

GCE AS/A LEVEL



WJEC GCE AS/A Level in
LAW

APPROVED BY QUALIFICATIONS WALES

GUIDANCE FOR TEACHING

Teaching from 2017



This Qualifications Wales regulated qualification is not available to centres in England.

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Introducing the WJEC GCE Law Specification (1)

The structure of the specification has been designed to allow learners to develop an understanding of both private law within the law of Wales and England. Learners will develop their ability to analyse both legal rules and principles and factual issues. The specification structure supports good teaching and learning through promoting a holistic and enquiring approach to the study of law.

This specification guides teachers and learners towards the acquisition of knowledge and understanding of the Welsh legal system and the legal method and reasoning as used by lawyers and the judiciary. Learners will also develop and apply the techniques of legal method and reasoning to analyse and offer answers to problems, based on legal principles, legislation and case law. They will develop the ability to construct conclusions and communicate legal arguments by reference to the appropriate legal authorities and debates.

Learners will develop their ability to communicate legal arguments by reference to appropriate legal authorities; evaluate the strength of legal arguments and be able to demonstrate critical awareness of the influences and operation of the law in society. Learners will be encouraged to develop higher order skills such as analysis and evaluation. Learners will be challenged to demonstrate their ability to use to access opportunities to demonstrate their knowledge whilst at the same time presenting opportunities that stretch and challenge.

The content has been divided into four units, all of which are assessed by written examination.

Introducing the WJEC GCE Law Specification (2)

The reformed WJEC GCE AS and A level in Law will continue to be assessed through four written examinations. However, learners will study one compulsory substantive area of law at AS and two areas at A2, as required by the *Approval Criteria for GCE AS and A Level Law*.

This reformed specification will therefore provide learners with a wider understanding of substantive law than the legacy specification.

At AS they will study the Law of Tort. At A2 they will study two areas from a choice of three:

- Human Rights Law
- Law of Contract
- Criminal Law

The content of the reformed WJEC GCE AS and A level in Law has been updated to address the *Approval Criteria for GCE AS and A Level Law*. It takes into account developments in law that have arisen due to the growth of a distinctive Welsh legal jurisprudence.

Structure and weightings

The structure of the specification has been designed to allow learners to develop an understanding of both public and private law within the law of Wales and England and develop skills which will prepare them for further undergraduate study and future careers. The specification enables learners to develop their ability to analyse both legal rules and principles and factual issues.

The WJEC specification has two units at AS and four units at A level.

The AS units are:

- AS Unit 1: The Nature of Law and the Welsh and English Legal Systems
- AS Unit 2: The Law of Tort

The A2 units are:

- A2 Unit 3: The Practice of Substantive Law
- A2 Unit 4: Substantive Law Perspectives

The WJEC GCE AS qualification has a total weighting of 40% of the full A level, as required by the *Approval Criteria for GCE AS and A level Qualifications*. Qualification Weightings

The overall weightings are 40% for AS and 60% for A2.

Unit 1: The Nature of Law and the Welsh and English legal systems (25%)

Unit 2: The Law of Tort (15%)

Unit 3: The Practice of Substantive Law (30%)

Unit 4: Substantive Law Perspectives (30%)

The raw marks and specified examination time for each unit are:

Unit 1	1 hour 45 minutes	80 raw marks
Unit 2	1 hour 30 minutes	60 raw marks
Unit 3	1 hour 45 minutes	100 raw marks
Unit 4	2 hours	100 raw marks
Overall	7 hours	340 raw marks

Unit 2 is allocated less time and a lesser weighting of mark allocation because there is less content coverage than that required for the assessments of Units 1, 3 & 4.

Units 3 and 4 are equally weighted, reflecting their equal demand and worth in the course of study.

The combined AS units have a total assessment time of 3 hours. The two units of the reformed AS qualification have been weighted as 25% and 15%. Units 3 and 4 are equally weighted to ensure that both AO2 and AO3 are covered appropriately across the three

areas of law that feature within these two units.

The structure of the assessment units ensures that the four written examinations target the appropriate assessment objectives. Assessment objective weightings for each unit will be monitored to ensure comparability over time.

Subject Content: background

Devolution has changed the situation with regard to law in Wales: the Government of Wales Act 1998 conferred executive powers only, whereas the Government of Wales Act 2006 gives the National Assembly for Wales the power to enact primary legislation in relation to a range of subjects. The WJEC legacy GCE AS and A level qualifications were written at a time when it was correct to refer to the 'English Legal System' and 'English Law'. However, laws applicable in Wales are now made both by the United Kingdom Parliament and by the National Assembly for Wales, and there is a growing divergence of law between England and Wales.

The reformed specification addresses the required content outlined in the *Approval Criteria for GCE AS and A level Law*. It is worth noting however that since these criteria were published, the Law Commission has presented *Form and Accessibility of the Law Applicable in Wales* (29 June 2016) to Parliament pursuant to section 3 (2) of the Law Commissions Act 1965. As a result, references to the Welsh legal system in the *Approval Criteria* (e.g. paragraphs 5 and 10) have been superseded. The reformed specification therefore refers to 'Welsh and English law' and 'Welsh and English legal systems'.

The specification structure promotes an enquiring approach to the study of law. The understanding of legal rules, principles, concepts and issues is integrated throughout the specification, and by developing such understanding learners will develop the ability to think legally. The specification guides teachers and learners towards the acquisition of knowledge and understanding of key legal issues and debates and encourages the development of higher order skills of analysis and evaluation.

Learners will be challenged to demonstrate their ability to use their legal knowledge appropriately in varying contexts. In this way the specification allows learners to demonstrate their knowledge whilst at the same time presenting opportunities that stretch and challenge.

The *Approval Criteria* require learners to develop competence in using legal skills. The specification structure supports legal skills requirements by encouraging learners to analyse and critically evaluate legal issues by identifying different perspectives, supporting the identification of the strongest viewpoint and demonstrating their ability to counter alternative viewpoints. The range of question types across all units in the sample assessment materials will allow learners to meet the requirements of all three assessment objectives. Questions linked to learner's chosen areas of substantive law at A2 will require communication of persuasive legal argument and evaluation of the strength of such argument. The emphasis on legal skills makes this specification an excellent vehicle for the progression of the learner to higher education. Activities based on the specification content will allow learners to respond in non-prescriptive ways, thus encouraging them to develop their "legal imagination" through commentary on legal concepts and issues.

Subject Content: introduction

The specification includes an introduction to each unit. For Units 1, 2 and 3, each introduction is followed by a grid covering areas of study, content and amplification relevant to that unit. For Unit 4, readers are referred to the grid for Unit 3 because the content and amplification for human rights law, law of contract and criminal law (pages 14 to 19 of the specification) are relevant to both Unit 3 and Unit 4. In each instance the amplification underpins and, where appropriate, contextualizes the required knowledge, understanding and legal skills, ensuring rigor by reinforcing the depth of knowledge and understanding required for the particular area of study.

At AS, learners are required to demonstrate their knowledge and understanding of the nature of law. This includes the distinction between enforceable legal rules and principles and other rules and norms of behaviour, and criminal and civil law and the different sources of law, i.e. custom, statutory law and the common law. The nature of law is assessed in Unit 1: a third column has therefore been added to the grids for Section A and Section B of that unit, to indicate coverage in terms of the content.

At A2, the pervasive nature of law and society, law and morality and law and justice is captured in the content and amplification column of the relevant area of study,

AS Unit 1

Section A of Unit 1 has been divided into four areas of study to assist learners and teachers.

Section B of Unit 1 has been divided into four areas of study to assist learners and teachers.

AS Unit 2

This unit requires learners to demonstrate knowledge and understanding of the rules and theory of the law of tort. The content has been divided into four areas of study to assist learners and teachers.

A2 Unit 3

This unit requires learners to demonstrate knowledge and understanding of legal rules and principles in relation to their chosen areas of law, by applying those rules to given scenarios in order to present a legal argument using appropriate legal terminology.

Human rights law has been divided into five areas of study to assist learners and teachers.

Law of contract and criminal law has been divided into six areas of study each.

A2 Unit 4

This unit requires learners to demonstrate knowledge and understanding of legal rules and

principles in relation to their chosen areas of law, by analysing and evaluating legal rules, principles, concepts and issues. Questions in Unit 4 are synoptic: they cover areas of law, case law and the nature of law.

The areas of law listed for Unit 3 are also relevant for Unit 4. Page 20 of the specification therefore includes reference to the grids on pages 14 to 19 which feature content and amplification.

The Welsh perspective

Unit 1 (The Nature of Law and the Welsh and English Legal Systems) provides a clear Welsh perspective. The specification provides opportunities for learners to develop a Welsh perspective further when preparing all four units; for example, in the context of legal concepts and issues, learners may consider the impact of each concept and issue within Wales.

Assessment Design

The specification has been divided into four units (two at AS and two at A2). The AS units are weighted at 25% and 15%. The A2 units are equal in weighting (at 30% each) to ensure that both AO2 and AO3 are covered appropriately across the three areas of law that feature within these two units. The Approval Criteria for GCE AS and A Level Law state that learners will study one compulsory substantive area of law at AS (law of tort) and two further areas of law at A2.

The reformed qualification offers candidates the option to study two out of three areas of law at A2. Within these units learners are required to answer one out of two questions covering a specified area of law. The choice of questions allows opportunities for candidates to respond with appropriate breadth and depth to specified aspects of each area of law on each of the relevant papers.

Learners will be assessed on four externally examined units. All assessment objectives are covered within each unit and therefore across all units in each examination series.

In designing sections of the question papers that feature a choice of questions, consideration has been given to comparability between the questions as well as ensuring that there is no predictability to the content of the questions.

Unit 1 – *The Nature of Law and the Welsh and English Legal Systems* is weighted at 25% of the qualification. In order to ensure appropriate subject coverage, it will comprise two sections which will also enable learners to be fully aware of the skills required for each set of questions. To meet the AO coverage requirement at AS, **Section A** consists of two compulsory AO1 questions plus a choice of one from two AO2 questions. AO2 questions will always be scenario based. **Section B** allows learners to choose two from three questions. These questions comprise part (a) (which assesses AO1) and part (b) (which assesses AO3). The range of questions and 1 hour and 45 minute duration for this unit ensure that the assessment is appropriately challenging for the full range of learners.

Unit 2 – *The Law of Tort* is weighted at 15% of the qualification. In order to ensure appropriate subject coverage, learners will be required to answer five compulsory questions which will include a mixture of short answer and essay based questions, including a scenario based question. Questions 1 to 3 require learners to demonstrate AO1 skills. Question 4 assesses AO2 skills and question 5 assesses AO3 skills. The range of questions and 1 hour and 30 minute duration for this unit ensure that the assessment is appropriately challenging for the full range of learners.

Unit 3 – *The Practice of Substantive Law* is weighted at 30% of the qualification. Learners will be required to answer one scenario based question from two different sections of the paper i.e. two questions in total. The questions assess AO1 and AO2. The scenario based questions and the 1 hour 45 minute duration for this unit both ensure that the assessment is appropriately challenging for the full range of learners.

Unit 4 – *Substantive Law Perspectives* mirrors the structure and weighting of Unit 3. It is also weighted at 30%. Learners will be required to answer one essay question from two different sections of the paper i.e. two questions in total. The questions assess AO1 and AO3. The essay questions (all requiring analysis and evaluation) and the 2 hour duration for this unit ensure that the assessment is appropriately challenging for the full range of learners.

A range of question types across all units provides breadth and depth of coverage of the

subject content and covers all assessment objectives, to ensure that all learners are challenged appropriately. Band-based grids plus indicative content have been used throughout.

In Units 3 and 4 more than one assessment objective is relevant to each question. In such instances the grids within the mark schemes divide the total mark for each question between relevant assessment objectives. A mark will be awarded for each assessment objective targeted in the question and then totaled to give an overall mark for the question.

Assessment Objectives

Below are the assessment objectives for this specification.

AO1

Learners must demonstrate knowledge and understanding of legal rules and principles

AO2

Learners must apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology

AO3

Learners must analyse and evaluate legal rules, principles, concepts and issues

The subject criteria state that assessment objectives are to be weighted in specifications as:

- AO1 – 30 - 40%
- AO2 – 25-35%
- AO3 – 30- 40%

The table below shows how the assessment objectives are distributed across the units and for the qualification as a whole.

The weighting of assessment objectives for individual units is tailored to the specific assessment requirements and focus of each unit:

	AO1	AO2	A03	TOTAL
AS Unit 1	10% (25%)	7.5% (18.75%)	7.5% (8.75%)	25% (62.5%)
AS Unit 2	6% (15%)	4.5% (11.25%)	4.5% (11.25%)	15% (37.5%)
A2 Unit 3	12%	18%	-	30%
A2 Unit 4	12%	-	(18%)	30%
Total	40%	30%	30%	100%

Assessing The Specification: Question Types

Across all examination papers a range of appropriate assessments will be included. In each series a range of question types will be used to ensure that the knowledge, understanding and skills from the subject content are assessed comprehensively and consistently.

Through a range of structured answers, restricted essays and extended essays, learners have to demonstrate a range of skills that shows their understanding and application of a range of legal rules and principles to given scenarios to present legal arguments using appropriate legal terminology.

The assessment of knowledge and skills will also require learners to demonstrate their ability to organize evidence, communicate arguments in a coherent manner and draw conclusions.

There is a common structure across Units 1, 3 and 4 comprising a 'core' to be attempted by everybody and other sections which provide a limited amount of choice. This allows learners to address questions on an area for which they feel most prepared.

Learners will be required to demonstrate analytical and evaluative skills in a variety of contexts and to explain and support debate. The combination of the item types used in the overall assessment in one series gives a suitable and appropriate balance for the assessment of the specification. This range of item types allows learners of differing abilities to demonstrate their knowledge and understanding of the whole specification.

A range of question types has been used in the assessments:

- (i) Short open response questions have been designed to require learners to respond discursively, but are shorter than an essay response. They provide a means of sampling extensively across the content of the specification. Unit 1 and 2 feature this type of question.
- (ii) Restricted response essays focus on knowledge and understanding with some assessment of the learner's ability to apply this knowledge and understanding to the specifics of the question. They provide indicative structure or 'scaffolding' which will reduce variation in learner response and so reduce the extent of subjectivity in marking. This type of question is found in unit 1. All questions of this style are compulsory.
- (iii) Extended response essays have been designed to give learners the opportunity to demonstrate their knowledge and understanding of legal rules and principles through meaningful and supported analysis and evaluation. They will be used to test higher order skills and a deeper level of understanding. The ability to write in an extended manner in order to build and evaluate arguments is a critical skill for learners. This style of question is found in all units.

Delivering The Specification: Example Questions

Example of a **short open response question** used at AS Level Unit 1

Q 1 Explain the stages a bill must go through to become an Act of Parliament

AO1 - 8 marks - *page 11 in specimen assessment materials*

Example of a **restricted response essay** used at AS Level Unit 1

Q5 (a) Explain the role of the jury in criminal trials in Wales and England

AO1 - 8 marks

Q5 (b) Analyse and evaluate whether trial by jury is reliable

AO3 -12 marks - *pages 17 to 19 in specimen assessment materials*

All questions of this type are compulsory and focus on knowledge and understanding with some assessment of learners' ability to apply knowledge and understanding to the question.

Example of an **extended response essay** used at A2 Level Unit 4

Q5 Analyse and evaluate the extent to which the law accepts duress as a defence to a criminal charge (50 marks)

AO1 - (20 marks)

AO3 - (30 marks)

pages 78 to 80 of specimen assessment materials

The focus here is very much on analysis and evaluation rather than just knowledge and understanding. This question type assesses ability to write in extended manner and evaluate legal arguments.

UNIT: Unit 1 Section A

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Law making

Key Points:

- Learners should be able to explain the historical context of law making in Wales and the United Kingdom.
- Learners should be able to explain the meaning of Parliamentary sovereignty, the separation of powers, the rule of law and the Royal Prerogative.
- Learners should be able to explain the legislative process in Wales and the UK including Parliamentary law making and Welsh legislature law making.
- Learners should be able to explain the composition and role of Parliament and the Welsh legislature.
- Learners should be able to explain the influences on Parliament and the Welsh legislature such as the effects of pressure and interest groups.
- Learners should be able to explain the advantages and disadvantages of the influences on law making.

Provides an opportunity to develop the following skills:

- Application of law making to analyse and offer answers to problems, based on legal principles, legislation and case law.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Analysis and application of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts of the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical situation.
- Evaluation of the law to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Many of the terms used in law-making can be unfamiliar to learners. A useful exercise could be for learners to build their own glossary of essential words and terms. The table below could be adapted to help learners build their glossary.

Term	Meaning
Parliament sovereignty	
The separation of powers	
The Rule of Law	
Pressure groups and interest groups	
Devolution	
Royal prerogative	

2. The Rule of Law is pervasive to the specification. Learners could take part in a discussion in which they attempt to identify the ways in which the United Kingdom attempts to uphold the Rule of Law. Points to be considered include:
 - The courts are independent of the Government and Parliament. The recent creation of the Supreme Court was an attempt to separate even further the courts from Parliament and the Government.
 - The head of the Ministry of Justice is the Lord Chancellor who does not sit as a judge.
 - The Judicial Appointments Commission and special appointment commissions for the Supreme Court are an attempt to ensure that judges remain independent.
 - It is possible to sue the Government.
 - The police can be prosecuted for the crimes they commit. This can be seen when the London Metropolitan Police were prosecuted for health and safety breaches over the shooting of Jean Charles de Menezes at Stockwell Tube Station.
 - It is possible to make a claim against the police for false imprisonment or trespass to the person.
 - The power of the police is laid down in statutes such as the Police and Criminal Evidence Act 1984.
 - The writ of habeas corpus is remedy whereby a person detained by the authorities must be brought before a court so that the court can see whether the person is being lawfully held.
 - The Independent Police Complaints Commission exists to ensure the police do not abuse their power.

- The decision to prosecute remains with the Crown Prosecution Service rather than the police for most crimes. This is an attempt to ensure the police do not attempt unnecessary prosecutions.
 - The legal aid system, e.g. Duty Solicitor scheme and the public funding of a defendant's legal representation is an attempt to ensure that the defendant is not disadvantaged in court.
 - The Human Rights Act 1984 was introduced to ensure that the Government and Parliament did not infringe individual human rights.
3. Learners can select a real or fictitious proposed government policy (this can be for either the Welsh Government or the United Kingdom Government). They can then prepare and deliver a presentation in which they describe how the policy could become law. To do this they will need to describe the role of interest and pressure groups, manifestos, the Law Commission, judicial influences, White and Green Papers, the different types of bills and the passage of a bill through Parliament or the Welsh Assembly.
4. Learners can prepare a chart with two columns. In the first column they can list those areas where the Welsh Assembly has legislative competence for Wales and in the second column list those areas where the United Kingdom Parliament has legislative competence for Wales. The lists can be added if the Welsh Assembly gains more legislative competence and powers.
5. Learners are asked to draft an answer to the following question:
Explain the role of the Law Commission.
Points to consider include:
- The function of the Law Commission
 - The composition of the Law Commission
 - Their methods of working including the use of public consultations
 - Examples of reports that have brought about law reform.
- Learners will benefit from looking at some of the Law Commission's reports that relate to an area of substantive law that they will study in later units.
6. Learners need to know the effect of European Union law on English and Welsh law although Brexit may decrease this importance over time. Learners could be asked to investigate the impact of European Union Treaties, directives and regulations on domestic law. In particular, learners should be able to explain the difference between vertical and horizontal direct effect. The key points could be summarised in the form of wall charts to help them remember the different effects.

Useful websites

Law Commission: <http://www.lawcom.gov.uk/>

Welsh Assembly: <http://www.assembly.wales/>

United Kingdom Parliament: <http://www.parliament.uk/>

European Union: <https://europa.eu/>

UNIT: Unit 1 Section A

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Delegated Legislation

Key Points:

- **Learners should be able to describe** what is meant by delegated legislation.
- **Learners should be able to describe** how powers to make such legislation are delegated.
- **Learners should be able to explain** why there is a need for effective checks and controls over the use of delegated powers.
- **Learners should be able to describe** the mechanisms used to achieve these checks and controls.
- **Learners should be able to evaluate** how effective these mechanisms are in preventing misuse of powers.
- **Learners should be able to explain** the role of devolved legislatures and the Devolution Settlement in Wales.

Provides an opportunity to develop the following skills:

- Application of the techniques of legal method and reasoning to analyse and offer answers to problems, based on legal principles, legislation and case law.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Learners could be presented with a hypothetical scenario in order to develop their skills of application: an example is provided below. Learners could be placed in groups and asked to advise the person in question. Learners could be provided with a graphic organiser consisting of different sections (one for each control) with sub headings: e.g. case examples, advantages, disadvantages of the controls. Each group to present back to the class and class can formulate a whole answer from the group presentations.

The Welsh Government has been recently become concerned by the large number of Welsh language protestors in and around the Senedd at Cardiff Bay and at their offices in North Wales. Some of these protestors have actually defaced property by spraying Welsh language graffiti on buildings in the area. Cardiff Council wishes to pass a by-law to fine anyone engaged in existing or future demonstrations outside the Senedd. Jeremy Jones is a keen protestor who believes in the increased use of the Welsh language, and he is seeking to challenge the by-law so he can continue protesting.



Keith Morris / Alamy Stock Photo

Advise Jeremy Jones as to the ways in which delegated legislation can be controlled.

2. Following implementation of the Government of Wales Act (2006), research some laws put into place by the Welsh Government <http://gov.wales/?lang=en> e.g. the law relating to organ donation <http://gov.wales/?view=Search+results&lang=en>
3. Take a look around your local area and see if you can spot any by-laws. Share your findings with your class. Discuss why are these made at a local level.

UNIT: Unit 1 Section A

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Statutory Interpretation

Key Points:

- An understanding of why judges need to interpret statutes and the main aids to interpretation.
- Learners should be able to explain and apply the 4 main rules of statutory interpretation and use legal authority to support.
- Learners should be able to evaluate the advantages and disadvantages of each of the 4 rules of statutory interpretation.
- Learners should be able to explain and apply intrinsic and extrinsic aids to interpretation using examples to support.
- Learners should be able to explain and apply the impact of the Human Rights Act 1998 and European law on statutory interpretation.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Learners could be presented with a hypothetical scenario in order to develop their skills of application. Past papers could be used for this purpose. Learners could be placed in groups and asked to explain, with a case, a rule of interpretation and then to apply it to the scenario. Learners could be provided with a graphic organiser consisting of 4 sections (one for each rule) with sub headings: explanation of rule, case example, advantage, disadvantage, apply the rule. Each group to present back to the class and class can formulate a whole answer from the group presentations.
2. Using your knowledge of statutory interpretation, consider whether an offence has been committed in the situation set out below.

The Prevention of Unwanted Parties (Fictitious) Act 2008

Section 1(1) This Act applies to a gathering on land for a social purpose in which it is likely that alcohol will be consumed and more than 100 people will attend.

Section 1(2) Subject to Section 1(3) it is a criminal offence to organise such a gathering without the permission of a local magistrate unless the organiser is an exempt person.

Section 1(3) For this purpose an exempt person means the occupier, any member of his family or his employee or agent of his.

Sara's best friend Lucy is abroad on holiday. Sara emailed a few friends to attend her 18th birthday party in a disused barn on Lucy's parent's farm land. Sara expected 20 people to attend. However, the email invitation was copied and 1,000 people arrive in a large crowd. Sara has now been arrested for breach of the Act. Advise Sara. [11]

UNIT: Unit 1 Section A

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Judicial Precedent

Key Points:

- **Learners should be able to describe** what is meant by judicial precedent.
- **Learners should be able to explain** the elements of judicial precedent.
- **Learners should be able to explain** the elements of the court hierarchy.
- **Learners should be able to describe** the types of judicial precedent.
- **Learners should be able to discuss** how a precedent can be altered or avoided, including the roles of the Supreme Court and Court of Appeal in relation to precedent.
- **Learners should be able to apply** the doctrine of judicial precedent to a given scenario.
- **Learners should be able to discuss** the advantages and disadvantages of precedent and the limitations on judicial law making.

Provides an opportunity to develop the following skills:

- Application of the techniques of judicial precedent to analyse and offer answers to problems, based on legal principles, legislation and case law.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Analysis and application of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts of the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical situation.
- Evaluation of the law to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Learners could be presented with a hypothetical scenario in order to develop their skills of application. An example is provided below:

In the case of Re Worley (1940) the Court of Appeal held that a trust for the benefit of one's relations could be a charitable trust so long as the relations in question could be considered as "poor relations". Charitable status is important because charitable trusts pay less tax. The Inland Revenue wishes to claim that such trusts should no longer be regarded as charitable, and in 2010 a case was brought before the High Court concerning a trust established by Lord Arrington. Lord Arrington is a multi-millionaire who had established a trust for a long lost relative. The relative in question has assets worth in excess of £500,000 but in comparison with Lord Arrington is not very well off.

Advise Lord Arrington on how the doctrine of judicial precedent would be applied to establish whether his trust would be awarded charitable status.

Learners could adopt the **IDA** approach:

I = Identify the current court and **identify** the precedent court.

D = Describe options available to the courts in question (Choose from: Follow, Overrule, Reverse, Distinguish, Court of Appeal Young exceptions, Practice Statement?)

A = Apply the available options to the scenario.

- Use the facts in the cases to try and **distinguish** the two cases by finding differences in their material facts.
 - Do you feel that the law in question is in need of reform (as in **R v R (1991)**) and would therefore use the **Practice Statement** to depart?
 - If the precedent was set by a lower court, would you consider using it as **persuasive precedent**? What other sources could you use as persuasive precedent?
 - Would you **follow** the precedent on the basis that law change should be left to Parliament? Highlight the reluctance to use the Practice Statement and mention **Lowry Guidelines – C v DPP (1995)**.
2. *"The Supreme Court has not thought it necessary to reissue the Practice Statement in a fresh statement of practice in the Court's own name. This is because it has as much effect in this Court as it did before the Appellate Committee in the House of Lords. It was part of the established jurisprudence relating to the conduct of appeals in the House of Lords which was transferred to this Court."*

Source: Lord Hope in Austin v Southwark LBC (2011)

In light of this statement, facilitate class discussion on the role of the Supreme Court in relation to precedent. Learners could create a chart of cases where the Practice Statement has been used in order to establish the reluctance of the Supreme Court to use the Practice Statement.

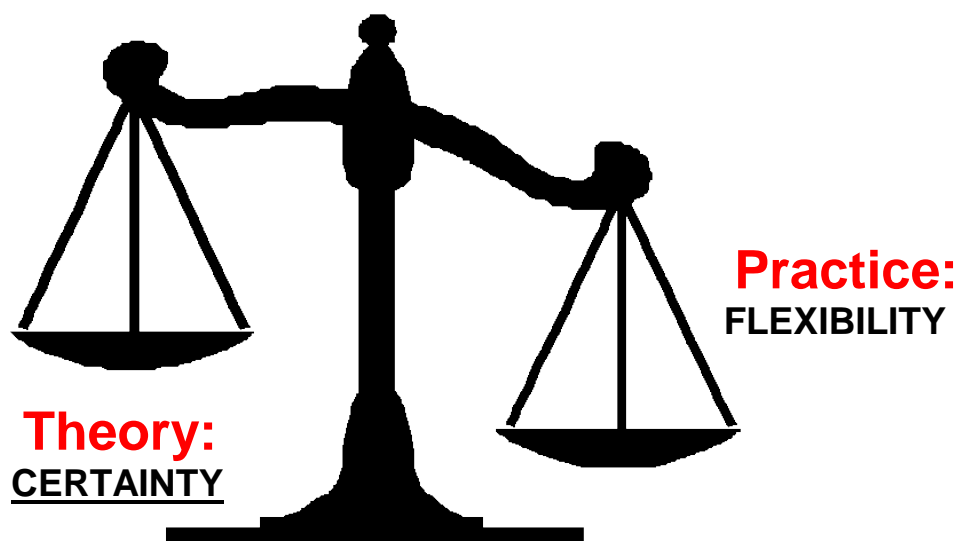
3. Learners could create a court hierarchy diagram and highlight the following in different colours:
 - i. Courts that can **create** precedent
 - ii. Courts that have to **follow** precedent
 - iii. Courts that can **depart from their own decisions**
 - iv. Courts that are **bound by their own decisions**

4. Learners could be split into groups and each group asked to research one of the following cases of **original precedent**. They should then be encouraged to feed this back to the rest of the class so that all learners have the same information:
 - a) *Donoghue v Stevenson (1932)*
 - b) *R v R (1991)*
 - c) *Gillick v West Norfolk and Wisbech AHA (1985)*
 - d) *Fitzpatrick v Sterling Housing Association (1999)*

For each case, learners should discover the **facts of the case**, the **law before the case** and the **new law decided**.

5. The recent case of *Vinter v UK (2013)* ruled that the sentence of “whole life orders” were a breach of Article 3 ECHR – the right to be free from inhuman and degrading treatment.
Does this decision stop judges from making any more whole life orders? How does this reconcile with judges’ responsibility under s2 *Human Rights Act 1998*?

6. Using a similar visual aid to that below, outline how the doctrine of judicial precedent creates a balance between certainty and flexibility. Plot the various elements of precedent on the diagram – does the doctrine of precedent create more flexibility or more certainty?



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Unit 1 Section B

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Civil Courts

Key Points:

- **Learners should be able to** explain the civil courts including their structure, powers and appellate functions.
- **Learners should be able to** explain and evaluate the use of juries in civil cases.
- **Learners should be able to** explain the development, role and control of tribunals including examples of the different types of tribunals.
- **Learners should be able to** evaluate the advantages and disadvantages of the tribunal system.
- **Learners should be able to** explain arbitration and other forms of alternative dispute resolution such as mediation and conciliation both within and outside the court system.
- **Learners should be able to** evaluate the advantages and disadvantages of arbitration and other forms of alternative dispute resolution.

Provides an opportunity to develop the following skills:

- Analysis of data by identifying the key issues and applying the law in order to form a legal argument.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Learners are asked to draw a civil court hierarchy indicating the direction of appeals. This can be displayed in the form of a wall chart.
2. Learners are asked to complete the following table which indicates the type of case, composition of each court and any appeal route.

Court	Type of Case	Composition	Appeal route
County Court			
Family Court			
High Court: Queen's Bench Division			
High Court: Family Division			
High Court: Chancery Division			
High Court: Queen's Bench Divisional Court			
High Court: Family Divisional Court			
High Court: Chancery Divisional Court			
Court of Appeal (Civil Division)			
Supreme Court			

4. Learners could take part in a class discussion in which they consider the advantages and disadvantages of the following types of alternative dispute resolution:

- Arbitration
- Conciliation
- Mediation.

In particular, learners could consider the types of case where each might be useful.

5. Although the main types of alternative dispute resolution are arbitration, conciliation and mediation, learners can benefit from an awareness of other types of ADR (such as Expert Determination or Neutral Evaluation) or bodies which may offer ADR such as ombudsmen and industry regulators. Learners can investigate the work of bodies such as OFCOM and the Welsh Ombudsman and then report back to their peers and explain their work. Another group of learners can investigate what is meant by Expert Determination and Neutral Evaluation and also report back with their findings to members of their class.

6. Learners could make a list of:

- Four types of case dealt with by the First-tier Tribunal
- Four different chambers of the Upper Tribunal and for each one explain the type of appeal it deals with

- Four tribunals outside the First-tier Tribunal and for each one indicate the type of case it deals with.
7. Learners are to access the latest available annual report from HM Courts and Tribunals Service. In the section 'Our Performance' learners are to identify any ways that the civil courts and tribunals claim to have seen an increase in their performance.
8. Learners can draft an essay on the following question: *'Evaluate the use of juries in civil trials.'*

Points to consider include:

- The types of case juries can hear
- The composition of a jury in civil cases
- The awarding of damages by the jury
- The advantages of juries in civil trials
- The disadvantages of juries in civil trials.

Useful Websites:

HM Courts and Tribunals Service: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service>

The Courts and Tribunals Judiciary: <https://www.judiciary.gov.uk/>

ACAS: <http://www.acas.org.uk/>

Family Mediation Council: <https://www.familymediationcouncil.org.uk/>

CI Arb: <http://www.ciarb.org/>

National Conciliation Service: <https://www.nationalconciliationservice.co.uk/>

Welsh Ombudsman: <http://www.ombudsman-wales.org.uk/>

OFCOM: <https://www.ofcom.org.uk/>

There are many chambers of barristers and firms of solicitors that provide ADR such as neutral evaluation and their websites provide information about their services.

UNIT: Unit 1 Section B

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Criminal Process - jury trial

Key Points:

- **Learners should be able to discuss** the history of jury trial.
- **Learners should be able to explain** how a jury is selected.
- **Learners should be able to explain** the role of the criminal and civil jury.
- **Learners should be able to critically evaluate** the advantages and disadvantages of jury trial.

Provides an opportunity to develop the following skills:

- Analysis of data by identifying the key issues and applying the law in order to form a legal argument.
- Analysis application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of a clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.
- Learners should be able to assess current reforms and offer alternatives to jury trial.

Suggested Activities:

1. Depending on size of group, organise learners in to a 'jury' - if a large class then two juries can be formed, if smaller groups then one jury. Give out facts of real cases and ask them to decide the verdict – exercise shows problems that can arise when juries deliver their verdicts. Cases that could be used include R v Kronlid & Others (1997); R v Ponting (1985) R v Owen (1991).
2. Organise students in to pairs and ask them to list the advantages and disadvantages of jury secrecy.
3. **Class discussion** Discuss the jury and the problems with the internet - discuss the cases of R v Marshall and Crump (2007); Fraill (2011) ;Davey & Beard (2013); <https://www.youtube.com/watch?v=W9Tvefy3xXY>
4. Facilitate a class discussion on whether the failure of the jury to give reasons for their decision violates the right to a fair trial contained in Article 6 of the European Convention on Human Rights. Discuss reform of the jury system in general.
5. Discuss the recent reforms in 2016 relating to reserve jurors, is this a good reform?
6. Organise group work discussing jury competence, with reference to the case of Vicky Pryce (2013). Discuss whether this shows jury incompetence or lack of respect from the judge.

UNIT: Unit 1 Section B

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Criminal Process - role of lay magistrates

Key Points:

- Learners should be able to explain the role of magistrates within the criminal justice system.
- Learners should be able to explain the selection, appointment & removal of magistrates.
- Learners should be able to discuss the social, racial and gender composition of the magistracy.
- Learners should be able to evaluate the arguments for and against lay magistrates.
- Learners should be able to discuss reforms to the magistracy.

Provides an opportunity to develop the following skills:

- Analysis of data by identifying the key issues and applying the law in order to form a legal argument.
- Analysis, application and evaluating the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. In 1998, the Lord Chancellor set out six key qualities that a Magistrate should possess. In pairs, what do you think they are? Facilitate class discussion.
2. Group activity - As of 1st April 2016, there are 17,552 lay magistrates in England and Wales. In 2012, there were around 25,000 lay magistrates. The steady decline in the overall numbers has been put down to a number of factors, what do you think are the reasons for the decline in numbers? Suggested answers could include: - magistrates no longer hear cases on licensing and anti-social behaviour, crime is falling generally' many crimes are being dealt with using out of court disposals.
3. Diversity statistics currently show the following:

- Gender:	Female: 53%	Male: 47%
- Age:	Under 30: 1%	Over 50: 80% (the average age is 57, due to the minimum time commitment magistrates have to give)
- Ethnicity	White: 89%	BAME: 11%

(Source: www.judiciary.gov.uk 1st April 2016)

There have been some moves to improve the diversity of the magistracy; in pairs, discuss how this could be achieved.

UNIT: Unit 1 Section B

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Criminal Process - the courts

Key Points:

- Learners should be able to explain the structure of the criminal courts.
- Learners should be able to explain the powers and appellate functions of the criminal courts.
- Learners should be able to discuss the Court of Appeal guidelines for bringing appeals.

Provides an opportunity to develop the following skills:

- Analysis of data by identifying the key issues and applying the law in order to form a legal argument.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Learners could produce a hierarchical diagram of the criminal court structure, or use a graphic organiser to show what each court does and the appeal routes.

2. Learners could consider when leave to appeal is granted e.g. sometimes new evidence comes to light that will prompt leave to be granted for appeal based on the fact that the conviction is unsafe, however sometimes the courts take a different interpretation of unsafe – research the case of David Morris (<http://thejusticegap.com/2014/11/clydach-murders-five-years-working-hopeless-case/> <http://www.walesonline.co.uk/news/wales-news/clydach-murders-david-morris-launches-8165343>) and Jeremy Bamber (<http://www.jeremy-bamber.co.uk>)
Do you think there has been a breach of Article 6 Right to a fair trial, since they both allege that new evidence could prove their innocence?

3. Criminal Process exercise – in small groups consider the following and give reasons for their answers.
If you were charged with burglary, an either way offence, what type of trial would you prefer? Would you want your case to be heard by a professional judge and jury in the crown court or by the magistrate’s court? Alternatively one half of the class can cite the arguments for staying in the magistrate’s court whilst the other half can cite the arguments for going to Crown.

4. Learners could be given a graph with statistics on appeals and be asked to analyse the data and the number of appeals to, for example, the Court of Appeal and the Supreme Court for any given year.

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Legal Personnel

Key Points:

- An understanding of the various legal personnel involved in the Welsh and English legal system.
- Learners to explain the structure of the legal profession, the education, training, appointment and role of both barristers and solicitors.
- Learners should be able to explain the regulation of barristers and solicitors.
- Learners should be able to discuss the arguments surrounding the fusion of the professions.
- Learners should be able to evaluate whether barristers and solicitors are representative.
- Learners should be able to explain the role of other legal professionals such as legal executives and para-legals.
- Learners should be able to explain the role and hierarchy of the judiciary along with their constitutional position.
- Learners should be able to explain and evaluate the selection, training and composition of the judiciary.
- Learners should be able to explain the regulation of the judiciary.
- Learners should be able to evaluate judicial independence and the rule of law
- Learners should be able to explain the role of lay magistrates and District Judges in the magistrates' courts.
- Learners should be able to explain and evaluate the selection, training and composition of magistrates.

Provides an opportunity to develop the following skills:

- Analysis of data by identifying the key issues and applying the law in order to form a legal argument.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology

Suggested Activities:

1. Learners could produce a reading map of the following articles:

Solicitors and Barristers: <https://www.theguardian.com/law/2015/sep/27/the-right-way-to-tackle-gender-inequality-in-the-legal-profession>

Magistrates: <http://www.bbc.co.uk/news/uk-37689255>

Judiciary: <https://www.theguardian.com/law/2016/nov/21/lord-neuberger-uks-top-judge-unveils-supreme-court-diversity-plan-retirement>

2. Learners could consider the key differences between solicitors and barristers by completing the table below.

	Solicitors	Barristers
Regulatory body	overseen by the...	overseen by the...
Professional body		
Basic qualifications		
Vocational training		
Practical training		
Method of working		
Rights of audience		
Relationship with client		

Complaints		
Liability		

UNIT: Unit 1 Section B

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Access to Justice and Funding

Key Points:

- **Learners should be able to explain** what is meant by legal funding.
- **Learners should be able to explain** the role of the Legal Aid Agency and the impact of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- **Learners should be able to describe** sources of funding for both civil and criminal cases, including means testing, merits tests, priority for funding and eligibility criteria.
- **Learners should be able to discuss** the problems with access to justice and funding and the impact of recent cuts on the availability of justice.
- **Learners should be able to explain** conditional fee agreements and damages based agreements.
- **Learners should be able to discuss** the advantages and disadvantages of conditional fee agreements and damages based agreements.

Provides an opportunity to develop the following skills:

- Analysis of data by identifying the key issues and applying the law in order to form a legal argument.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Due to the recent cuts to civil legal aid and the introduction of means testing for criminal legal aid, potential claimants feel that *“The Law Courts of England and Wales are open to all men like the doors of the Ritz Hotel”*.

Facilitate discussion of the meaning of this statement and research as many alternative sources of legal advice and funding as possible. Once a list has been gathered, learners could be an advocate for one of their chosen sources and explain to the rest of the class the role and benefits of their chosen agency.

2. Discuss the extent to which legal needs are met in England and Wales, with reference to the changes brought about by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Complete the following table:

YES (Legal needs are met)	NO (Legal needs are not met)

3. The Bar Council conducted a report a year after the Legal Aid, Sentencing and Punishment of Offenders Act 2012 was passed:

http://www.barcouncil.org.uk/media/303419/laspo_one_year_on_-_final_report_september_2014.pdf

Read this report and summarise its findings in relation to legal funding, on a visual aid such as a poster or a Prezi presentation.

4. Conditional Fee Arrangements, or ‘no win no fee’ agreements were first introduced by the *Access to Justice Act 1999*. They are a private agreement between the lawyer and client which states that an agreed fee will only be paid if the case is won. Following the *Legal Aid, Sentencing and Punishment of Offenders Act 2012*, there are now two types of ‘no win no fee’ agreements.

Evaluate the advantages and disadvantages of both these types of agreements.

Unit 2: The Law of Tort

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Rules and Theory of the Law of Tort

Key Points:

- **Learners should be able to explain** the origins of the law of tort.
- **Learners should be able to explain** the different categories of tort.
- **Learners should be able to identify** the theories of the law of tort
- **Learners should be able to explain** the concept of fault versus strict liability.
- **Learners should be able to explain** the economic justification of tort.
- **Learners should be able to explain** the role of tort in corrective justice and retributive justice.
- **Learners should be able to evaluate** the tort system.

Provides an opportunity to develop the following skills:

- Analysis of data by identifying the key issues and applying the law in order to form a legal argument.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

The term ‘theories of the law of tort’ refers to concepts such as fault versus strict liability, the role of tort in corrective and retributive justice and the economic justification of tort. Many of these concepts can be considered as the learners study substantive tort law rather than as a standalone topic at the beginning of a tort course. However, because fault liability in tort usually refers to a person failing to act in the manner of the reasonable person, the concept of the ‘reasonable person’ might be considered at the beginning before substantive tort is covered.

1. The Man on the Clapham Omnibus Activity

Learners are to read Lord Reed’s explanation of the ‘reasonable man’ test in *Healthcare at Home Limited v The Common Services Agency* [2014] UKSC 49 paras 1-4.

https://www.supremecourt.uk/decided-cases/docs/UKSC_2013_0108_Judgment.pdf

What or who is the reasonable person?

Learners are divided into groups. Each group investigates one of the following torts:

- Private nuisance
- Defamation
- False imprisonment
- Trespass to land
- Trespass to the person
- *Rule in Rylands v Fletcher*.

Each group then reports back to the other groups with a brief explanation of that tort.

2. Learners are to investigate the meaning of the following two terms:

- Fault liability
- Strict liability.

Give an example of an area of tort that requires fault liability. What fault is required? Give an example of an area of tort that requires an element of strict liability. In what way is a person strictly liable?

3. Learners are to take part in a class discussion where they consider the advantages and disadvantages of the tort system.

Advantages to be considered include corrective justice, retributive justice and the economic cost to the taxpayer of the victim of an accident who is unable to work again.

Disadvantages to be considered include the cost to the taxpayer in NHS compensation claims, fraudulent negligence claims and the fact that much of tort is based on precedent rather than statute law.

Useful Websites:

- YouTube has some interesting examples of people trying to fake an accident such slipping in a supermarket or being hit by a car.
- BBC News has a variety of articles that cover some of the compensation payments made by the NHS.

Unit 2

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Liability in negligence for injury to people and damage to property

Key Points:

- **Learners should be able to explain** the duty of care owed to people and damage to property.
- **Learners should be able to apply** the neighbour principle and *Caparo* test.
- **Learners should be able to explain** breach of duty.
- **Learners should be able to explain** the objective standard of care.
- **Learners should be able to apply** the reasonable person test.
- **Learners should be able to explain** causation of damage.
- **Learners should be able to apply** the 'but for' test.
- **Learners should be able to explain** legal causation.
- **Learners should be able to explain** and apply foreseeability and remoteness of damage.
- **Learners should be able to explain** the effect of an intervening act.
- **Learners should be able to explain** liability for psychiatric injury.
- **Learners should be able to distinguish** between primary and secondary victim.
- **Learners should be able to understand** the main defences to negligence.

Provides an opportunity to develop the following skills:

- Analysis of data by identifying the key issues and applying the law in order to form a legal argument.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

Much of the case law for negligence can only be understood if the learner has an understanding of the defences to negligence particularly *volenti non fit injuria* and contributory negligence. It should be noted that the defences are not mentioned in the specification and therefore a specific question on a defence will not be set. However, learners should expect questions where defences could be used as a part of their answer.

1. Learners are asked to make two wall displays in which they:
 - show Lord Atkin's definition of the neighbour principle
 - state the *Caparo* three-part test.

2. Learners are asked to select one of the following free online resources to find out more about *Donoghue v Stevenson*.

Incorporated Council of Law Reporting

<http://www.iclr.co.uk/learning-zone/training-materials/the-snail-and-the-ginger-beer/>

Scottish Council of Law Reporting

<http://www.scottishlawreports.org.uk/resources/dvs/mrs-donoghue-journey.html>

3. Learners are asked to research the following cases:

Blyth v The Company of Proprietors of The Birmingham Waterworks [1856]

Healthcare at Home Limited v The Common Services Agency [2014] UKSC

What is meant by the 'standard of care' (i.e. the reasonable person test)?

4. Learners are asked to draft an answer to the following question:

Explain what is meant by factual causation in the law of tort.

Points to be considered include:

- the 'but for' test,
- intervening acts
- loss of chance cases
- supporting case law.

5. Learners are asked to research the following two cases:

- *Re Polemis & Furness, Withy & Co Ltd* [1921]

- *Overseas Tankship (UK) Ltd v Morts Dock and Engineering Co Ltd (Wagon Mound) (No. 1)* [1961]

What are the two tests for remoteness?

What is the main difference between the two tests?

Which one do the courts follow today?

6. Learners are asked to use their multi-media devices to research the Hillsborough Disaster.

Where did the disaster take place?

What caused the disaster?

How many people died?

Was anyone negligent in causing the disaster?

<https://www.youtube.com/watch?v=MNS26Oj9B4o>

7. Learners are asked to research whether each of the claimants in *Alcock v Chief Constable of South Yorkshire* [1991] UKHL 5 (28 November 1991) was successful in their claim for negligence.

<http://www.bailii.org/uk/cases/UKHL/1991/5.htm>

8. Learners are asked to research the following and then answer the question that follows:

- The defence of *volenti non fit injuria*
- Law Reform (Contributory Negligence) Act 1945 s1(1).

For the following three scenarios consider if the driver is liable for your injuries and, if so, whether your damages will be reduced because of your contributory negligence.

- *Scenario One:* You accept a lift home from a driver who you do not know is drunk. The car crashes through the negligence of the driver.
- *Scenario Two:* You accept a lift home from a driver who you know is drunk. The car crashes through the negligence of the driver.
- *Scenario Three:* You accept a lift home from a driver who you do not know is drunk although the reasonable person would have known. The car crashes through the negligence of the driver.

UNIT: Unit 2 – The Law of Tort

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Occupiers' Liability

Key Points:

- **Learners should be able to describe** liability in relation to lawful visitors under the *Occupiers' Liability Act 1957*.
- **Learners should be able to describe** liability in relation to trespassers under the *Occupiers' Liability Act 1984*.
- **Learners should be able to apply** the relevant legislation to hypothetical situations.
- **Learners should be able to evaluate** the provisions of relevant legislation.
- **Learners should be able to discuss** special categories of visitors, including children.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of misrepresentation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Learners could be presented with hypothetical scenarios in order to develop their skills of application. Examples are provided below:
 - a) *Trevor is a milkman delivering milk to Archie's door.*
 - b) *Gordon, a football fan with a season ticket for Swansea City, arrives at the Liberty Stadium on Wednesday night for the match with Manchester United.*
 - c) *Hannah regularly crosses Farmer Giles's field using a well-known public path.*
 - d) *Grace is at Laura's house on Sunday afternoon as agreed, cleaning it.*
 - e) *Phillip is a fire fighter who has called to Pamela's house for a routine smoke detector test.*
 - f) *Tom regularly climbs over his neighbour's back fence and comes through his back garden on his way home, knowing that his neighbour works late and will be out.*

Learners could make up their own examples using their knowledge, to test each other. These scenarios could be developed further into role play scenarios – learners are split into pairs, one taking the role of the client and one the legal adviser.

2. Picture clues could be created for each key case, and students are given the task of guessing the case within a set time limit. Timers are available at www.classtools.net or a timed PowerPoint could be created.

3. Flashcards could be created for the key provisions of the legislation – the section of the *Occupiers' Liability Acts* could be printed on one side and the rule of law on the other:

- a) Learners could test each other with the flashcards; or
- b) Cards could be randomly picked out of a box and class discussion can be facilitated.

4. Learners could be encouraged to look at newsworthy cases, and these could be used to facilitate discussion on whether the law on Occupiers' Liability is adequate, or is in need of reform. There are some examples below:

- **Matthew Marsden** drowned in Greenacres Holiday Park in 2009:
<http://news.bbc.co.uk/1/hi/wales/8116163.stm> - *BBC News*
- **Kylie Grimes** hit her head on the bottom of a swimming pool during a late-night party in Surrey:
<http://www.bbc.co.uk/news/uk-england-surrey-14387945> - *BBC News*
- **PC Richard Seymour** tore his Achilles tendon when he fell down a hole after being called out to a night-time break-in at Maidenhead Aquatics shop.
<http://www.bbc.co.uk/news/uk-england-surrey-22119832> - *BBC News*
- Split the class into two sides to facilitate the discussion:
'is it your civic duty to clear snow and ice from the pavement outside your home?'

Learners should be given time to prepare and research their side of the argument and should be encouraged to use sections of the legislation as well as cases to support their arguments.

UNIT: Unit 2 – The Law of Tort

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Remedies

Key Points:

- **Learners should be able to describe** the types of damages that can be awarded under the law of tort.
- **Learners should be able to explain** how damages are calculated.
- **Learners should be able to outline** the role of injunctions as a remedy in the law of tort.
- **Learners should be able to evaluate** when damages will be ordered instead of an injunction.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of misrepresentation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of private areas of law
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

-

Suggested Activities:

1. Class Discussion over this issue:

“Evaluate the concept of measuring loss in damages claims for injured parties”

Discussion can be facilitated as a debate where one half of the class discusses the positive aspects of the system of measuring damages and the other half discusses the negative aspects. Encourage learners to think about how far the system truly puts the claimant in the position they would have been had the tort not been committed.

2. Learners could be encouraged to research Law Commission papers in relation to proposals for the reform of the law in relation to damages – examples include:

- *The Law Commission 1999 (No 262): DAMAGES FOR PERSONAL INJURY: MEDICAL, NURSING AND OTHER EXPENSES; COLLATERAL BENEFITS*

http://www.lawcom.gov.uk/wp-content/uploads/2015/03/lc257_Damages_Personal_Injury_Non-pecuniary_Loss.pdf

- *The Law Commission 1999 (No 257): DAMAGES FOR PERSONAL INJURY: NON-PECUNIARY LOSS*

http://www.lawcom.gov.uk/wp-content/uploads/2015/03/lc257_Damages_Personal_Injury_Non-pecuniary_Loss.pdf

3. Learners could be split into pairs and set role play scenarios in which one person plays the role of the client and one the role of the legal adviser to advise what damages or remedies would be appropriate in the fictional scenario. The scenarios can be drawn from real cases and newsworthy items.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Human Rights Law – The rules and theory of human rights law (distinction between rights and liberties)

Key Points:

- Learners will be able to define the terms ‘human rights’ and ‘civil liberties’.
- Learners will be able to identify civil & political rights & social & economic rights and provide examples for each.
- Learners will be able to explain the distinction & similarities between rights and liberties.
- Learners will be able to explain the main theories – Locke, Rawls, Dworkin, Bentham.
- Learners will be able to explain how these theories are incorporated into both domestic & international law.

Provides an opportunity to develop the following skills:

- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of the legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Organise the class into small groups and ask them the following questions:

Where do rights come from?

What values do they promote?

What do you think is meant by 'human rights' & 'civil liberties'? Give examples?

How are rights balanced with other rights & collective issues?

How are rights enforced?

Feedback answers to class (can be done using flipchart paper, whiteboard etc.)

ACTIVITY 2:

Facilitate class discussion of the theories - Dworkin believes every state has a duty to treat ALL of its citizens with equal concern & respect even those who have unpopular views. Do you agree? E.g. Facilitate discussion of terrorism cases, freedom of speech / freedom of religion and other issues, e.g. should people be able to have freedom of expression even if it offends others?

Discuss the case of *A & Others v Secretary of State for the Home Department* (2004). <http://www.lawteacher.net/cases/public-law/a-and-others-v-uk.php>

ACTIVITY 3:

Research the rights and liberties of other countries e.g. America, North Korea -

feedback to class <http://www.ushistory.org/gov/10.asp>

<https://www.hrw.org/asia/north-korea>

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Human Rights Law – The rules and theory of human rights law (the ECHR)

Key Points:

- Learners will be able to explain the history of the setting up of the Council of Europe and the drafting of the European Convention.
- Learners will be able to discuss the European Convention on Human Rights and the various Articles.
- Learners will be able to explain the machinery established under the Convention for protecting human rights particularly the role of the European Court of Human Rights.

Provides an opportunity to develop the following skills:

- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and break down into constituent parts the relevant legal rules and principles for each area of law.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Organise the class into small groups and ask them to do the following task:

What rights do you think are in the Convention? What rights do you think should be in the Convention. In pairs / groups draft your own Convention.

This task could be done in a poster format, or using flipchart paper, smartboard etc. This task could also be done as '**market place activity**' - Instructions for this:

Stage 1 – Preparation. Each group discusses their draft convention and converts it into a poster.

Rules for the poster: no more than ten words. (Learners must put their ideas into other formats, this will make them remember them better, e.g. to illustrate right to a fair trial they could draw a court room) they can use unlimited numbers, initial letters, symbols, diagrams, drawings.

Stage 2 – One learner in each group stays with their poster (the stallholder) to explain the poster to visiting researchers from the other groups. Researchers go to find other information from other posters and make notes to take back to their original group.

Stage 3 – Teaching. The researchers go back to their group and teach the stall holder and the others what they have found out.

Feedback answers to class. Compare draft Conventions with the rights in the ECHR.

ACTIVITY 2:

Students to research cases taken against the UK and to feedback results of research in class.

D v UK (1997) ;Chahal v UK (2007);Pretty v UK (2002);Goodwin v UK (2002);Evans v UK (2007) etc.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Human Rights Law – Specific Provisions of the ECHR

Key Points:

- An understanding of specific provisions of the European Convention on Human Rights
- Learners will be able to explain and evaluate provisions of Article 8, right to respect for private and family life, home and correspondence
- Learners will be able to discuss Article 8 exceptions including negative and positive obligations
- Learners will be able to explain and evaluate provisions of Article 10, right to freedom of expression.
- Learners will be able to discuss Article 10 exceptions
- Learners will be able to explain and evaluate provisions of Article 11, right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions.
- Learners will be able to discuss Article 11 exceptions.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion
- Analysis and critical evaluation of valuating legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Search the internet site <http://rightsinfo.org/your-rights/> for articles 8, 10 and 11. Learners to be placed in pairs and each pair to produce a poster of a given right. Learners, in same pairs, to produce a report of recent examples/cases on the given right. Pairs to be selected to present their report to the whole class.

ACTIVITY 2:

Follow the links below on the three rights – articles 10, 8 and 11 of the ECHR.

Learners to summarise in a table with two columns (example provided below) the protection offered by each article. Categorise the right as either *absolute*, *limited* or *qualified*.

Learners to summarise the restrictions on each article.

Article 10 - Freedom of Expression - <https://www.liberty-human-rights.org.uk/human-rights/what-are-human-rights/human-rights-act/article-10-freedom-expression>

Article 8 – Right to Private and Family Life - <https://www.liberty-human-rights.org.uk/human-rights/what-are-human-rights/human-rights-act/article-8-right-private-and-family-life>

Article 11 - Right to protest and freedom of association - <https://www.liberty-human-rights.org.uk/human-rights/what-are-human-rights/human-rights-act/article-11-right-protest-and-freedom-association>

Example table:

Protection offered by (e.g.) Article 10	Restrictions on (e.g.) Article 10
<i>Category of right:</i>	

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Human Rights Law – Restrictions, including restrictions permitted by the European Convention on Human Rights (Breach of confidence)

Key Points:

- Learners will be able to define breach of confidence.
- Learners to explain the civil law of breach of confidence with reference to cases.
- Learners to discuss the competing interests of freedom of speech and protection of private life.
- Learners to discuss cases post Human Rights Act 1998.
- Learners to critically evaluate the need for a tort of invasion of privacy.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Students in small groups discuss what is privacy? Do we in English Law have a right to privacy? Feedback answers to class, with each group giving a definition of privacy.
2. Class discussion of the competing interests of freedom of expression and respect for an individual's privacy Art 8 v Art 10 of the ECHR - which, if either, is more important?
3. Discuss the competing interests debate i.e. between freedom of expression and privacy and discuss the public interest defence with reference to cases e.g. *AG v Guardian Newspapers Ltd (No 2)* *Spycatcher* (1990) ; *Woodward v Hutchings* (1977); *Lion Laboratories v Evans and Express Newspapers*; (1985) ; *X v Y* (1988).
4. Students to research cases to discuss - what is 'information' for the purposes of the law of confidence? See for example: *Stephens v Avery* (1988); *HRH Princess of Wales v MGN Newspapers Ltd* (1993); *Shelley Films Ltd v Rex Features Ltd* (1993); *Fairrie (Dec'd) and Others v Reed and Another* (1994):
5. Students work in small groups and use scenario questions or real cases to test levels of understanding of the common law of breach of confidence - feedback to class.
6. Pair / group work to discuss breach of confidence law & privacy post Human Rights Act 1998 - Right to Privacy now incorporated into the Human Rights Act 1998, but still no tort of invasion of privacy, however the existing laws of breach of confidence, have served many celebrities in their battles for the right to privacy. Research the cases of *Douglas v Hello* (2007); *Campbell v MGN* (2004); See also *Venables & Thompson v News Group Newspapers* (2001).
7. Class discussion of whether you think a privacy law is needed or does the law of breach of confidence suffice? Students could be asked to research this before the final lesson on breach of confidence.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Human Rights Law – Restrictions, including restrictions permitted by the European Convention on Human Rights (Defamation)

Key Points:

- Learners will be able to define and explain the civil law of defamation.
- Learners will be able to explain the factors a claimant must satisfy, with reference to relevant cases.
- Learners will be able to explain the defences available.
- Learners will be able to explain the procedure for bringing a case.
- Learners will be able to describe the statutory provisions of the Defamation Acts 1952, 1996 & 2013.
- Learners will be able to apply the law to given cases.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Students in small groups discuss:

- What is defamation? Offer a definition
- Discuss the factors a claimant would need to prove.
- Discuss the defences available to a defendant
- Feedback answers to class.

2. Debate over Freedom of speech v Right to Privacy?

Organise the class into two groups to prepare for a debate on this topic.

3. Students in small groups are asked to apply the three elements that a claimant must satisfy and the defences available to given scenarios (either use past paper questions or own scenarios) and feedback findings to class.

This exercise should form a substantial part of the teaching of the topic, students should advise the client they have been given and, during feedback against other groups, put forward their legal arguments.

4. Class discussion of the validity of famous libel cases e.g. Jeffery Archer (and subsequent prison sentence for perjury), Elton John, Gillian Taylforth, Sonia Sutcliffe

If access to videos is available students can watch the documentary of the Gillian Taylforth libel case - <https://www.youtube.com/watch?v=YRq3y9GrUws>

and / or the McLibel 2 case see - <https://www.youtube.com/watch?v=V58kK4r26yk>

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Human Rights Law – Restrictions, including restrictions permitted by the European Convention on Human Rights (Police Powers)

Key Points:

- Learners will be able to explain and apply the main provisions of the Police & Criminal Evidence Act 1984 (PACE) and the Codes of Practice, including stop & search, arrest, and detention
- Learners will be able to explain and apply key provisions of the Criminal Justice & Public Order Act 1994 and the Serious Organised Crime & Police Act 2005
- Learners will be able to explain and discuss potential remedies against the police for breach of their powers, including breaches of human rights

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and break down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:



Christopher Furlong / getty images

ACTIVITY 1:

Organise the class into small groups and ask them the following questions: What powers do the police have?

List as many as you can think of.

What rights does a suspect have in police custody? List them.

These questions should begin to generate a good discussion of police powers. Feedback answers to class – flipchart paper can be used or board or smart board. A past paper scenario question can be given at this point, ask the students if they can identify any problems within the scenario.

ACTIVITY 2: to be undertaken in pairs / small groups

Identify and apply the law on police powers that may feature in the following scenarios:

Harvey, a young businessman of African-Caribbean appearance, walked down the street talking into his mobile phone. He was observed by PC Grievous, who was inclined to be suspicious of young black men. PC Grievous walked up to Harvey and took him by the arm, intending to search him. Harvey said, “Excuse me, I’m on the phone”, and carried on talking. PC Grievous considered this highly disrespectful, so he snatched the phone from Harvey, pushed him against a wall, and proceeded to search him in full view of passers-by. In the pocket of Harvey’s suit PC Grievous found a second mobile phone. Knowing that it was common for criminals and drug dealers to have more than one mobile phone, PC Grievous took Harvey to the police station for questioning. At the police station, Harvey was interviewed by detectives for 48 hours with only short breaks between sessions. During that time he was not allowed to contact his family or speak to a solicitor. Eventually the police accepted that Harvey had no useful information to give them, and he was released.

It was a wet and windy day. As Samira walked down the street the wind blew a crisp packet, which stuck to the front of Samira’s coat for a few seconds before being blown away again. This was observed by PC Crane, who grasped Samira by the arm and searched her. When Samira asked what was going on, PC Crane told her that he was arresting her for dropping litter. Samira was taken to the police station, where she

immediately asked to be allowed to phone her husband and speak to a solicitor. Both these requests were refused, and Samira was placed in a cell. Samira remained in the cell for twenty-six hours, at the end of which time she was released on bail.

ACTIVITY 3: to be undertaken in pairs / small groups

Set up a quiz on police powers, checking knowledge of key section numbers. You could use templates such as Who wants to be a Millionaire, / Block Busters etc.

See - <http://powerpointgames.wikispaces.com/PowerPoint+Game+Templates> for lots of game / quiz templates

See also <http://classtools.net/> for interactive lesson activities / timers, random name generators etc.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Human Rights Law – Restrictions, including restrictions permitted by the European Convention on Human Rights (Public Order)

Key Points:

- Learners will be able to explain & apply the main provisions of the Public Order Act 1986.
- Learners will be able to explain & apply the main provisions of the Criminal Justice & Public Order Act 1994.
- Learners will be able to explain the restrictions to protest in SOCPA 2005.
- Learners will be able to explain & apply the common law of Breach of the Peace with current relevant cases.
- Learners will be able to explain & apply obstruction of the highway laws and other public order laws where relevant (incitement to racial and religious hatred).

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Constructing a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Students as a whole group to discuss whether they have been on a march or demonstration, and if they can think of any famous demonstrations? Discussion within the group of the Articles of the ECHR which allow the right to protest and freedom of expression; should these be respected at all times? Are there any restrictions within Articles 10 and 11?



Anti-Brexit demo London 2016

Wikimedia Creative Commons <http://bit.ly/2tFykEr>



Stop the war in Syria March London 2016

Claire Doherty / Alamy Stock Photo

Discuss marches / demonstrations that may be offensive to others e.g. English / Welsh Defence League – should these be allowed to go ahead?

ACTIVITY 2: In pairs / small groups research the case of Brian Haw and discuss their findings in class and the implications of Serious Organised Crime and Police Act 2005 on protesting – <http://www.parliament-square.org.uk/>

ACTIVITY 3: Research the law on incitement to religious and racial hatred - <https://www.cps.gov.uk/publications/prosecution/rpbcbook.html>

Research and discuss the case of Abu Hamza – <http://www.bbc.co.uk/news/uk-11701269>

ACTIVITY 4: Identify and apply the law on public order that may feature in the following scenarios:

Workers at a local hospital staged a march to protest against plans to close the hospital's Special Care Baby Unit. Sergeant Blue, who was escorting the march, assisted by PC Pink, instructed the marchers not to shout slogans or stop along the route. As the procession wound through the city centre, some of the marchers held up placards showing tiny babies being kept alive in incubators. PC Pink, who was pregnant, found the placards distressing and told the marchers to put them down. The marchers refused, and began to chant "Save the babies!" Before PC Pink could take any further action, a group of bored youths lit a firework and tossed it among the marchers. One of the youths, Micky, shouted "Burn, baby, burn!" before running away. The procession came to a halt in confusion, with the marchers forming a single large group and ignoring Sergeant Blue's instructions to keep moving.

The local council decided to demolish the community centre and sell off the land to developers. Harriet, who runs the centre, organised a protest against the closure. Around two hundred people turned up and set off to march to the council offices, with Harriet in the lead. Some of the marchers carried home-made placards saying:

“Demolish the Council!” As the marchers drew near to the council offices, Sergeant Smiley arrived in a police car, accompanied by PC Kitten. Sergeant Smiley told Harriet that they were marching without police permission, and would have to disband. Harriet refused, so Sergeant Smiley arrested her. While this was going on, PC Kitten ordered the marchers who were carrying placards to put them down. Some of the marchers waved their placards in defiance, so PC Kitten arrested them. The march came to a standstill as the rest of the marchers tried to find out what was happening. Fearing trouble, Sergeant Smiley radioed for reinforcements. Several police vans arrived filled with officers, who imposed a tight cordon around the marchers and kept them there for seven hours. Harriet was charged with a public order offence and convicted by the magistrates’ court.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Human Rights Law – Restrictions, including restrictions permitted by the European Convention on Human Rights (State Surveillance)

Key Points:

- Learners will be able to explain the history of state surveillance.
- Learners will be able to explain and apply the provisions of the Police Act 1997, the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016.
- Learners will be able to discuss & evaluate the right of the state to carry out surveillance versus the right of individual privacy.

Provides an opportunity to develop the following skills:

- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:



Miles Willis / getty images

Students in small groups discuss – Who carries out surveillance?

What forms can surveillance take?

Who is likely to be subjected to surveillance?

Should surveillance evidence be admissible in court? Feedback answers to class

ACTIVITY 2:

Debate the issue of Surveillance v Right to Privacy?

Organise the class into two groups to prepare for a debate on this topic.

ACTIVITY 3:

Initiate class discussion - Reform needed?

Should surveillance evidence be admissible in Court?

Students to research and debate the arguments for and against allowing intercept evidence in court, compare other countries that allow it e.g. US, Canada, New Zealand, Ireland, Australia, Hong Kong and South Africa.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Human Rights Law – Enforcement

Key Points:

- An understanding of the enforcement mechanisms available for alleged breaches of human rights law.
- Learners will be able to explain and evaluate the role of domestic courts in enforcing human rights.
- Learners will be able to explain and evaluate the process of judicial review in relation to the enforcement of human rights.
- Learners will be able to explain and evaluate the role of the European Court of Human Rights in the enforcement of human rights.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Visit the internet site

<http://rightsinfo.org/explainers/> 'explainers'.

Learners to follow the link to the European Court of Human Rights.

Learners to be placed in three groups. One group to summarise the 'Brief history of the European Court of Human Rights', one group to summarise the 'European Court of Human Rights Uncovered' and the third group to summarise '11 Times the European Court changed the UK'.

Groups to present their summary to the whole class.

ACTIVITY 2:

Learners to produce a summary of the 'important ways in which the European Court of Human Rights protects individuals' human rights'.

<http://rightsinfo.org/european-court-human-rights-actually-protect/>

ACTIVITY 3:

Learners to summarise the following article on the process of judicial review:

<https://www.equalityhumanrights.com/en/advice-and-guidance/judicial-review>

ACTIVITY 4:

Learners to answer the following questions:

1. What does section 7 Human Rights Act 1998 provide?
2. Is this better protection and why/why not?
3. Can individuals still take a claim to the ECtHR?
4. Who must follow the HRA 1998? (Section 6)
5. What if a private organisation or person has breached your human rights?
Consider implied horizontal direct effect.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Human Rights Law – The debate relating to the protection of human rights in the UK

Key Points: Learners should be able to:

- Explain what a Bill of Rights is.
- Discuss / Consider whether the UK needs a Bill of Rights.
- Critically evaluate the need for a Bill of Rights identifying the advantages and disadvantages of a Bill of Rights.

Provides an opportunity to develop the following skills:

- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of a clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Organise the class into small groups – What is a Bill of Rights?
Can you think of any countries that has a Bill of Rights?

Feedback answers to class (can be done using flipchart paper, whiteboard etc.

ACTIVITY 2:

Explain that the UK and Israel (as developed democracies) are alone in not having a Bill of Rights – Class discussion –does this matter?

Do you think that the Human Rights Act has given greater protection to people against breaches of Human Rights, or do we need a Bill of Rights?

ACTIVITY 3:

In small groups students to draw up the advantages and disadvantages to a Bill of Rights – link to knowledge gained in previous lessons on ECHR & HRA.

Discuss current political opinion on HRA and a Bill of Rights e.g. Conservative party want to repeal the HRA and have a British Bill of Rights.

Read and discuss the following Articles:

<http://www.independent.co.uk/news/uk/politics/scrap-human-rights-act-british-bill-of-rights-theresa-may-justice-secretary-liz-truss-a7204256.html>

<http://www.bbc.co.uk/newsbeat/article/32692758/human-rights-act-versus-a-british-bill-of-rights>

<https://www.theguardian.com/law/uk-bill-of-rights>

ACTIVITY 4:

Organise a class debate on - A Bill of Rights for the UK? - for and against.

Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Law of Contract - Rules and theory of the law of contract

Key Points:

- **Learners should be able to** define contract.
- **Learners should be able to** explain the origins of contract law.
- **Learners should be able to** explain the function of the law of contract.
- **Learners should be able to** explain the theory of the law of contract as a set of rules enabling persons to freely make agreements on their own terms.
- **Learners should be able to** explain the Importance of contract law in economic development.
- **Learners should be able to** evaluate the arguments for the development of a European and/or global contract law system.
- **Learners should be able to** evaluate the relationship between human rights and contract law.
- **Learners should be able to** explain the impact of judicial decisions, legislation and EU provisions relating to contract formation and discharge.
- **Learners should be able to** explain freedom of contract and its relationship with consumer Protection.
- **Learners should be able to** evaluate the pervasive nature of law and society, law and morality and law and justice on the law of contract.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument
- Constructing a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Learners are to explain the difference between a promise and a contract.
2. Learners are to make a list of all the contracts that they have made today. For instance, have they bought anything from a shop, downloaded anything from iTunes or bought something online?
3. Learners are to identify as many reasons as they can think of that indicate the importance of contract law. Learners may need to be helped in identifying reasons and could be asked to consider what would happen if a contractual promise was worthless (e.g. what would the effect if employment contracts or consumer contracts became worthless?). The reasons are to be collated and written on flipchart paper or a spider diagram.
4. Learners are to discuss the reasons for and against the creation of a unified global contract system. Points to consider include:
 - There are differences between legal systems such as between a Roman law and English common law based system.
 - Trade is often international and a unified contract system would boost international trade.
 - It would make the enforcing of contractual rights more straight forward.
 - It would support the objectives of free trade areas such as the European Union.
 - It might not be needed as parties to international contracts often choose the law of England and Wales as the legal basis of the agreement anyway.

Unit 3 and Unit 4

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Law of Contract - Essential requirements of contract, including privity of contract

Key Points:

- **Learners should be able to** explain offer including the requirements of a valid offer, distinguishing offers from invitations to treat, communicating the offer and unilateral offers.
- **Learners should be able to** explain acceptance including the rules of acceptance and the communication of acceptance.
- **Learners should be able to** explain consideration including the rules of consideration, the performance of an existing contractual duty, the performance of an existing public duty, past consideration, part payment and promissory estoppel.
- **Learners should be able to** Intention to create legal relations: social and domestic arrangements, commercial and business agreements.
- **Learners should be able to** explain privity of contract including the basic rule (only parties to a contract are bound to it and only the parties to a contract can derive rights and benefits from it), the exceptions to the rule such as common law exceptions (as with collateral contracts and the use of restrictive covenants of land), and the effects of the Contracts (Rights of Third Parties) Act 1999 on privity of contract.
- **Learners should be able to** apply the essential requirements of a contract.
- **Learners should be able to** evaluate the essential requirements of a contract.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument
- Constructing a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities

1. Learners use the following table to explain the meaning of the different terms.

Term	Meaning
Contract	
Offer	
Invitation to treat	
Acceptance	
Consideration	
Intention to create legal relations	
Privity of contract	

2. Learners are to investigate how does the postal rule apply to instant methods of communication; such as fax or email? See the cases: *Entores v Miles Far East Corporation* (1955) *Thomas v BPE Solicitors* (2010).

3. Learners are to consider the following question and draft an answer to it.

The Rare Harry Potter Book

Jeremy owns a rare first edition of Harry Potter and the Philosopher's Stone signed by J K Rowling herself. Jeremy knows Sara likes rare books and he asks her to lunch in a local restaurant where he offers to sell it to her for £10,000. Sara agrees but explains that she needs time to raise the money. Jeremy agrees and promises he will keep the book for her for 10 days. However, if she cannot pay within 10 days, Jeremy makes it clear he will sell it. Sara is so grateful that she pays for both their lunches. Five days later Jeremy is offered £20,000 for the book by Lousia. He agrees to sell it to her. Sara comes in the next day with the money to buy the book and is very disappointed when Jeremy tells her that he has sold it. Sara seeks your advice.

9. Read the case of the *BBC v Harper Collins* [2010]

<http://www.bailii.org/ew/cases/EWHC/Ch/2010/2424.html>

What were the facts of the case? Why was the BBC denied an injunction?

UNIT: Unit 3 and 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Terms of a Contract

Key Points:

- **Learners should be able to explain** the difference between representations and terms.
- **Learners should be able to explain** the concept of express terms.
- **Learners should be able to understand** implied terms, including those implied by fact and statute, including the *Consumer Rights Act 2015* and the *Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013*
- **Learners should be able to explain and apply** the incorporation of exclusion clauses and the provisions of the *Unfair Contract Terms Act 1977*.
- **Learners should be able to explain** other terms, including conditions, warranties and innominate terms.

Provides an opportunity to develop the following skills:

- Analysing legislation by applying the rules and principles of misrepresentation and analyse case law by applying the doctrine of precedent in order to form a legal argument.
- Analysing a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Constructing a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysing, applying and evaluating the legal rules and principles of private areas of law
- Identifying and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluating the law in order to reach a reasoned conclusion.
- Analysing and critically evaluating legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Constructing clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Learners could be presented with a hypothetical scenario in order to develop their skills of application. An example for the discussion of types of terms is provided below

Sparkling Windows Limited is an industrial window cleaning business based in Wrexham. Sparkling Windows Limited entered into a contract with Lisa Public Relations to clean the windows of her company office block. First impressions are very important in the public relations industry. The following clause was included in the contract: "In the event of failure to clean the office windows as required, Lisa Public Relations will be entitled to terminate the contract with immediate effect."

On two occasions between January 2012 and November 2012, Sparkling Windows Ltd. failed to turn up to clean Lisa's offices. On each occasion this was blamed on the loss of a member of staff and in December 2012 Sparkling Windows Limited claimed that the problem had now been solved. Three months later Lisa found that her office had not been cleaned although all the other windows had been. She was fed up and relying on her clause in the contract, terminated with immediate effect, the window cleaning contract.

Advise Sparkling Windows Ltd.

2. Learners could be presented with a hypothetical scenario in order to develop their skills of application. An example for the discussion of the incorporation of exclusion clauses is provided below:

Rachel owns a dishwasher which has needed constant repair over a period of three years. The machine has been repaired on a number of occasions by Brendan. In March 2012, Rachel phones Brendan and explains that the machine has broken down once again. Brendan agrees to come and repair the machine and he offers to do this at a special rate of £30 "all inclusive." Having repaired the machine he asks Rachel to sign a form stating that all the work has been completed satisfactorily and that there is no liability for the damage or caused by his repair work. Rachel signs the form. Two months later the machine breaks down and floods Rachel's kitchen causing £150 of damage.

Advise Rachel.

3. Learners could spend some time looking at online retailers and identifying where the provisions of *Consumer Rights Act 2015* and the *Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013* are being adhered.

For example, ask learners to "buy" the **Amazon Echo Dot** speaker and take screen shots of each of the provisions of the relevant legislation to signpost that all the implied legislative terms are present.

4. Learners could create a leaflet for young people who subscribe to iTunes or a similar music download service, advising them their rights under the relevant legislation in terms of what happens if:
 - i) If they download an unwanted song,
 - ii) If the album they download is incomplete,
 - iii) If they wish to cancel a download purchase.

This could also facilitate discussion of how the law has been reformed to keep up with modern ways of consumer purchasing.

UNIT: Unit 3 and 4 – Law of Contract

EXAM LEVEL: A LEVEL

AREA OF STUDY: Misrepresentation and economic duress

Key Points:

- **Learners should be able to describe** what is meant by fraudulent misrepresentation.
- **Learners should be able to describe** what is meant by innocent misrepresentation.
- **Learners should be able to describe** what is meant by negligent misrepresentation.
- **Learners should be able to describe** and apply misrepresentation under the *Misrepresentation Act 1967*.
- **Learners should be able to discuss** economic duress and the distinction with duress to the person.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of misrepresentation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critically evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Learners could be presented with a hypothetical scenario in order to develop their skills of application in relation to misrepresentation. Two examples are provided below:

Arran went to buy a dishwasher. He walks into a branch of Nomit Limited and asks for Claire to give him advice. She tells him that the best dishwasher is a flusher machine as it has a dish wash sequence of 30 minutes and a relatively low temperature of 30°C. He accepts the advice and buys the machine. When the dishwasher was delivered he discovered that it took 60 minutes to complete the sequence and had a water temperature of over 60°C. As a result his electricity was twice that he expected. He now wishes to reject the machine.

Advise Arran.

Geoffrey is a well-known art expert in modern Welsh art. He specialises in the work of Kevin Williams, a wild landscape artist. On 6th April he went into an antiques shop and noticed in a corner, a modern work of art. He asked Andrew the shop assistant what it was and was told that it was a painting of Snowdonia by the famous Welsh artist, Kevin Williams. After examining it he agreed to buy it for £5,000 and took the painting home with him. His intention was to sell the painting and gain a handsome profit.

On 23rd April, Geoffrey took the painting to Osmond to clean the painting. During the cleaning process Osmond thought that the brush strokes were such that the painting was not a genuine Kevin Williams painting but a cheap imitation and that it was worth no more than £50. Geoffrey contacted Andrew immediately and demanded his money back. He was told that in no circumstances would the shop make a refund.

Advise Geoffrey.

2. Learners could use the tools available on www.proprofs.com to create word scramble, hangman and word search quizzes to enhance knowledge of key subject terminology.
3. Learners could be presented with a hypothetical scenario in order to develop their skills of application in relation to economic duress. An example is provided below:

Nora entered into a contract to deliver bricks to Oliver. After two weeks of making deliveries Nora realised that she miscalculated how many bricks could be carried in an average load on her lorry and because of the increase in the price of fuel she was going to lose money on the contract and go out of business. She told Oliver of her difficulties. It was very important to Oliver to get his brick deliveries from Nora because she was supplying him with a quality of brick that he needed in relation to a house building contract that he had. Reluctantly therefore he agreed to pay Nora an increase in the price of the brick. Having now completed the house that he was building he has now decided not to pay the increased price.

Advise Nora.

Unit 3 & Unit 4

EXAM LEVEL: AS LEVEL

AREA OF STUDY: Law of Contract - Discharge of contract including breach of contract, performance and frustration

Key Points:

- **Learners should be able to** explain discharge by agreement for bilateral agreements and unilateral agreements.
- **Learners should be able to** explain discharge by breach including for actual breach and anticipatory breach.
- **Learners should be able to** explain discharge by frustration including impossibility, illegality and a change in circumstances
- **Learners should be able to** explain discharge by performance including performance of an entire obligation, partial performance, the contract as a series of entire obligations, a substantial performance of obligations, failure to meet a strict standard of performance and failure to meet a reasonable standard of care.
- **Learners should be able to** apply the law on discharge of a contract.
- **Learners should be able to** evaluate the law on discharge of a contract.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument
- Constructing a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities

- Learners are to complete the following table and explain the terms.

Term	Meaning
Discharge by agreement	
Discharge by breach	
Discharge by frustration	
Discharge by performance	

- Learners are to answer the following questions.

Which of the following involve a discharge of a contract because of frustration and which do not?

- A famous boyband breaks up just before they are due to appear on stage.
- A famous girlband crashes in the tour bus on the way to a concert and cannot perform.
- A builder stops building an extension before it is completed because it is taking longer than he thought, using more materials than he expected and he will lose money.
- A car I had contracted to buy is destroyed when the dealership showroom roof collapses on it during a storm.
- An electrician has agreed to fit an extra socket in my kitchen. However, Parliament passes a law that forbids the fitting of extra sockets in a kitchen. The electrician is due to fit my socket the day after the law is introduced.
- I have booked a holiday to a sunny country. When I arrive at the airport the holiday company tells me it cannot fly me out because a war has broken out in the country.

- Learners are to investigate the extent to which a contract may be discharged in the following circumstances:
 - performance of an entire obligation
 - partial performance of an obligation
 - a substantial performance of obligations
 - failure to meet a strict standard of performance.
 - failure to meet a reasonable standard of care.

UNIT: Unit 3 and 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Remedies

Key Points:

- **Learners should be able to describe** the types of common law remedies that can be awarded.
- **Learners should be able to explain** the types of equitable remedies that can be awarded, including specific performance and injunctions.
- **Learners should be able to evaluate** the limitations on the awarding of remedies under the law of contract.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of misrepresentation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of private areas of law.
- Identifying and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

1. Class discussion:

“Evaluate the concept of measuring loss in damages claims for consumers.”

Discussion can be facilitated as a debate where one half of the class discusses the positive aspects of the system of measuring damages and the other half discusses the negative aspects. Encourage learners to think about how far the system truly puts the claimant in the position they would have been had the tort not been committed.

2. Learners could be presented with a hypothetical scenario in order to develop their skills of application. An example is provided below:

Anne-Marie, a joiner decides to set up her own business. She contracts with John; a builder, to convert her garage into a workshop. The price is £10,000, and the work is to be completed by 1 March. However, problems with labour and materials mean that John does not finish the work until 1 June. Anne-Marie now wants to know whether she can claim damages to cover:

- (a) The loss of profit from cancelled joinery jobs for the period between March and June.*
- (b) The loss of a special contract she had with a local stately home, to make rather expensive shelving for its library.*
- (c) The mental distress which Anne-Marie’s inability to get her business up and running has caused to Anne-Marie and her husband, Trevor.*

3. Learners could be split into pairs and set role play scenarios in which one person plays the role of the client and one the role of the legal adviser to advise what damages or remedies would be appropriate in the fictional scenario. The scenarios can be drawn from real cases and newsworthy items.
4. “Damages are normally concerned to compensate the victim of a wrong. They are designed to make good, as far as possible, the pecuniary or non-pecuniary loss suffered by the victim by putting him or her in to as good a position as if no wrong had occurred.”
[Source: Law Commission, *Sixth Programme of Law Reform: Damages*]

Learners could be asked to prepare a presentation which explains the way in which contractual rights are perceived more in terms of their breach rather than their performance.

UNIT: Units 3 and 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Criminal – Rules and theory of criminal law

Key Points:

- Learners will show an understanding of the rules and theory of criminal law.
- Learners will be able to explain the rules of criminal law and theory in criminal law.
- Learners will be able to provide a definition of crime and the purpose of criminal law with reference to the burden and standard of proof.
- Learners will be able to discuss the codification of criminal law.
- Learners will be able to explain the functions of the Crown Prosecution Service, including outlining the roles of the Attorney-General and the Director of Public Prosecutions.
- Learners will be able to explain and evaluate the law on bail and remand in custody.
- Learners will be able to explain the trial process, including youth justice.
- Learners will be able to discuss the pervasive nature of law and society, law and morality and law and justice on criminal law.

Provides an opportunity to develop the following skills:

- Analysing legislation by applying the rules and principles of statutory interpretation and analyse case law by applying the doctrine of precedent in order to form a legal argument.
- Analysing a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Constructing a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysing, applying and evaluating the legal rules and principles of public and private areas of law.
- Identifying and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluating the law in order to reach a reasoned conclusion.
- Analysing and critically evaluating legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Constructing clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1: Bail or no bail?

Apply the bail criteria and explain whether the following defendant would be granted bail, by which authority and, if bail was granted, what conditions would you impose and why?

Defendant's statement:

I live at 24 Sunshine Way, Blackwood, which is the home of my mother, Irene Jenkins. This is my permanent address but I spend most of my time with my girlfriend, Tracy at 14 Ends Way, Blackwood.

My date of birth is 8th of July 1972 and I am presently unemployed and receive sickness benefits of £49.80 per week. My outgoings are board and lodge to my mother of £10 and a loan for clothes of £6.50 per week.

I plead not guilty to a charge of burglary of a store shed at a school. I deny stealing petrol trimmers and a mower.

On the 24th of August I had been watching videos at my girlfriends flat in the day and had arranged to meet some mates at the Griffin pub in the evening for a drink and a game of pool. A gang of us play there most Monday nights.

One of my mates, Terry Grimes, lives in Blackwood near the junior school and I had driven there about 8.00pm to see if he wanted a lift to the pub. There was no reply at his flat, so I drove slowly around the area in case I could see him walking and give him a lift to save him catching the bus. He can't drive because he's currently banned for 12 months. I couldn't find him so I eventually drove on to the Griffin to find Terry already there.

The next thing is that a 'copper' came into the pub just before 'stop-tap' and started asking me questions about a break in at the school in Blackwood. I know the policeman – Steve Watkins – from other matters in the past. I have previous 'form' and have received custodial sentences. (He asked to look inside my van, which I let him do, and then I had to go to Blackwood 'nick' where I was arrested and charged, but it wasn't me that 'did the school'. (Nothing was found in the van).

I have also been charged with failing to surrender under the Bail Act.

I should have been at court for the burglary at Blackwood on the 11th of October but on the 10th of October I was sent down for non-payment of fines.

When I came out I tried to ring my Solicitor but he was in court and didn't ring me back. Then I tried to phone my probation officer who said she would contact the court but I didn't hear any more and then I forgot all about it. The next thing I know is that on the 24th of October as I was leaving Tracy's flat in the evening a policeman comes up to me with a warrant and 'nicks' me for failing to appear in court on the 11th for the burglary.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: General elements of liability – Actus reus and causation

Key Points:

- Learners will understand that there are different elements to a crime and identify them.
- Learners will be able to clearly explain the definition of actus reus and that this can be fulfilled by a voluntary act, a state of affairs or an omission.
- Learners will be able to discuss the situations in which an omission can amount to a crime.
- Learners will understand that there has to be a chain of causation linking the crime to the defendant.
- Learners will be able to explain the tests that apply to both factual and legal causation.
- Learners will be able to competently apply the tests to given scenarios.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Organise the class into small groups – discuss the following:

What do you think needs to be proved for someone to be found guilty of a crime? Give examples.

Could there be any problems with finding someone guilty of a crime just because they committed the act?

The defendant must be proved guilty beyond all reasonable doubt. Why do you think the standard of proof in criminal cases is so high?

Should someone only be found guilty if they have acted voluntarily?

In what circumstances do you think that someone has a duty to act and, if they don't, that they should be held criminally liable? Should individuals be responsible for helping someone in trouble or preventing harm?

You are walking by the river and see someone in the water shouting for help and saying that they cannot swim. Instead of stopping to help, you walk by and the person drowns.

Should you be held liable for their death? What if you were a trained lifeguard?

ACTIVITY 2:

Discuss the duty of doctors to act and the case of Anthony Bland. Anthony Bland was allowed to die as there was no hope of any improvement in his condition. Treatment that is in the patient's best interests is not considered to be an omission so is therefore not the actus reus.

Research the case of Diane Pretty and trace her court battles.

Is there any difference between these two cases? Why do you think the courts arrived at different conclusions?

ACTIVITY 3:

Divide the students into groups, research the cases of : White (1910), Dalloway (1847), Pagett (1983) and Kimsey (1996) Class discussion of factual causation

Research the cases of : Smith (1959) Cheshire (1993) Jordan (1956) Class discussion of legal causation.

Whole group discussion relating to medical intervention asking the students to evaluate the outcome of these cases. Introduce the case of Malcherek (1981) and the turning off of life support machines to add to the discussion.

Discuss intervening acts – what type of act could break the chain of causation?

ACTIVITY 4:

In small groups, go through the information on causation and draw up a flow chart of the questions that you would need to answer to decide whether there is factual and legal causation present and whether a defendant will be found liable or not.

ACTIVITY 5:

Read through each scenario and state:

- (i) whether the required actus reus for murder is present
 - (ii) the appropriate authority which you could apply.
- Leon decides to kill Tyrone. He goes to Tyrone's house, looks through a window and sees that Tyrone is alone and asleep on the sofa in the lounge. Leon thinks this is his ideal opportunity and shoots Tyrone. Leon does not know that Tyrone has just suffered a heart attack and is already dead.
 - David breaks into Tracey's house. He believes that Tracey has gone out for the evening and that the house is empty. Tracey returns early and disturbs David who panics and throws a pot plant at Tracey. The plant hits Tracey and she falls to the ground, hitting her head on the table. David escapes and Tracey's neighbour calls for an ambulance. The hospital can save Tracey's life provided that she has a blood transfusion. She objects on religious grounds and dies.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: General elements of liability – Strict liability

Key Points:

- Learners should be able to understand the concept of strict liability crimes.
- Learners should be able to explain the difference between strict liability and absolute liability.
- Learners should be able to define what tests are applied by the Courts in deciding whether a case is one of strict liability or not.
- Learners should be able to discuss problems and benefits with strict liability crimes.

Provides an opportunity to develop the following skills:

- Analysing, applying and evaluating the legal rules and principles of public and private areas of law.
- Identifying and breaking down into constituent parts the relevant legal rules and principles for each area of law.
- Evaluating the law in order to reach a reasoned conclusion.
- Analysing and critically evaluating legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Constructing clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Organise the class into small groups – discuss the following:

Should you be found guilty of a crime that you did not intend to commit? Watch the following video on strict liability: <https://www.youtube.com/watch?v=gtFeUNf3eeg>

ACTIVITY 2:

Again in groups or pairs, or could be done as a snowballing activity (questioning technique strategy) Research the following links / cases and discuss the questions below

http://sixthformlaw.info/01_modules/mod3a/3_10_principles/16_principles_strict_liability.htm

<http://www.lawteacher.net/cases/criminal-law/strict-liability-cases.php>

- What do the terms actus reus and mens rea mean? (recap question)
- How would you explain a presumption of mens rea? (recap question)
- The presumption of mens rea can be rebutted for strict liability crimes.
- What does this mean?
- Why are most of these crimes called 'regulatory offences'?
- What can you remember of statutory interpretation?
- What are the advantages of imposing strict liability?
- Why does imposing strict liability often seem to be unfair?
- How has the Law Commission proposed changing the law in this area?
- Feedback answers to class (can be done using flipchart paper, whiteboard etc.)

ACTIVITY 3:

Divide the students into two groups. Ask one group to think about the problems associated with strict liability offences and the other group to think about the advantages of strict liability. Get them to write these on flipchart paper or make a poster; the market place assessment strategy could be used for this activity.

UNIT: Units 3 and 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Criminal – Offences Against the Person

Key Points:

- An understanding of the fatal and non-fatal offences against the person.
- Learners will be able to explain and apply the elements of the fatal offence of murder.
- Learners will be able to explain and apply the fatal offence of involuntary manslaughter, including constructive manslaughter (also referred to as unlawful act manslaughter) and gross negligence manslaughter.
- Learners will be able to explain and apply the fatal offence of voluntary manslaughter with reference to the defences of loss of control and diminished responsibility.
- Learners will be able to explain and apply the non-fatal offences of assault and battery as per the Criminal Justice Act 1988.
- Learners will be able to explain and apply the non-fatal offences of actual bodily harm; wounding and grievous bodily harm; wounding and grievous bodily harm with intent as per the Offences Against the Person Act 1861.
- Learners will be able to evaluate the law on fatal and non-fatal offences against the person, including any reforms.

Provides an opportunity to develop the following skills:

- Analysing legislation by applying the rules and principles of statutory interpretation and analyse case law by applying the doctrine of precedent in order to form a legal argument.
- Analysing a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Constructing a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysing, applying and evaluating the legal rules and principles of public and private areas of law.
- Identifying and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluating the law in order to reach a reasoned conclusion.
- Analysing and critically evaluating legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Constructing clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Non-fatal offences against the person:

Non-fatal offences may be examined in a scenario-style question. It is important to be able to identify which person has committed which offence and then explain and apply, with reference to legal authority, the actus reus and mens rea of each offence. The following table can be used as practice with past-paper examples.

	Person	Actus Reus	Mens Rea	Cases	Sentence
Sec 39 Assault					
Sec 39 Battery					
Sec 47 ABH					
Sec 20 GBH					
Sec 18 GBH with intent					

Case study example:

Becky and Roz were contestants on the popular live television game show, Absolute Freak-Out, in which the contestants tried to complete a series of challenges while the other contestants attempted to stop them.

Becky's boyfriend, Joel, and Roz's mother, Gill, were both in the studio audience, cheering them on. The first challenge was a spacehopper race, which Becky won easily. The next challenge was to walk across a tightrope stretched above a vat of yoghurt. As Roz was inching her way across the rope, Becky threw a handful of yoghurt at her. Roz lost her concentration and tumbled into the vat. When Becky's turn came, Roz picked up a spacehopper and hurled it at Becky's face, knocking her off the tightrope. The laughter of the audience died away as it was realized that Becky had suffered serious injuries to her face. Joel jumped up and shouted at Roz, "I'll get you for this!" Thinking that Joel meant to attack Roz, Gill knocked him unconscious with her handbag.

ACTIVITY 2:

Murder:

In each of the following examples, assess whether both the actus reus and mens rea of murder are present and briefly explain your answer.

1. Catrin is very upset that her husband, Derek, is terminally ill. She wishes to end his suffering, so she smothers Derek with a pillow and he dies.
2. Joanna is driving her car carefully when Thomas runs into the road straight in front of her car. Joanna immediately brakes, but is unable to stop in time. Thomas is killed instantly when hit by the car.
3. Chris attacks Owen in the street. He intends to badly beat Owen up, but he does not intend to kill Owen. Owen dies of his injuries.
4. Bob is a twice convicted thief. He shoots and kills a dog.
5. Louisa deliberately shoots Trystan intending to kill him. Trystan is very badly injured and is kept alive on a life support machine for one year. Doctors conclude that there is no hope of recovery and the life support machine is switched off. Trystan dies.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Property Offences – Robbery and Burglary

Key Points:

- Learners should be able to clearly explain the actus reus and mens rea of robbery and what distinguishes this property offence.
- Learners should be able to apply the law of robbery to given scenarios.
- Learners should be able to discuss reform of the law on robbery.
- Learners should be able to clearly explain the actus reus and mens rea of burglary and what distinguishes this property offence.
- Learners should be able to apply the law of burglary to given scenarios.
- Learners should be able to discuss reform of the law on burglary.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Organise the class into small groups – research the following cases on robbery: Robinson (1977); Corcoran (1980); Clouden (1987); B and R v DPP (2007); Lockley (1995).

Apply your knowledge to the following scenarios to determine whether a robbery has occurred:

1. Sara snatches a bag from Karen, Karen is so shocked she lets go of her bag and Sara runs off with it.
2. Olivia breaks into a van in a carpark, finds a briefcase and takes it. As she is walking away, the owner of the car Izzy, arrives and starts chasing after Olivia. Izzy catches Olivia, but Olivia pushes Izzy over and escapes with the briefcase.
3. Jeremy goes into a post office and threatens staff with a toy imitation gun, he demands money from them. One of the members of staff presses the security button and a metal grille comes down in front of the counter stopping Robert from reaching the money, he leaves without taking anything.

ACTIVITY 2:

Organise the class into small groups – research the following cases on burglary: Brown (1985); Ryan (1996); Walkington (1979) Collins (1972); Smith and Jones (1976)

Apply your knowledge to the following scenarios to determine whether a robbery has occurred:

1. Ryan has been banned from his local pub, one evening he goes there for a drink with his girlfriend, whilst he is waiting for his girlfriend to get the drinks from the bar he sees a bag under one of the chairs, he picks it up and takes a £20 note out of it, he then puts the bag back under the chair.
2. Josie, who is a student at the local comprehensive school, goes into the school late one evening after school has finished, she wants to damage the science laboratory as she hates the physics teacher; she climbs in through an open window, but is caught by the caretaker before she gets the chance to damage the lab.
3. Megan works as a shelf stacker at a local store, one day she is putting some pens onto a display shelf and slips one into her pocket, she does not intend to pay for it. Later on she sees her manager leave his office, Megan goes in and takes some money from his desk, the door to the office is clearly labelled with a notice saying 'private'.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Property Offences – theft

Key Points:

- Learners should be able to understand that there are different property offences.
- Learners should be able to clearly explain the actus reus and mens rea of theft.
- Learners should be able to apply the law of theft to given scenarios.
- Learners should be able to discuss reform of the law on theft.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analyse case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Organise the class into small groups to discuss:

- Name the three property offences;
- What is the actus reus of theft?
- What is the mens rea of theft?
- What is the maximum penalty for theft?
- Are there things that cannot be stolen?
- What did the R v Ghosh case establish?

ACTIVITY 2:

Organise the class into small groups – research the following cases on theft (appropriation): Pitham V Hehl (1977) ; Morris (1983) Lawrence (1971); Gomez (1993; Hinks (2000); Apply your knowledge to the following scenarios to determine whether an appropriation has occurred

1. Alex goes shopping at her local supermarket; she places all her goods in a trolley and pays for them at the self-service checkout. After paying she leaves and goes to the car park where she puts all her shopping in her car, she then realises that a bottle of nail varnish is still in the trolley, she had not seen it when unloading the trolley in the store. Alex decides that she will not take the nail varnish back to the supermarket.
2. Debbie has an argument with her neighbour, in retaliation when her neighbour goes out for the day, Debbie holds an auction of her neighbour's garden ornaments, the neighbour returns before any of the ornaments have been taken away

ACTIVITY 3:

Organise the class into small groups – divide cases amongst the groups - research the following cases on theft (property / belonging to another):

Kelly and Lindsay (1998); Oxford v Moss (1979) ; Turner (No2) (1971); Woodman (1974); Ricketts (2010); Webster (2006); Klineberg v Marsden (1999); Attorney-General's ref (No 1 of 1983) (1985)

Answer the following questions:

- a) Which section of which Act defines theft?
- b) What is needed to be proven for the actus reus of theft?
- c) Give two different cases on appropriation.

ACTIVITY 4:

Organise the class into small groups – divide cases amongst the groups. Research the following cases on theft (dishonestly / intention to permanently deprive): Ghosh (1982); Velumyl (1989); Zerei (2012) Lavender (1994); Lloyd (1985) – discuss findings.

ACTIVITY 5:

In groups learners to apply their knowledge on theft to the following scenarios to explain whether all the elements of theft are present.

1. Mary comes from Ethiopia where property, goods placed outside a shop, mean that people can take them free of charge. Mary sees a rack of clothes on the pavement outside a shop and takes a dress from it.
2. Tony is late for work one day so he takes his neighbour's bike to get to work on time, his neighbour is away on holiday, but he has used his bike before. Tony intends putting the bike back at the end of the day. When he leaves work at 5pm he notices that the bell and pump has been taken from the bike causing damage to the bike. Tony is worried what his neighbour will say if he returns the bike in its damaged state, so he throws the bike into a hedge.

UNIT: Units 3 and 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Criminal – Defences

Key Points:

- Learners will show an understanding of the defences available to those charged with criminal offences
- Learners will be able to explain and apply the capacity defences of insanity and intoxication, including:
 - Intoxication by alcohol
 - Intoxication by drugs
 - Insanity
 - Automatism: insane and non-insane automatism
- Learners will be able to explain and apply the necessity defences of self-defence, duress and duress of circumstances
- Learners will be able to evaluate the law on defences, including any reforms

Provides an opportunity to develop the following skills:

- Analysing legislation by applying the rules and principles of statutory interpretation and analyse case law by applying the doctrine of precedent in order to form a legal argument.
- Analysing a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Constructing a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysing, applying and evaluating the legal rules and principles of public and private areas of law.
- Identifying and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluating the law in order to reach a reasoned conclusion.
- Analysing and critically evaluating legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Constructing clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Answer the following questions on insanity as a defence:

1. What law governs the law of insanity?
2. What were the facts in the case of McNaghten?
3. What is meant by the defect of reason?
4. What happened in the case of R v Clarke?
5. Give three examples of what amounts to a disease of the mind.
6. What happened in the case of R v Bratty?
7. What happened in the case of R v Windle?
8. What happens to someone that successfully proves insanity as a defence?
9. What reform has been suggested to improve this area of law?
10. What is a disadvantage of the defence of insanity?

ACTIVITY 2:

Identify and apply the defence(s) that may feature in the following scenarios:

1. Harry works as a cashier in an all-night garage. One evening while Harry was helping a heavily pregnant customer put air in her tyres, a battered Landrover pulled up on the forecourt. Harry recognised the driver as Evan, a local farmer who has recently gone bankrupt and was known to be mentally unstable. As Evan got out of the Landrover, Harry saw that he was carrying a shotgun. Evan pointed the shotgun at Harry's customer and said to Harry: "I want everything you've got in the till. Otherwise this lady and her baby are going to die." Believing that Evan was insane enough to carry out that threat, Harry unlocked the till and gave Evan the money. Instead of leaving with the cash, Evan said: "Now I'm going to shoot the lady. And then I'm going to shoot you." At this, Harry lunged at Evan, wrestled the shotgun from Evan's grasp, and shot him dead.

2. For over thirty years, David worked on his father's farm. As his father grew older and more feeble, David took on the responsibility of caring for him as well. Over recent weeks, Dr. Goodman, the family GP, had noticed that David seemed increasingly withdrawn and complained of frequent headaches. Dr. Goodman formed the opinion that David was suffering from depression. He also suspected that David might be showing symptoms of an incurable brain disease. He therefore arranged for David to have certain tests carried out, to establish whether David's mental functioning was becoming impaired. However, before this could be done, David was arrested for the murder of his father. The explanation which David gave for his actions was that his father always said, when he wanted to go to bed, "It's time to sleep now". On the night of his father's death, David had put his father to bed as usual and watched him fall asleep. But later in the night he kept hearing his father's voice in his head, saying over

and over again, “It’s time to sleep now”. Believing that his father was still awake and talking to him, David had gently placed a pillow over his father’s face to help him fall asleep.

3. Nelly was in the final year of her college course in hairdressing and beauty. With exams looming, Nelly was anxious for an opportunity to practice her techniques. Nelly’s older sister, Bella, worked at a beauty clinic, and she offered to smuggle Nelly into the clinic, lend her a uniform and introduce her to clients as a trainee working under Bella’s supervision. All went well until one of the clients, Jenna, asked Nelly to perform a common but notoriously painful procedure using hot wax to remove unwanted body hair. Nelly inadvertently overheated the wax, with the consequence that she caused a severe burn to Jenna’s leg which needed to be treated in hospital.

UNIT: Unit 3 and Unit 4

EXAM LEVEL: A LEVEL

AREA OF STUDY: Preliminary offences of attempt

Key Points:

- Learners should be able to clearly explain the actus reus and mens rea of attempts.
- Learners should be able to discuss whether the law on attempts is satisfactory.

Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

Suggested Activities:

ACTIVITY 1:

Organise the class into small groups , some groups look at cases for the actus reus and some for the mens rea and feedback to the class;
 research the following cases on attempts (actus reus and mens rea) : **actus reus cases** - White (1910); Attorney-General's Reference (No 1 of 1992) (1993); Gullefer (1987); Geddes (1996); Campbell (1990); Tosti (1997); Jones (1990); **mens rea cases** - Easom (1971); Husseyn (1977); Millard and Vernon (1987); Attorney-General's Reference (No 3 of 1992) (1994); Anderton v Ryan (1985) Shivpuri (1986).

ACTIVITY 2:

Apply your knowledge of attempts to the following scenarios to determine whether there has been an attempt to commit an offence.

- Chris puts some poison into Mary's drink, intending to kill her, however he hasn't put enough in and Mary survives.
- Tom and Darci are discovered in the back garden of a house with masks on and screwdrivers in their pockets, they admit that they intended to break into the house.
- Gemma sees a handbag unattended in the ladies toilet of her local restaurant, hoping there is money in it, she opens it and looks inside, but there is only some makeup and sweets, Gemma closes the bag and puts it back.

ACTIVITY 3:

Class discussion / debate- Should the law on attempts be reformed? What is wrong with the current law?