

Unit 1



Title:	Introduction to Law and Practice
Level:	3
Credit Value:	7

Learning outcomes	Assessment criteria	Knowledge, understanding and skills
The learner will:	The learner can:	
1 Understand the structure of the law	<p>1.1 Explain the classification of law</p> <p>1.2 Distinguish between criminal and civil law</p> <p>1.3 Distinguish between common law and equity</p>	<p>1.1 Explanation of how the law impacts on aspects of our daily lives; the “pervasive” nature of the law</p> <p>1.2 Definitions of and comparisons between civil and criminal disputes, eg citations, burden of proof and punishment and/or damages</p> <p>1.3 The meaning of equity, why it was created, its role in modern times</p>
2 Understand what the organs of government are	<p>2.1 Explain the role of:</p> <ul style="list-style-type: none"> • The Executive • Judiciary • The Legislature <p>2.2 Apply an understanding of the organs of government to a given situation</p>	<p>2.1 The role of the three institutions within the constitution and the separation of powers</p> <p>2.2 Application to a scenario</p>
3 Understand how an Act of Parliament is created	<p>3.1 Explain the formal consultation process which may take place before a bill is introduced to Parliament</p> <p>3.2 Describe the different types of Bill</p> <p>3.3 Describe the stages of creation of an Act of Parliament</p>	<p>3.1 The functions of green and white papers and law reform bodies, eg Law Commission</p> <p>3.2 Private Members’ Bills, Private Bills and Public Bills and Hybrid Bills, examples of bills</p> <p>3.3 1st Reading, 2nd Reading, Committee Stage, Report Stage, Third Reading and Royal</p>

	<p>3.4 Apply an understanding of how an Act is created to a given situation</p>	<p>Assent in the House of Commons and House of Lords</p> <p>3.4 Application to a scenario</p>
<p>4 Understand the meaning of delegated legislation</p>	<p>4.1 Describe how secondary legislation is created</p> <p>4.2 Explain the controls exercised over delegated legislation</p> <p>4.3 Explain the advantages and disadvantages of delegated legislation</p> <p>4.4 Apply an understanding of delegated legislation to a given situation</p>	<p>4.1 The different types of secondary legislation i.e. statutory instruments and Bye-Laws, with examples; an explanation of control by parliament and the courts.</p> <p>4.2 Court controls, e.g ultra vires; Parliament controls, e.g. requirement of laying before Parliament</p> <p>4.3 The advantages, e.g fast, flexible, saves Parliamentary time; the disadvantages, e.g usurps power of Parliament and erodes democratic process, volume and complexity leading to obscurity</p> <p>4.4 Application to a scenario</p>
<p>5 Understand how the doctrine of judicial precedent operates</p>	<p>5.1 Explain how case law operates as a source of law</p> <p>5.2 Describe how the doctrine of judicial precedent works</p> <p>5.3 Explain when the court can ignore the previous decision of a higher court</p> <p>5.4 Apply an understanding of judicial precedent</p>	<p>5.1 Defining case law with the use of examples</p> <p>5.2 Use the court hierarchy to illustrate the binding nature of the House of Lords and the Court of Appeal with reference to the 1966 Practice Direction and the doctrine of stare decisis</p> <p>5.3 An outline of how the courts can overrule, distinguish and override previous judgments using case law examples</p> <p>5.4 Application to a scenario</p>

<p>6 Understand how membership of the European Union influences the law of England and Wales</p>	<p>to a given situation</p> <p>6.1 Describe the following:</p> <ul style="list-style-type: none"> • Treaties • Regulations • Directives <p>6.2 Describe the main institutions of the European Union</p> <p>6.3 Apply an understanding of EU membership and its influence to a given situation</p>	<p>6.1 An outline of the primary and secondary sources of EU law with reference to how the individual member states are subject to it</p> <p>6.2 An outline of the constitution, and role of the following EU institutions:</p> <ul style="list-style-type: none"> • European Court of Justice • Commission • Council of Ministers • European Parliament <p>6.3 Application to a scenario</p>
<p>7 Understand the court hierarchy</p>	<p>7.1 Describe the main work undertaken by the criminal courts in England and Wales</p> <p>7.2 Describe the main work undertaken by the civil courts in England and Wales</p> <p>7.3 Describe the system of appeals within the court hierarchy</p>	<p>7.1 The roles of the Magistrates Court, the Crown Court, the Court of Appeal and the House of Lords; explaining, with examples, summary offences, offences triable either way and offences triable only on indictment.</p> <p>7.2 The roles of the County Court, the High Court, the Court of Appeal and the House of Lords; the purpose of the overriding objective in the Civil Procedure Rules</p> <p>7.3 An outline of the appeals route from:</p> <ul style="list-style-type: none"> • Magistrates to the Crown Court including appeals against conviction and to the Divisional Court of the High Court by means of case stated on a point of law • Crown court_appeals against conviction and/or sentence to the Court of Appeal • Criminal Division of the Court of Appeal • House of Lords • Civil Division of the Court of Appeal • High Court • County Court

	<p>7.4 Explain the role of the Criminal Review Commission</p> <p>7.5 Apply an understanding of the court hierarchy to a given situation</p>	<p>7.4 An outline of the role of the Criminal Review Commission including examples of recent miscarriages of justice</p> <p>7.5 Application to a scenario</p>
<p>8 Understand the relevance of the European Convention on Human Rights</p>	<p>8.1 Explain the rights and freedoms granted by Section 1 of the European Convention of Human Rights</p> <p>8.2 Describe the application of the Human Rights Act, 1998 and the relevance of it within the UK</p> <p>8.3 Apply an understanding of the European convention on Human Rights to a given situation</p>	<p>8.1 An outline of the rights and freedoms contained in Section 1 of the ECH; an illustration of their application in case law</p> <p>8.2 The effects of sections 3 and 4 of the HRA</p> <p>8.3 Application to a scenario</p>
<p>9 Understand how disputes can be resolved outside the court hierarchy</p>	<p>9.1 Explain the means of settling a dispute outside the court structure</p> <p>9.2 Explain the advantages and disadvantages of various types of ADR</p> <p>9.3 Apply an understanding of dispute resolution to a given situation</p>	<p>9.1 Comparing negotiation, mediation, conciliation, arbitration; in what circumstances and by whom these different types of resolution might be used; an outline of the different types of tribunal</p> <p>9.2 The circumstances in which each alternative method would be appropriate; comparing ADR with litigation</p> <p>9.3 Application to a scenario</p>
<p>10 Understand the personnel of the English Legal System, their qualification routes and their roles</p>	<p>10.1 Describe the formal training to qualify as a Legal Executive</p> <p>10.2 Describe the work undertaken by legal executives</p>	<p>10.1 The training route, the requirement of qualifying employment to qualify as a Legal Executive and what this means; the type of work carried out by legal executives; changes to the profession and future stability of the profession.</p> <p>10.2 The nature of the work undertaken by legal executives</p>

	<p>10.3 Describe the different levels of judge and their allocation within the court system</p> <p>10.4 Describe the formal training required to qualify as a barrister</p> <p>10.5 Describe the work undertaken by barristers</p> <p>10.6 Describe the formal training required to qualify as a solicitor</p> <p>10.7 Describe the work undertaken by solicitors</p> <p>10.8 Apply an understanding of the personnel of the English Legal System to a given situation</p>	<p>10.3 Judicial appointment and qualifications in relation to Law Lords, Lords Justices of Appeal, High Court Judges, Circuit judges, Recorders and District judges</p> <p>10.4 The training route i.e. LLB, Bar Vocational Course and pupillage; the type of work carried out; the role of the governing professional body i.e. The Bar Council; potential changes to the profession</p> <p>10.5 The nature of the work undertaken by barristers both in court and in preparing advice for clients</p> <p>10.6 The training route i.e. LLB, Legal Practice Course and the training contract; the type of work carried out; the role of the governing professional body i.e. the Law Society and Solicitors' Regulation Authority (SRA); potential changes to the profession</p> <p>10.7 The nature of the work undertaken by solicitors</p> <p>10.8 Application to a scenario</p>
<p>11 Understand the contribution made by laymen within the legal system of England and Wales</p>	<p>11.1 Describe the role of magistrates</p> <p>11.2 Describe the role of the jury</p> <p>11.3 Apply an understanding of the contribution by laymen to the English Legal System to a</p>	<p>11.1 How magistrates are appointed; the role of the Justices' Clerk and the role magistrates' play within the criminal legal system; the advantages and disadvantages of magistrates</p> <p>11.2. How juries are selected and the role of the jury in the crown court trial; the advantages and disadvantages of a jury trial</p> <p>11.3 Application to a scenario</p>

	given situation	
--	-----------------	--

Additional information about the unit	
Unit aim(s)	The learner will understand key underpinning concepts, terms and processes in Law and the practice of Law
Unit expiry date	31 December 2010
Details of the relationship between the unit and relevant national occupational standards (if appropriate)	This unit may provide relevant underpinning knowledge and understanding towards units of the Legal Advice standards
Details of the relationship between the unit and other standards or curricula (if appropriate)	Courses of study leading towards the achievement of the unit may offer the learner the opportunity to satisfy requirements across a number of Level 3 Key Skill areas; most specifically, Communication, Improving own learning and performance, Problem solving and Working with others
Assessment requirements specified by a sector or regulatory body (if appropriate)	Na
Endorsement of the unit by a sector or other appropriate body (if required)	Na
Location of the unit within the subject/sector classification	15.5 Law and Legal Services
Name of the organisation submitting the unit	ILEX (Institute of Legal Executives)
Availability for use	Only available to owning awarding body
Availability for delivery	1 September 2008