



# LAW

A-Level Law/BTEC Applied Law

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*The law governs everything we do and will affect everyone's lives, including your own, at some point, whether that's buying your first car or house. If you are looking to study law as part of your college studies or you are interested in certain aspects of law then this is a good place to start.*

*There are a variety of task within this booklet for you to have a go at and explore some of the key areas of law which you will study in your level 3 programme. They vary from general elements of the English Legal System through to activities on criminal law and civil law.*

*You will also find, at the end, a suggested 'watch list' of documentaries and films which are related to the law.*

## **Week 1: The English Legal System**

Task 1 – Strange Laws (20 minutes)

The laws of England and Wales have developed over time. Some of those laws were created by judges, others were created by Parliament. Once a law has been created it will remain the law until a new law replaces it. This means that some laws will remain within the constitution for a very long time.

Read the different laws below and determine whether or not they are still in force today. You can do this by answering true or false.

TRUE = Yes, they are in force still today.

FALSE = No, they are no longer in force today.

Strange Law	True	False
It is illegal to die inside the Houses of Parliament		
It is illegal to eat sweet mince pies on Christmas Day.		
A pregnant woman can urinate in a police officer's hat.		
MP's are allowed to wear suits of armour in the House of Commons.		
It is an offence to impersonate a dead person when voting.		
In Liverpool, it is illegal for a woman to be topless except as a clerk in a tropical fish store.		
In order have a valid taxi license in London, the cab driver must carry a bale of hay in their boot at all times.		

## Week 1 continued

### Extension

Choose one of the TRUE laws above and explain why you think the law was introduced in the first place.

### Task 2: How laws are created (30 minutes)

Visit YouTube by following the link and watching the video:

An Introduction to Parliament – <https://www.youtube.com/watch?v=RAMblz3Y2JA&list=PL-j3mInRJqIembDRZ2kdbf6oPbjkqNsPyb>

Answer the following questions:

1. Which King approved the magna carta and what year was the magna carta approved?
2. What are the three parts which make up Parliament today?
3. What are the main roles of the House of Commons?
4. How many members are there in the House of Lords and what are the different membership categories?
5. Explain the role of the scrutiny committee.
6. Explain how laws are made in Parliament.



## Week 1 continued

### Task 3 – Civil and Criminal Law (2hrs)

In the English Legal System, the areas of civil and criminal law are dealt with separately in separate courts.

Activity – Using your general knowledge, answer the following questions presented below. You will need to review these answers once the activity is completed.

1. Which of these legal terms refer to criminal law, civil law or both? You will need to mark criminal terminology with 'CR' and civil terminology with 'CI'. Mark any term that you think will apply to both criminal and civil law as 'B' (for 'both').

public law

private law

dispute

prosecuted

punishment

liability

fine

guilty

compensation

sued

sentence

claimant

defendant

2. Look at the following scenarios and decide whether the criminal law, the civil law or both would deal with those situations. Explain the reasons for your answer.

(i) James has an argument with John and punches him in the face and breaks his nose.

(ii) Sarah plays her music very loud into the night. Her neighbours want to get her to stop.

(iii) Simon buys a DVD player from a shop. When he plugs it in, he receives an electric shock.

(iv) Victoria takes a bottle of wine from the supermarket and does not pay for it.

(v) Natalie is late for work. She drives over the speed limit and knocks a cyclist off their bike.

When dealing with cases relating to the criminal and civil law it can become complicated. The simplest way to categorise the law is to distinguish between their criminal liability and their civil liability. Throughout your studies you will be expected to review real cases and discuss the relevant legal principle that came out of that case. You will then need to apply that law to your given exam question. Below are two real life cases that you will come across in your studies.

Activity – Read through the case information on both cases listed below and answer the following questions:

To help you, please select the following links:

News article on Donoghue v Stevenson: <http://news.bbc.co.uk/1/hi/business/8367223.stm>

Video Documentary on R v Dudley and Stevens: <http://www.bbc.co.uk/programmes/p018gjjp>

### ***A civil case***

Donoghue v Stevenson (1932)

Mrs Donoghue went to a café in Paisley with her friend to discuss her upcoming wedding arrangements. The friend bought Donoghue a bottle of ginger beer made by Stevenson's drinks company. Donoghue drank some of the ginger beer not knowing that there was a dead snail inside the opaque bottle. When she saw the snail, she sued Stevenson for negligence claiming that she was entitled to compensation. Donoghue had been bought the drink by a friend and therefore, she could not make a claim under contract law.

Verdict: FOR THE CLAIMANT





## ***Week 1 continued***

### ***A criminal case***

R v Dudley & Stephens (1884)

Facts: Four sailors were sailing a yacht from Southampton to Australia to deliver it to its new owner. The yacht capsized and sank during a storm and the four-man crew took to a small lifeboat. They had two tins of turnips but no water. They survived on the turnips and by eating a turtle they caught but after 15 days at sea Parker (the cabin boy) was ill from drinking sea water. The other three crew members discussed drawing lots to decide who should be sacrificed and eaten by the others according to the Customs of the Sea (shipwrecked sailors would do this if they were stranded days from land). One of the crew members (Brooks) refused to be involved so Dudley and Stephens killed the unconscious cabin boy, Parker. All three eat him and then were rescued by a passing boat after 24 days at sea.

When they reached Cornwall all three were arrested for murder. The charges were dropped against Brooks so he could give evidence for the prosecution. Dudley and Stephens argued that there was no case to answer due to the established Custom of the Sea. This was rejected and the Home Secretary and Attorney General decided to prosecute the defendants for murder. They argued that they had to kill Parker under the law of necessity.

Held: The defendants were found guilty of murder. The court was not convinced that it was necessary to kill Parker to save themselves. The defendants avoided the death penalty but were granted a pardon and sentenced to six years imprisonment.

1. What are the important facts of this case?
2. What defence did they raise?
3. What was the verdict?
4. What law comes from this case?
5. What would your decision have been if you were on the boat?

6. Do you think the actions of Dudley and Stephens were morally permissible? Give reasons for your answer.
7. Write a list of arguments as to why Dudley and Stephens should be held responsible or why their actions can be excused.

## ***Week 2: Sentencing and Punishment of Offenders***

### Task 1 - Classification of Offences (1hr)

In the civil court structure, cases are allocated to a court based on the value of the claim. In criminal law, a case is allocated to its court of first instance based on the crime's own nature, the more serious the crime, the higher the court.

Criminal offences are categorised into three main categories:

- Summary Offences
- Triable-Either-Way Offences
- Indictable Offences

#### Summary Offences

Summary offences are the least serious offences. All summary offences will be tried in the Magistrates' Court at first instance. Most of these offences include nearly all driving offences, but there are some instances of common assault and criminal damage, which has caused less than £5,000 worth of damage. Shoplifting and petty theft will also fall under the category of a summary offence if the goods stolen amount to less than £200.



#### Triable-Either-Way Offences

Triable-Either-Way offences are the middle range of crimes. As the name suggests, these can be tried in either the Magistrates' Court or the Crown Court. They include a wide range of offences such as Theft, Actual Bodily Harm (ABH) and Grievous Bodily Harm (GBH). Before the trial is conducted, the defendant will go through an allocation procedure to determine which court would be best suited to deal with the case. This will be discussed in more detail later.



## Week 2 continued

### Indictable Offences

Indictable offences are the most serious of crimes and include murder, manslaughter and rape. The first preliminary hearings of all indictable offences will be heard in the Magistrates' Court, but then the case will be transferred to the Crown Court for trial. All indictable offences will be tried in the Crown Court by a single judge and a jury of 12 members.



Activity – Using the information that you have just acquired, read and answer the questions below.

1. Using the information below categorise each offence in the most appropriate classification box.

Murder

Manslaughter

Common assault

Taking (a motor vehicle) without owner's consent

Theft

Actual bodily harm

Criminal damage under £5,000

Watching TV without a licence

Acts of terrorism

Grievous bodily harm

Exceeding the speed limit in a motor vehicle

Robbery

Selling alcohol to under 18s

Urinating in a public place

Burglary

Summary	Triable 'either-way'	Indictable



## Week 2 continued

2. Using the table below read the scenarios and explain which category the offence will be placed under. You will also need to identify which court the case is likely to be heard in and explain why.

Scenario	Category of Offence	Which court will the case be heard in and why?
Andrew Smith, aged 32 years old, has been charged with criminal damage. The damage to property has been valued at £2,500.		
Martin Smith, aged 40 years old, has been charged with the offence of murder. Martin was seen by several witnesses attacking a man outside a nightclub who died from his injuries.		
Sarah Parker, aged 22 years old, has been charged with assault occasioning actual bodily harm. She was seen by several witnesses fighting at a wedding reception.		
Suzi Mitchell, a 14-year-old student, who has been charged with theft. She is accused of stealing a neighbour's purse whilst babysitting. The purse contained £50 in cash.		

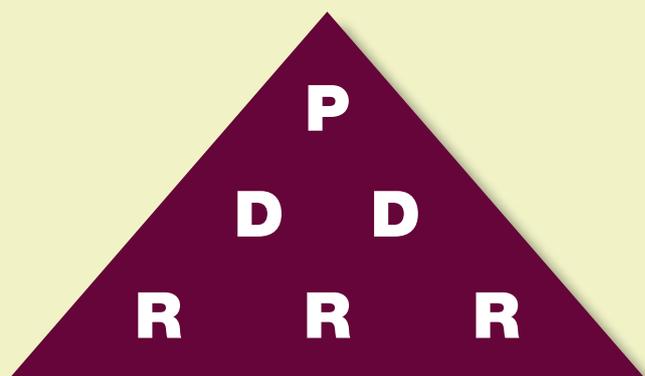
### Task 2: Sentencing an Offender (1hr)

Section 142 of the Criminal Justice Act 2003 sets out the purposes of sentencing for those aged 18 and over, saying that a court must have regard to:

- The punishment of offenders;
- The reduction of crime (including reduction by deterrence);
- The reform and rehabilitation of offenders;
- The protection of the public; and
- The making of reparation by offenders to persons affected by their offences.

Punishment is often referred to as retribution. In addition to these aims set out in the Criminal Justice Act 2003, denunciation of crime is also recognised as an aim of sentencing.

The aims of sentencing can be easily remembered by looking at the pyramid of sentencing:



P = Protection of the Public

D = Denunciation

D = Deterrence

R = Retribution

R = Rehabilitation

R = Reparation

## Week 2 continued

In the table below is a brief explanation for each aim of sentencing.

Aims of Sentencing	Explanation
Retribution/Punishment	Punishment imposed only on the ground that an offence has been committed.
Deterrence	Individual – the offender is deterred through fear of further punishment. General – potential offenders warned as to likely punishment.
Rehabilitation	Reform offender's behaviour
Protection of the Public/Incapacitation	Offender is made incapable of committing further crime. Society is protected from crime.
Reparation	Repayment/reparation to victim or to the community.
Denunciation	Society expressing its disapproval. Reinforces moral boundaries.

1. Complete the chart below and identify which aim(s) of sentencing would be appropriate to each case. Give reasons for your answer.

Scenario	Most Likely Aim(s) of Sentence Used	Reason
Sarah robs William at knifepoint in a street in order to steal his expensive mobile 'phone for "a laugh".		
Archie, the father of a 6-month old baby, steals infant milk formula because he is unemployed.		
Ahmed beats up an asylum seeker who has moved into a hostel next door.		
Wendy breaks into a shed in a back garden. Inside, she smashes up some garden equipment. The damage is estimated at £650.		
Jemma regularly shouts abuse at her husband and hits him when she is drunk.		
Boris, 15, takes a car and crashes it into another parked car. He says he is "bored".		

## Week 2 continued

The courts will usually consider both the offence and the background of the offender, as well as the aims of sentencing, when sentencing an offender. These factors are known as aggravating factors, those which make the crime more serious in nature, and mitigating factors, those which make the crime less serious in nature. Below is a table which summarises some of the aggravating and mitigating factors that the court will consider when punishing an offender.

### Aggravating Factors

Sexual orientation of the victim  
Age of the victim  
Was a weapon used in the offence?  
Was it premeditated?  
Is the offender a repeat offender?  
Was the offender in a position of trust?  
The offender shows no remorse.  
Did the offender strike multiple blows (applicable for offences against the person)?

### Mitigating Factors

The offender has shown remorse.  
It was an unprecedented attack.  
They acted in excessive self-defence.  
They have dependants.  
It is their first offence.  
They plead guilty at the first opportunity.  
Single strike (offences against the person).

2. Read the following scenarios and identify the relevant aggravating and mitigating circumstances you think might be discussed in court.

#### Scenario 1

Defendant: Joseph Fletcher

Age: 30 years old

Offence: Assault Occasioning Actual Bodily Harm (S. 47 OAPA 1861)

Plea: Not guilty – found guilty after a trial

Facts: At approximately 11.45 on 31 October, the defendant was involved in an argument outside a takeaway. The defendant and a group of his friends claimed that another group had jumped the queue. The victim, aged 65, tried to calm the situation but the defendant pushed him to the ground. As a consequence, the victim had slight bruising to his back but did not need medical treatment. The shop owner phoned the police who arrived on the scene and arrested the defendant. The defendant has said that he is sorry for his actions, which occurred when he lost his temper for a brief moment. The defendant has no previous convictions and a good job.

#### Scenario 2

Defendant: Jane Townsend

Age: 25 years old

Offence: Wounding (S. 20 OAPA 1861)

Plea: Guilty

Facts: The defendant and the victim, Jamie Thompson, were in a relationship. They went out together on 31 October and during the evening, an argument developed when the defendant accused the victim of being interested in another woman. The argument continued as they walked through the city centre. The defendant pushed the victim and slapped him across the face. The victim's face was cut open by the defendant's ring and he required four stitches. The defendant said that it was the victim's fault and she is not sorry as he got what he deserved. The defendant has two previous convictions for assault in 2015 and 2016 and she received a fine in both cases.

## ***Week 2 continued***

a) What are the aggravating factors linking to Joseph's case?

b) What are the mitigating factors linked to Joseph's case?

c) What are the aggravating factors linked to Jane's case?

d) What are the mitigating factors linked to Jane's case?

## ***Stretch and challenge***

3. What aims of sentencing do you think would be appropriate in each of these cases and why?

Joseph's case

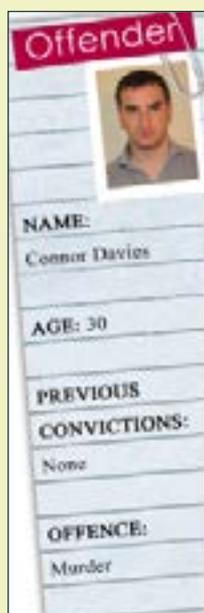
Jane's case

## Week 2 continued

Task 3 – You Be the Judge (1 hr)

Go to <https://www.sentencingcouncil.org.uk/you-be-the-judge/>

Follow the instructions online until you reach the case options menu. Select the offence of murder. You will need to complete the questions below as you progress through the video. Below is the task on Murder. We will be studying this offence as well as sentencing options during the course.



The image shows a digital case file for an offender. At the top, there is a red header with the word 'Offender' in white. Below this is a small portrait of a man. The file contains the following information: NAME: Connor Davies, AGE: 30, PREVIOUS CONVICTIONS: None, and OFFENCE: Murder.

1. Defendant's Name?
2. What offence is he charged with?
3. What was his plea?
4. What court was the case heard in and why?
5. Who reaches the verdict in this case?
6. Who determines the sentence for the defendant?

7. If he is found guilty, will the fact that Connor Davies pleaded 'Not Guilty' affect your sentence?

Yes	Not sure	No
What is the reason for the decision given?		

8. Give a brief overview of the facts of the case.

## Week 2 continued

9. What was the verdict?

10. Will the fact that the attack was (1) deliberate, (2) repeated, and (3) on an elderly man, affect your sentence?

Yes	Not sure	No
What is the reason for the decision given?		

11. What were the mitigating factors put forward by the defence?

12. Will the fact that the attack was allegedly caused by a drug-induced mental disorder affect your sentence?

Yes	Not sure	No
What is the reason for the decision given?		

13. What are the starting points for murder tariffs?



## ***Week 2 continued***

14. What sentence should Connor Davies get?

Sentencing options are:

- a) Prison: minimum 15 years in custody
- b) Prison: minimum 20 years in custody
- c) Prison: minimum 25 years in custody
- d) Prison: minimum 30 years in custody

I would choose option \_\_\_\_ because...

He was actually given option \_\_\_\_ because...

15. Extension task: What is the purpose of sentencing Connor? (Link this to the aims of sentencing discussed above)

## ***Week 3: Fatal Offences Against the Person (3 hrs)***

Task 1: Murder and Voluntary Manslaughter

Watch the documentary on YouTube entitled 'To Kill a Burglar: The Tony Martin Story.' The link is available here: <https://www.youtube.com/watch?v=BemcOAg53eM>

Answer the following questions:

1. Provide a brief overview of the facts of the case. This should include an explanation of the events that took place on 20th August 1999 at Bleak House, Norfolk and what offence was Tony Martin charged with.

### ***Week 3 continued***

2. What defence did Tony Martin try to raise originally and why did it fail?

3. Why were Tony Martin's actions criticised in court?

4. Why was Tony Martin's original conviction changed and what was changed to?

5. How many years did Tony Martin serve in prison?





## **Week 4 continued**

Activity – Read the following scenario and answer the question which follows.

*Ayesha is a 21-year-old receptionist who is working in a solicitor's office. She is woken in the morning by the sound of a text message arriving on her mobile phone. It is from a work colleague, to say that their National lottery syndicate won £1,000 in last night's draw.*

*Once she was ready for the day, Ayesha catches the bus to work, as the car that she bought last week from her local garage won't start. Whilst riding on the bus, she makes a telephone call in response to an advert in the local newspaper and agrees to buy, for £10, a hamster.*

*On arrival at her office, Ayesha collects her pay packet from the Finance Department, and then sits down at her desk, where she logs on to her computer. She opens an email in her inbox that confirms she has been successful in her bid to purchase a vintage handbag from an online auction site. After dealing with the payment for this item, she makes a quick phone call to her local college, to enrol on the CILEX Level 3 Certificate in Law and Practice Course that she has seen advertised in the current edition of The Legal Executive Journal.*

*One of her tasks during the morning is to ring the office supplies firm and order some more printer paper for the office. At lunch, Ayesha nips out to the local newsagents where she buys a sandwich and a magazine. Ayesha has had a busy morning and can't really be bothered to speak to the sales assistant; she simply drops the money on the counter and hands over her intended purchase for scanning. She collects her goods and change and leaves the shop.*

*Before starting back at her desk, Ayesha notices in the staffroom mirror that the highlights she had put in by her hairdresser two days ago have started to turn a curious shade of green. She also sees a poster that has been put up by one of her colleagues, asking everyone to keep a look out for his lost cat, and offering a £25 reward to anyone who returns the pet to him.*

*During the afternoon, Ayesha receives a phone call from a distressed client, informing her that the property purchase he was supposed to complete that afternoon is all going wrong. The seller has apparently changed his mind and is now refusing to move out. Ayesha takes the message and passes it on to the conveyancing department.*

*Just before she leaves the office at 5:00pm, she receives a phone call from Mrs Green, the lady whom Ayesha had agreed to buy the hamster this morning; the hamster has died during the day. Feeling sad at this news, Ayesha decides to nip to the local supermarket after work to pick up a bottle of wine, which she pays for using her credit card. She is cheered up a little when the sales assistant asks her for some ID, to prove that she is old enough to purchase the alcohol. Ayesha then goes around to her friend's house, where she is babysitting for the evening. As she arrives at the house, her friend promises that, in return for this act, she will help Ayesha with her CILEX homework, when the new course starts.*

1. How many potential contract issues can you spot arising in this scenario?

2. Name all the ones you've identified.

A contract can be defined as an agreement that gives rise to obligations and which is enforceable and recognised by the law.

For a contract to be formed, four essential elements must be present. There must be:

- Offer;
- Acceptance;
- Consideration (unless the contract is in the form of a deed); and
- Contractual Intention (or Intention to Create Legal Relations).

There can be no contract if any of these elements are missing. We will now look briefly at each of these elements (they will be discussed in more detail in the next workbook).

Task 2 – Elements of a contract (1 hr)

One party must make an offer which the other party accepts. The acceptance of an offer forms an agreement between the parties.

Activity – Read the scenarios below and decide whether you think one party has made an offer which has been accepted by the other party.

Read the scenarios and put a tick in the boxes if you think there is an offer and acceptance. Put a cross if you think these elements are not present and explain why you do not think there is an offer or an acceptance.

Scenario	Offer	Acceptance
John: "I will sell you my car for £6,000" Sally: "Yes, I agree"		

<p>John: "I am thinking of selling my car. If I decided to do so I will probably want around £6,000. Might you be interested?"</p> <p>Sally: "Possibly. Let me know if you decide to sell."</p>		
<p>John: "I will sell you my car for £6,000."</p> <p>Sally: That is too much. I will pay you £5,000."</p>		
<p>John: "I will sell you my sound system for £600. I want payment in cash in full when you collect it."</p> <p>Sally: "I would like your sound system but only if I can pay you in two instalments."</p>		

### Consideration

For an agreement to be a contract there must be consideration for the agreement. Consideration is sometimes described as what one party does or promises in return for the other party's promise.

Activity – Read the scenario below and decide whether you think one party has made an offer which has been accepted by the other party.

*Randolph promises to decorate Mavis's house for £1,000. He agrees to start the work next week. Mavis promises to pay him on completion of the work. Before the work is due to start, Randolph telephones Mavis to tell her he will no longer be decorating her house as he has received a lucrative contract to decorate an office block and will be carrying out that work instead. Mavis has found another decorator who will carry out the work, but he is charging her double what Randolph was. She wishes to sue Randolph for the loss she will suffer.*

1. Is there evidence of consideration?

Yes

No

2. If so, what consideration has Randolph given?

3. In turn, what consideration has Mavis given?

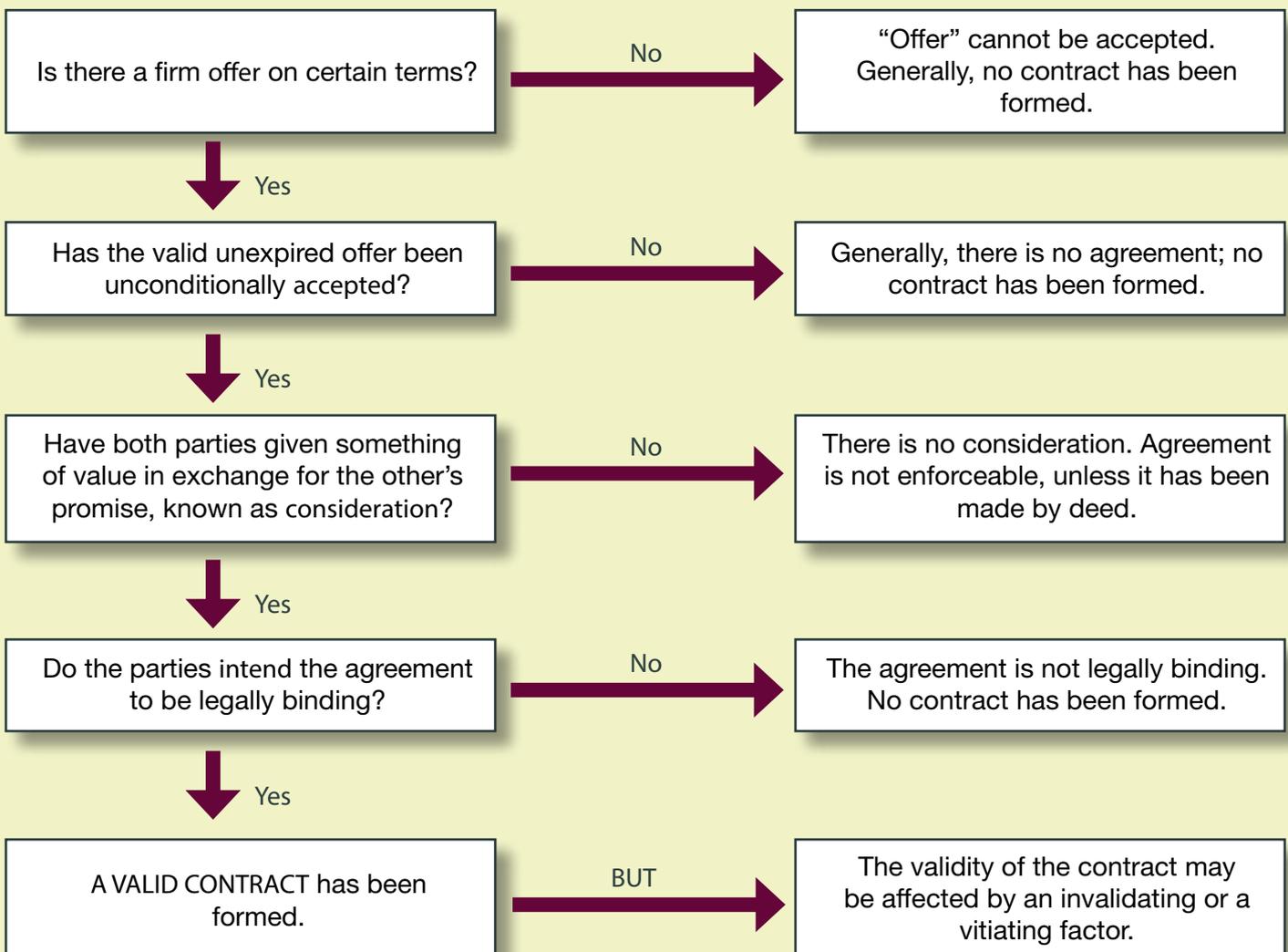
## Week 4 continued

### Contractual Intention (Intention to Create Legal Relations)

For a contract to exist, the parties to the agreement must have contractual intention, i.e. they must intend their promises to be legally binding. In business and commercial situations this is presumed to be the case. In social agreements it is assumed that there is no intention to create legal relations, however, this can be overcome.

It can be identified that, while offer and acceptance are proof that the parties have made an agreement, the mere fact of an agreement does not make a contract. There must be consideration and an intention to create legal relations before it becomes legally binding. These three main elements will be discussed in further detail later in the course.

Below is a summary of the essential elements of a contract and their effect on the validity of a contract. This will be useful when it comes to revision.





## Reading list

- Catching Britain's Killers iPlayer (BBC): <https://www.bbc.co.uk/iplayer/episode/m0009dz2/catchingbritains-killers-the-crimes-that-changed-us-series-1-2double-jeopardy>
  - The Case of Sally Challen iPlayer (BBC): <https://www.bbc.co.uk/iplayer/episode/m000c65v/the-caseof-sally-challen>
  - Crime and Punishment (History of the Law), YouTube: <https://www.youtube.com/watch?v=kn1gdZMLtrk>
  - The Briefs, YouTube: <https://www.youtube.com/watch?v=QWTcg8Ye6fl>
  - HARDtalk interview with Lady Hale, YouTube: <https://www.youtube.com/watch?v=i1VozJRjC8&t=414s>
  - The Bar, YouTube: <https://www.youtube.com/watch?v=6d78ROXCPgl>
  - To Kill a Burglar, YouTube: <https://www.youtube.com/watch?v=BemcOAg53eM>
  - The Trial: Murder in the Family, All4: <https://www.channel4.com/programmes/the-trial-amurder-in-the-family>
  - 12 Angry Men (Live play), YouTube: <https://www.youtube.com/watch?v=i2alrvhBHvo>
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