

Law

Unit 1

Types of Law

Work Book

Student Name

Introduction to the law

About the course:

BTEC Applied Law can be studied as a one year course (called a Certificate) or a two year course (called an Extended Certificate). The course is a vocational qualification and is graded U, Pass, Merit, Distinction and Distinction*.

It is not an A Level, but is recognised by universities (apart from Oxford/Cambridge) and each grade provides students with UCAS points to help them get into university.

The Certificate is the equivalent of one AS level qualification

The Extended Certificate is the equivalent of one A level qualification

In each year, you will study the following units, learning about both criminal and civil law.

Certificate (Year 12)	Extended Certificate (Year 13)
Unit 1: Dispute solving in Civil Law (Externally assessed – 90 minutes – on the computer)	Unit 3: Applying the Law (Externally assessed – 2 hours – on the computer)
Unit 2: Investigating Aspects of Criminal Law and the Legal System (Internally assessed by two coursework assignments)	Unit 6: Contract Law (Internally assessed by three coursework assignments)

The external assessments are always done on the computer, and involve applying the law to a given set of scenarios, just like someone in the legal profession would have to do for real. A few weeks before each exam, a pre-release is made available giving an indication of which areas to revise in preparation. Students can take up to two sides of A4 notes into the computer room, comprising of details of key cases. They will then have the allotted time to answer two questions. The Year 12 exam is taken in January, with a resit available in May. The Year 13 exam is taken in May, and there is only one sitting.

The overall grade from the course is calculated by adding up points gained in each unit.

Introduction to the law

Law Unit 1

What is Law?

Laws are a set of rules recognised and applied by the state

Laws – recognised and applied by the state

Rules (e.g. Skegness Academy) – rules not recognised or followed by the rest of society

Moral Code – Rules decided upon by each individual regarding what is right and wrong.

- Put each example under the correct heading

- **Moral Code**
 - You must not cheat on your partner!
 - Mobile phones must not be used in school
- **Organisational Rule**
 - All staff must stick to the dress code
 - Mobile phones must not be used while driving
- **Law**
 - Walk instead of driving to be more environmentally friendly
 - You must not drive over the speed limit

Type of law	Examples
Moral code	
Organisational Rule	
Law	

Introduction to the law

Why do We Need Laws?

To keep public order – e.g. having laws against stealing and killing others

To protect individual freedoms – the right not to be discriminated against

To regulate relationships – e.g. laws to protect consumers, family law, contract law

To set standards – e.g. traffic laws relating to quality of driving expected, roadworthiness of a vehicle, quality of food, safety standards for products etc

To provide solutions for legal problems – e.g. Laws about the way the court system and justice system work

Public and Private Law

Public Law – Involves the state of the government in some way

Private Law – (known as civil law) exists to sort out problems and disagreements between individuals where the rest of society is not affected

Public Law

Write in the correct type of Public Law next to the description

Constitutional Law

Administrative Law

Criminal Law

Type of Public Law	Description
	Looks at the organisation of councils and how they should be run and administered
	States what behaviour is forbidden and what the state will prosecute people for
	Deals with how our method of government and how the country is run, in effect, dealing with out constitution

Introduction to the law

Private (Civil) Law

Write the correct type of Private Law next to the example you think describes it

Contract Law Negligence Family Law Company Law Inheritance Law

Type of Civil Law	Example
	Jane and Jim decide they want to get a divorce
	Samantha causes an accident in which Louise is injured
	Kevin wants to start a new business
	Happy Ltd do not supply Delight & Co with the goods they had agreed and which have been paid for

THE BURDEN OF PROOF

This is a key concept underpinning our Justice System. Basically it means who has to prove what, to what degree, to win their case

In a criminal court the prosecution have to prove the defendant is guilty beyond reasonable doubt

In a civil court the claimant has to prove that it is likely on the balance of probabilities that the defendant breached the rights of the claimant

Criminal Law in more detail

In a criminal case, the state accuses someone of committing a crime. The Crown Prosecution Service takes the defendant to court. The purpose of the court case is to find someone guilty or not guilty (innocent) of that crime. If they are found guilty they are then punished. The burden of proof lies with the prosecution, since the punishment could be severe, the prosecution has to prove their case 'beyond reasonable doubt' which means the jury or magistrates must be certain that the defendant is guilty.

Answer the following - use full sentences and your own words.

1. Who accuses someone of committing a crime?
2. Who is responsible for taking the defendant to court?
3. What is the purpose of the court case?
4. Explain the term burden of proof in a criminal case

Introduction to the law

Civil Law in more detail

In a civil case, someone who feels they have had their rights breached (the claimant) takes a case out against the person breaching those rights (the defendant). The purpose of a court case is to settle the dispute and put the parties back to their original position. This will involve determining if the defendant is liable or not liable to pay damages to the claimant. The burden of proof is on the claimant to prove that it is likely (balance of probabilities) that the defendant breached their rights.

Answer the following – use full sentences and your own words.

1. Who are the two parties involved in a civil case?
2. Describe what role each has – why are they involved?
3. What is the purpose of the case?
4. Explain the term burden of proof in a civil case

Extension Question

Explain the difference in the burden of proof in a civil case to that in a criminal case – Which case should be easier to win? This should be written so it understandable to a pupil not taking law.

Introduction to the law

Key Differences between criminal and civil law

Label the two columns to show which is Criminal Law and which is Civil Law

Description		
Purpose of the law	Maintain law and order, protect society, punish offenders	To uphold an individual's rights, to resolve disagreements
Purpose of the court case	To decide if the defendant is guilty	To decide if someone has had their rights breached
Person starting the case	The state through the Crown Prosecution Service	The individual whose rights have been affected
Legal name for person starting the case	Prosecutor	Claimant
Courts used to hear cases	Magistrates' Court or Crown Court	County Court or High Court
People who make a decision	Magistrates or jury	Judge, very rarely a jury
Burden (standard) of proof	Beyond reasonable doubt	On the balance of probabilities (it is likely)
Decision	Defendant is found guilty or not guilty	Claimant wins or loses the case, the defendant is liable or not liable
Powers of the court	Prison, fine, community order, discharge	Award of damages (money) injunction to stop the defendant doing something
Name of the case	R v Smith or DPP v Smith	Jones v Smith

Introduction to the law

Are the following **MOST** likely to be heard in a criminal court or a civil court?

- James beats his girlfriend around the head with a baseball bat
- Archie buys a new lawnmower that doesn't start and the retailer refuse him a refund
- Penny takes £200 from the till where she works
- Gavin and Stacey decide to divorce and can't agree on a suitable financial settlement

Extension work

Sometimes a situation might result in both a criminal and civil case. This is when a law has been broken which the state would want punished and an individual has been injured or suffered loss for which they want compensation. An example would be a road accident, where the state would want to prosecute someone for dangerous or careless driving, and someone has been injured. Consider the following facts. James Daggerton was reading and sending text messages when he mounted the pavement, hitting Joanne Happer. Joanne received a broken leg and back and had to have 6 months off work. In the criminal trial, if found guilty, the court could award James to pay personal damages as part of the punishment. However, Joanne could also take out civil court action to get compensation. You must write an article for a law magazine to describe this case and explain why Joanne might take out a civil case (consider the difference in burden of proof in your answer)

Introduction to the law

Add a word or short phrase or sentence to fill in the gaps

Civil Law	Criminal Law
A civil case in court must be proved on the balance of probabilities	A criminal case in court must be proved...
A civil case involves a <i>wrong</i> committed against the individual	A criminal wrong involves a wrong committed against...
A civil case is brought to court by the claimant	Most criminal cases are brought to court by...
The claimant will be hoping that the defendant will be found...	A prosecution involves the accused being found either guilty or not guilty
Successful civil cases involve the court granting a remedy such as...	Successful criminal cases involve the court imposing a sentence on the defendant such as fines or prison

Section 1.1 Review

You have now completed the first section regarding what laws are! Answer the following questions in your books in order to show an understanding of what you have done and learnt. This exercise will test your ability to read and find relevant information and your ability to present your knowledge in written form.

1. What is a law?
2. What are the 5 reasons we have laws?
3. What are the 3 areas of public law?
4. List 6 areas of private (civil) law
5. Write a paragraph in your own words that sums up the differences between criminal and civil law
6. In a criminal case, who accuses someone of committing a crime?
7. In a criminal case, who takes the defendant to court?
8. What is the purpose of a criminal court case?
9. Who does the burden of proof lie with in a criminal case?
10. What is that burden of proof?
11. What are the two parties in a civil court case called?
12. What is the purpose of a civil court case?
13. What will be the outcome of a civil court case?
14. Who does the burden of proof lie with in a civil court case?
15. What is that burden of proof?
16. What is double liability?

The law in courts: Criminal law

Criminal Law - Types of Trial (Classification of Offence)

- **Summary Offences** – minor crimes, dealt with fully by a Magistrates' Court. Examples include driving offences, taking a vehicle without consent, minor assault
- **Triable Either Way Offences** – middle range crimes – can be heard in the Magistrates' or Crown Court. If the defendant is pleading not guilty, he has the right for it to be heard in front of a jury at the Crown Court. Magistrates can also decide if they think the case is too serious for their powers to deal with, it can be passed to the Crown Court. For example, theft is a triable either way offence. If the theft is of a tin of beans, the magistrates will deal with this themselves, however if the theft was of £50,000 they would pass this to the Crown Court
- **Indictable Offences** – the most serious crimes that the magistrate will also refer to the Crown Court after the initial hearing – examples include murder, robbery, rape, manslaughter

Courts Used in a Criminal Trial

Magistrates' Court –

- Over 300 throughout England and Wales.
- In a Magistrates' Court cases are tried by a District judge or a panel of lay magistrates.
- All criminal cases start here for an initial hearing, whether someone has committed murder or just stolen a Fredo bar!
- Special Youth Courts are used by Magistrates' to hear cases of children aged between 10-17

Crown Court –

- There are 70 Crown courts in major towns and cities. The most famous is The Old Bailey
- In a Crown Court, cases are tried by judge and jury.
- The judge decides any points of law, making sure it is correctly applied.
- The jury decides, on the facts of the case, whether the defendant is guilty or not guilty.

Criminal Appeal Courts

If a defendant is not happy about the decision they can appeal to the courts shown below. The prosecution can not appeal a case decided in the Magistrates' Court:

- **Crown Court** (for most appeals from the Magistrates' Court. There is an automatic right to have an appeal heard from a Magistrates' Court if the request for an appeal is lodged within 21 days)
- **High Court Administrative Court** (for appeals from Magistrates' Court on a point of law. This means the defence are not disputing the facts of the case, just the way in which they law was applied to those facts. The facts will be heard by a Circuit Judge, or in the High Court by 2 High Court judges and the Magistrate from the original hearing presenting the facts and how they applied the law to them. This is known as a "case stated appeal, and only happens around 50 times a year)
- **Court of Appeal (Criminal Division)** for appeals from the Crown Court. An appeal is not automatic and will need to be granted by the trial judge, or a court of appeal judge. Leave to appeal must be made within 28 days. However, only 30% of appeals are granted))

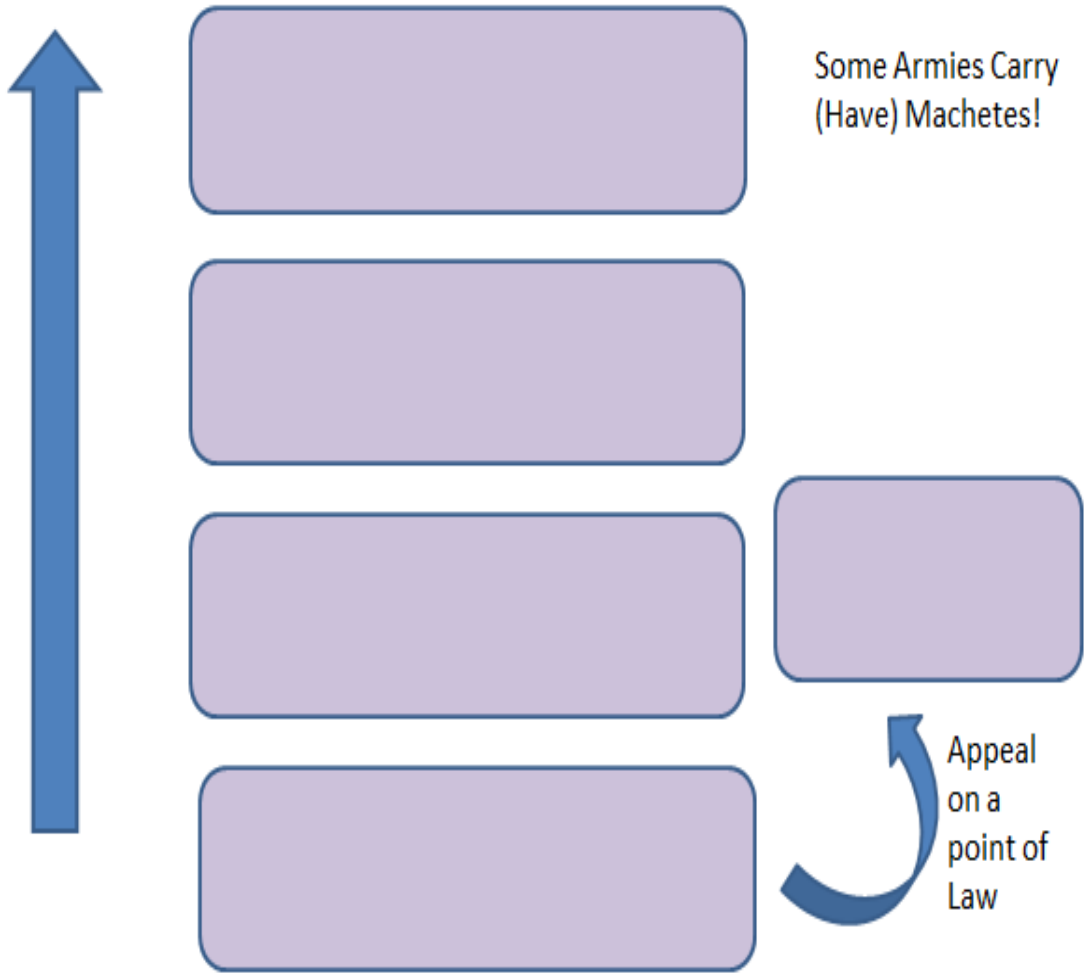
Introduction to the law

- **Supreme Court** for a further appeal from the Court of Appeal where an important point of law of public interest is involved) The Supreme Court came into being in 2009 replacing the House of Lords as the highest court in the English legal system

Use the information provided on page 2 to complete the following table

Offence	Classification of Offence	Court for initial hearing	Court likely to handle the trial	Court where appeal can be made to
Murder	Indictable	Magistrates'	Crown Court	Court of Appeal (Criminal Division)
Theft of a packet of sweets from a shop				
Theft of £50,000 taken from the safe of an employer				
Common Assault				
Actual bodily harm involving minor cuts and bruises	Triable either way			
Actual Bodily Harm involving an attack with a baseball bat	Triable either way			
Armed Robbery				
Speeding				
Criminal Damage causing £1000 worth of damage				
Manslaughter				
A charge of theft of £50 worth of clothing from a shop by a by a 15 year old girl				

Criminal Court Structure



Crown Court

Court of Appeal
(Criminal Division)

High Court
Administrative
Division

Supreme Court

Magistrate's Court

Introduction to the law

Questions

1. Dan Baker had a case for shoplifting heard in the Magistrates' Court, but wants to appeal against his sentence – What court will the appeal be heard in?
2. Jill Merganoid had a case for shoplifting heard in the Magistrates' court, but feels that the nature of the law was wrongly applied to her circumstances, what court will her appeal be heard in?
3. Teddy Hermanger had his case for Murder heard in the Crown Court. Since his trial, he feels new evidence uncovered will support the claim that he is innocent. What court could an appeal be heard in if it is granted?
4. Omar Lamptey's case in the Crown court raised interesting points relating to the way police evidence is collected and used. His appeal in the Court of Appeal failed, but why might his case receive another appeal, and where would it be heard?
5. After being convicted for common assault, Harry Harbour believes that the fine he was given was too big compared to similar cases. Three months later he decides to appeal – what will be the likely outcome of this?
6. What is a "Case Stated" Appeal and how many are granted per year?
7. What is the time limit for applying for an appeal from a case heard in the Magistrates' Court?
8. What percentage of cases are granted an appeal from an original case in the Crown Court
9. You are working in a solicitor's office and have been asked to write a standard letter to be sent to clients to explain the criminal courts appeal process to them.

Why do we need a Magistrates' Court and a Crown Court and what is the difference?

Magistrates' Courts can deal with the least serious offences and handle 95% of all criminal cases. They are run by volunteers. Magistrates do not get paid and have no legal qualifications. As a result their powers are limited to imposing sentences of a maximum of 6 months or a fine of £5000 plus a range of community orders.

Circuit Judges who oversee trials in the Crown Court are paid professionals whose experience and knowledge is required in more serious or complicated cases.

The law in courts: Civil law

Civil Courts used for hearings

Civil Courts used for Hearings

- **County Court** – 200 throughout England and Wales – cases are decided by judges. District judges deal with smaller claims and Circuit Judges deal with higher value claims. Will usually hear lower value cases. Cases under £5000 will be heard in the county court (small claims) and cases up to £15,000 could also be heard here
- **High Court** – The high court is based in London, but judges will also go to other major cities to deal with cases. Deal only with high value cases and libel cases. It has three divisions each concentrating in a different area of law:
 - **CHANCERY DIVISION** – deals with cases involving company law, partnerships and land law
 - **QUEEN'S BENCH DIVISION** – deals with contract law and torts such as negligence and libel
 - **FAMILY DIVISION** – deals with family cases e.g. divorce, disputed wills etc
 - Cases are heard in the High Court if they are of a higher value, or are more complex. For example a complex divorce case involving assets worth over £15 000 could be heard in the family division of High Court

The Track System in Civil Courts

Small claims track – for cases involving less than £5000 – small amounts are dealt with in the small claims court – an informal and quick process in the County Courts. People are encouraged to take action themselves and not use solicitors to reduce costs. Cases are heard by a District Judge. Often heard in private

Fast track – for cases between £5000 and £25000 – also dealt with by the County Court, but the process and hearing can be longer. The case will usually be heard by a Circuit Judge and have a more formal procedure than the small claims court. Court sets very strict timetable for the pre trial matters. Trial takes place in open court with more formality than small claims cases. Trial length is limited to one day

Multi track – for very complex cases or ones over £25 000 – can be heard in the County Court or the High Court when claims of over £50 000 are made. If in the County Court, they will be heard by a Circuit Judge, and in the High Court, by a High Court Judge. The judge 'manages' the case from the moment it is allocated to him. He can order the parties to solve the dispute out of court before the trial date

Questions

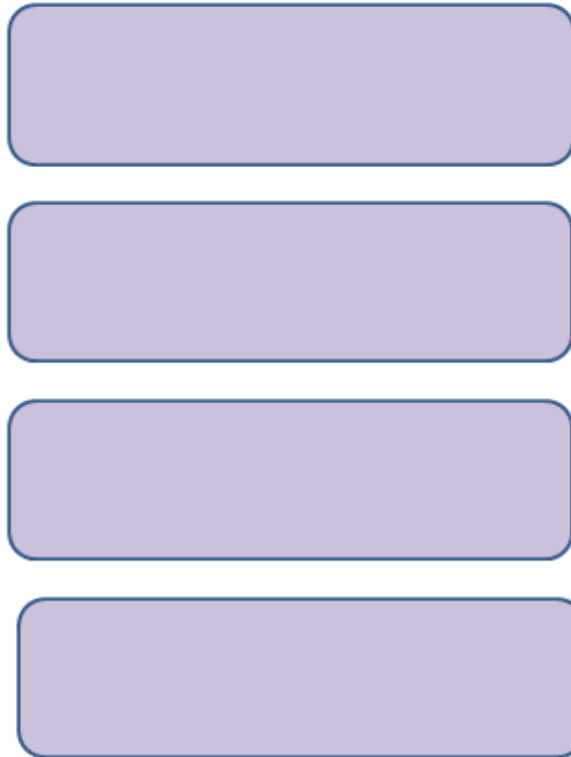
1. What are the two courts that will hear civil law cases?
2. Where will a low value case of £3 000 be likely to be heard?
3. If the case involves a small amount what type of judge will hear the case in the county Court?
4. If the County Court is dealing with a higher value case, what type of judge will hear it?
5. What are the 3 divisions in the High Court?
6. What kind of Judge will hear a case for an amount under £5000
7. Why is there a need for some cases to be solved without a formal expensive court hearing?
8. What kind of cases will a Circuit Judge hear?
9. Where will the most complex civil cases be heard?
10. What type of judge will hear these cases?

Introduction to the law

From the Civil Appeals Courts information, draw a chart that shows the hierarchy (level of importance) of the civil courts

Appeal From	Appeal heard in
Small Claim (always heard in county court by a District Judge)	County Court (heard by a Circuit Judge)
Fast track case heard by a District Judge	County Court (heard by a Circuit Judge)
Fast track case heard by a Circuit Judge	High Court (heard by a High Court Judge)
Multi Track case from High Court	Court of Appeal (heard by a Lord Justice of Appeal)
Court of Appeal	Supreme Court (if a matter of public interest is involved)

Civil Court Structure



Some Armies Have Cuddles!

Supreme Court

County Court

High Court

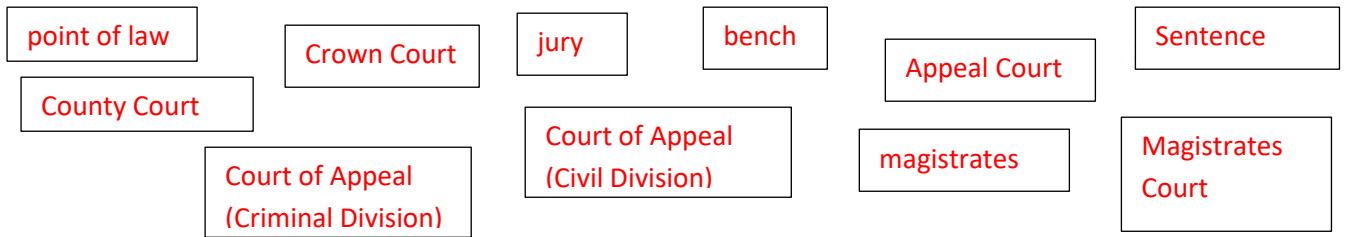
Court of Appeal
(Civil Division)

Questions

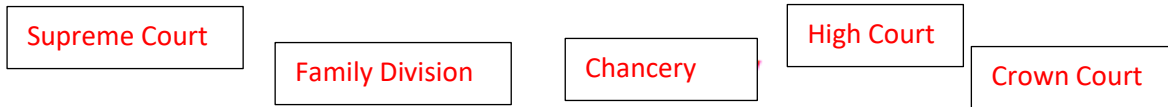
1. Recap the 3 tracks that can be used for a civil court action and the amounts involved for each
2. Where will a small claim under £5000 be heard, and which type of judge will oversee the case?
3. Which judge is more experienced and powerful, a district Judge or a Circuit Judge?
4. Jane has had damage caused to her fence costing £300 to repair. She wants to recoup the costs from her neighbour who caused the damage. What track will her case go under, which court will it be heard in, and what type of judge will hear the case?
5. Adam is an actor who has appeared in an article in a national newspaper. The article states that he has been having an affair with a woman 25 years younger than him, and that he has beaten his wife on three occasions. Adam denies these accusations, and feels that he lost out on a part in a play as a result. He wants to sue the newspaper for £500,000 in damages and lost revenue. What track will his case follow, and what type of judge will hear it? What court would hear any appeal on the case if one were granted, and what type of judge would hear it?

Introduction to the law

Criminal and Civil Court Summary Exercise



- There are two types of court which hear criminal cases in England and Wales. These are the and the Lay hear cases in the Magistrates' Court. A decides whether the defendant is guilty in the Crown Court. Appeals from the Magistrates' Court are usually made to the, but it is possible to appeal on a To the High Court (Administrative Court). There are two types of court that hear civil cases in England and Wales. These are the and the The High Court has 3 divisions, these are the The Queens and the An appeal from the High Court is made to the A further appeal can be made to the Which is the highest court in our legal system



Chapter Summary Questions

From studying this section, you should be able to answer the following:

1. What are the 3 classifications of criminal offences?
2. Who has a say in where an either way offence is heard?
3. Who decides the outcome of trials in indictable offences?
4. In which court does a jury sit?
5. What will be the difference in the pre trial arrangements for a minor motoring offence and a minor assault case?
6. What type of conditions are placed on bail
7. An appeal from a magistrates' court on a matter of fact will be heard in which court?
8. An appeal from a magistrates' court on a point of law will be heard in which court?
9. What does CPS stand for?
10. An appeal from Crown Court will be heard in which court?
11. Name a summary offence, a triable either way offence and an indictable offence
12. Which court is being described here "All criminal cases start in this court. Decisions are made by lay people who sit in a panel of 3 and are helped by a qualified clerk or legal adviser"
13. Which court is being described here "This court is usually staffed by Circuit Judges, or in more complex cases, by High Court Judges. They have the power to impose life sentences. They will hear all indictable offences and the most famous example is the Old Bailey"
14. Which court is being described here "This is the highest court in the English Legal System. It replaced the House of Lords in 2009. There are 12 Lord or Lady Justices that will hear cases.
15. Which court is being described here "This court will not hear cases in the first instance. It will hear appeals from both the criminal and civil courts"
16. Megan was seriously injured in an accident at work caused by the negligence of her employer. She was awarded £120 000 in damages by the High Court Judge hearing the case. She was hoping for much more and wants to appeal. What court and judge will hear the appeal if granted, and what should she do to increase her chances of having an appeal heard?
17. Identify the key features of the small claims track and the fast track methods of solving a civil dispute