate the importance of legal institutions and their relationship to other institutions in society
- Provide a broad understanding of the various branches of law in order to give a fuller picture of the role of law
- Provide knowledge of the sources of law, in particular statutes and cases, and of how these are applied to the determination of disputes
- Develop an analytical and critical approach to the application of legal principles
- Consider the appropriateness of dealing with certain aspects of behaviour within the law.

### What will I learn?

You will learn about the English legal system and some aspects of criminal law, contract law and the law of tort as well some aspects of human rights law. You will learn about how law is developed in society, the importance of rules and what is meant by the terms 'justice' and 'morality'. You will learn how statutes are created and the influences that are placed on the way law is developed. You will look at how legal power is delegated and the issues surrounding this. You will look at the role of the EU and its effect on UK law. Finally, you will look at how disputes can be settled outside of the courtroom.

### Is this the right subject for me?

The IAL in Law is suitable if you:

- are interested in the law or how society is regulated
- interested in how people work in the law
- interested in a career in any part of the legal profession, then this is for you.

### How will I be assessed?

You will complete two written examinations; Paper 1 and Paper 2. Both papers will last three hours. Both papers contain five multi-part questions that will test your knowledge. Paper 1 will test your ability to apply what you have learnt to case studies. In Paper 2 the questions are broken down into smaller parts and many are scenario based.

### What can I do after I've completed the course?

You can go on to study a Law degree or a degree component.

You could also enter the workplace and undertake a career knowing the background to the legal system.

### Next steps!

Visit websites to find out more about careers involving IAL Law:

- Discuss studying this subject with your Law teacher(s).
- Visit your careers office/internet to find out more about careers and higher education courses that need IAL Law.

Career net:

<http://www.careernet.com/>

Law Careers:

<http://www.lawcareers.net/>

National Careers Service:

<https://nationalcareersservice.direct.gov.uk/Pages/Home.aspx>

- Visit websites to find out what higher education courses are available HE that include Law

UCAS website:

<https://www.ucas.com/>

- Visit the Pearson website:  
<http://qualifications.pearson.com/en/qualifications/edexcel-international-advanced-levels.html> to obtain a full copy of the Pearson Edexcel IAL in Law specification.

### Glossary

This glossary includes information on the commonly used command words from the specification and assessment materials. It also includes explanations of some of the specialist terms and new areas of the specification.

**acceptance** – unequivocal agreement to the terms of an offer

**actus reus** – the guilty act in a criminal offence

**capacity** – the power a natural or legal person has to make a contract

**causation** – the link between the actus reus and the criminal behaviour required for conviction of a particular crime

**community based sentence** – where the sentence is not a fine or imprisonment, for example, unpaid work in the community

**consideration** – the price paid by one side of a contract to the other in goods services, money etc

**contract** – an agreement that the law will enforce

**custodial sentence** – imprisonment – actual or suspended

**damages as a remedy** – financial compensation for loss

**defamation** – claimants for this tort need to show actual or probable serious harm as a result of false words etc that have been made to someone other than the person about whom they are made. Defamation may take the form of libel (essentially permanent) or slander (essentially transitory)

**discharge of contract** – the way a contract is ended; this may be by performance, agreement, breach or frustration

**exclusion clauses** – terms in a contract that limit or totally exclude liability of one party to a contract for breach

**general defences to a crime** – defences of universal application rather than specific defences within the Act of Parliament defining the crime

**injunctions** – equitable remedies that are usually negative in form

**legal intention** – the intention to create a legally binding contract

**mens rea** – the mental element in the definition of a crime; it might be intention or recklessness

**misrepresentation** – a false statement of material fact that induces the other party to enter the contract

**mistake** – there are three different types of mistake in contract: ‘unilateral mistake’, ‘mutual mistake’ and ‘common mistake’

**negligence** – an area of the law of tort requiring proof of three elements; duty of care, breach of the duty of care and damage resulting from breach of duty of care

**occupiers’ liability** – the liability of the occupier (not necessarily the owner) of land to others on that land; a statutory tort under Occupiers’ Liability Act 1957 (as amended) and Occupiers’ Liability Act 1984 (as amended)

**offer** – a statement of the terms on which the person making an offer is willing to be bound

**privity of contract** – the principle that only a party to a contract may take legal action on it

**property offences** – crimes such as theft, burglary, robbery, blackmail, fraud, criminal damage

**strict liability offences** – offences where the definition of the crime requires no mens rea for all or, occasionally, some of the actus reus of the offence

**terms in a contract** – the agreed actions that each party to a contract must make. These can be express or implied; the express or implied terms may be conditions, warranties or innominate

**trespass to land** – unlawful entry on to land of another

**For information about Pearson Qualifications, including Pearson Edexcel, BTEC and LCCI qualifications visit [qualifications.pearson.com](http://qualifications.pearson.com)**

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