

## Unit 1

<b>Title:</b>	<b>Introduction to Law and Practice</b>
<b>Level:</b>	<b>3</b>
<b>Credit Value:</b>	<b>7</b>

<b>Learning outcomes</b>	<b>Assessment criteria</b>	<b>Knowledge, understanding and skills</b>
<b>The learner will:</b>	<b>The learner can:</b>	
<b>1 Understand the structure of the law</b>	<p><b>1.1</b> Explain the classification of law</p> <p><b>1.2</b> Distinguish between criminal and civil law</p> <p><b>1.3</b> Distinguish between common law and equity</p>	<p><b>1.1</b> Explanation of how the law impacts on aspects of our daily lives; the “pervasive” nature of the law. Definitions of and comparisons between Common Law, Equity and Legislation.</p> <p><b>1.2</b> Definitions of and comparisons between civil and criminal disputes, eg, citations, burden of proof, standard of proof, punishment and/or damages.</p> <p><b>1.3</b> The meaning of equity, why and how it was created, its relationship to common law, its role in modern times, equitable maxims, equitable remedies.</p>
<b>2 Understand what the organs of government are</b>	<p><b>2.1</b> Explain the role of:</p> <ul style="list-style-type: none"> <li>• The Executive</li> <li>• Judiciary</li> <li>• The Legislature</li> </ul> <p><b>2.2</b> Apply an understanding of the organs of government to a given situation</p>	<p><b>2.1</b> Understanding the organs of government; the role of the three institutions within the constitution and the separation of powers.</p> <p><b>2.2</b> Application to a scenario.</p>

<p><b>3 Understand how an Act of Parliament is created</b></p>	<p><b>3.1</b> Explain the formal consultation process which may take place before a bill is introduced to Parliament</p> <p><b>3.2</b> Describe the different types of Bill</p> <p><b>3.3</b> Describe the stages of creation of an Act of Parliament</p> <p><b>3.4</b> Apply an understanding of how an Act is created to a given situation</p>	<p><b>3.1</b> The functions of green and white papers and law reform bodies, eg, Law Commission. The formal consultation process.</p> <p><b>3.2</b> Public Bills (Government Bills and Private Members' Bills), Private Bills' Hybrid Bills, examples of bills.</p> <p><b>3.3</b> 1<sup>st</sup> Reading, 2<sup>nd</sup> Reading, Committee Stage, Report Stage, Third Reading and Royal Assent in the House of Commons and House of Lords. Main controls over the House of Lords under The Parliament Acts 1911 and 1949.</p> <p><b>3.4</b> Application to a scenario</p>
<p><b>4 Understand the meaning of delegated legislation</b></p>	<p><b>4.1</b> Describe how secondary legislation is created</p> <p><b>4.2</b> Explain the controls exercised over delegated legislation</p> <p><b>4.3</b> Explain the advantages and disadvantages of delegated legislation</p> <p><b>4.4</b> Apply an understanding of delegated legislation to a given situation</p>	<p><b>4.1</b> Outline primary and secondary legislation; the different types of secondary legislation ie, Statutory Instruments, and Bye-Laws and Orders in Council, with examples.</p> <p><b>4.2</b> Court controls, eg, ultra vires; Parliamentary controls, eg, requirement of laying before Parliament.</p> <p><b>4.3</b> The advantages, eg, fast, flexible, saves Parliamentary time; the disadvantages, eg, usurps power of Parliament and erodes democratic process, volume and complexity leading to obscurity.</p> <p><b>4.4</b> Application to a scenario</p>
<p><b>5 Understand how the doctrine of judicial precedent operates</b></p>	<p><b>5.1</b> Explain how case law operates as a source of law</p>	<p><b>5.1</b> Defining case law with the use of examples; definition of a judgment including Ratio Decidendi and Obiter Dicta.</p>

This specification is for 2012 examinations

	<p><b>5.2</b> Describe how the doctrine of judicial precedent works</p> <p><b>5.3</b> Explain when the court can ignore the previous decision of a higher court</p> <p><b>5.4</b> Apply an understanding of judicial precedent to a given situation</p>	<p><b>5.2</b> The meaning of binding and persuasive judgments; use the court hierarchy to illustrate the binding nature of the United Kingdom Supreme Court (with reference to the 1966 Practice Direction), and the Court of Appeal (with reference to <i>Young v Bristol Aeroplane Co</i> 1944 and other relevant case law) and the High Court; the impact of other influential courts, ie. the European Court of Justice, The European Court of Human Rights and the Privy Council; the doctrine of stare decisis.</p> <p><b>5.3</b> An outline of how the courts can overrule, distinguish and override previous judgments using case law examples.</p> <p><b>5.4</b> Application to a scenario.</p>
<p><b>6 Understand how membership of the European Union influences the law of England and Wales</b></p>	<p><b>6.1</b> Describe the following:</p> <ul style="list-style-type: none"> <li>• Treaties</li> <li>• Regulations</li> <li>• Directives</li> </ul> <p><b>6.2</b> Describe the main institutions of the European Union</p> <p><b>6.3</b> Apply an understanding of EU membership and its influence to a given situation</p>	<p><b>6.1</b> Primary and secondary sources of EU law with reference to how the individual member states are subject to it.</p> <p><b>6.2</b> An outline of the constitution, and role of the following EU institutions:</p> <ul style="list-style-type: none"> <li>• European Court of Justice</li> <li>• European Commission</li> <li>• Council of the European Union (Council of Ministers)</li> <li>• European Parliament</li> <li>• European Council</li> </ul> <p><b>6.3</b> Application to a scenario.</p>
<p><b>7 Understand the court hierarchy</b></p>	<p><b>7.1</b> Describe the main work undertaken by the criminal courts in England and Wales</p>	<p><b>7.1</b> The roles of the Magistrates Court, the Crown Court, the Court of Appeal and the</p>

This specification is for 2012 examinations

	<p><b>7.2</b> Describe the main work undertaken by the civil courts in England and Wales</p> <p><b>7.3</b> Describe the system of appeals within the court hierarchy</p> <p><b>7.4</b> Explain the role of the Criminal Review Commission</p> <p><b>7.5</b> Apply an understanding of the court hierarchy to a given situation</p>	<p>United Kingdom Supreme Court; explaining, with examples, summary offences, offences triable either way and offences triable only on indictment; the main objectives of Criminal Procedure Rules 2010 including the purpose of the overriding objective.</p> <p><b>7.2</b> The roles of the County Court, the High Court, the Court of Appeal and the United Kingdom Supreme Court; the main objectives of Civil Procedure Rules 1998 including the purpose of the overriding objective; the three track system.</p> <p><b>7.3</b> An outline of the appeals route including:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Crown court appeals against conviction and/or sentence to the Court of Appeal</li> <li>• Criminal Division of the Court of Appeal</li> <li>• United Kingdom Supreme Court</li> <li>• Civil Division of the Court of Appeal</li> <li>• High Court</li> <li>• County Court</li> </ul> <p><b>7.4</b> An outline of the role of the Criminal Cases Review Commission including examples of recent miscarriages of justice.</p> <p><b>7.5</b> Application to a scenario.</p>
<p><b>8 Understand the relevance of the European Convention on Human Rights</b></p>	<p><b>8.1</b> Explain the rights and freedoms granted by Section 1 of the European Convention of Human Rights</p>	<p><b>8.1</b> An outline of the rights and freedoms contained in Section 1 of the ECHR; an illustration of their application in case law.</p>

This specification is for 2012 examinations

	<p><b>8.2</b> Describe the application of the Human Rights Act, 1998 and the relevance of it within the UK</p> <p><b>8.3</b> Apply an understanding of the European convention on Human Rights to a given situation</p>	<p><b>8.2</b> The effects of sections 2, 3, 4, 6 and 7 of the HRA.</p> <p><b>8.3</b> Application to a scenario.</p>
<b>9 Understand how disputes can be resolved outside the court hierarchy</b>	<p><b>9.1</b> Explain the means of settling a dispute outside the court structure</p> <p><b>9.2</b> Explain the advantages and disadvantages of various types of ADR</p> <p><b>9.3</b> Apply an understanding of dispute resolution to a given situation</p>	<p><b>9.1</b> An outline of ADR and comparison of 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; the tribunal Chambers.</p> <p><b>9.2</b> The circumstances in which each alternative method would be appropriate; comparing ADR with litigation.</p> <p><b>9.3</b> Application to a scenario.</p>
<b>10 Understand the personnel of the English Legal System, their qualification routes and their roles</b>	<p><b>10.1</b> Describe the formal training to qualify as a Legal Executive</p> <p><b>10.2</b> Describe the work undertaken by legal executives</p> <p><b>10.3</b> Describe the different levels of judge and their allocation within the court system</p>	<p><b>10.1</b> The training route, the requirement of qualifying employment to qualify as a Legal Executive and what this means; membership categories.</p> <p><b>10.2</b> The role of legal executive including the nature of the work undertaken by legal executives and their regulation; ILEX Professional Standards, The Legal Services Board; The Office for Legal Complaints.</p> <p><b>10.3</b> Judicial appointment and qualifications in relation to Justices of the Supreme Court, Lords Justices of Appeal, High Court Judges, Circuit judges, Recorders and District judges.</p>

This specification is for 2012 examinations

	<p><b>10.4</b> Describe the formal training required to qualify as a barrister</p> <p><b>10.5</b> Describe the work undertaken by barristers</p> <p><b>10.6</b> Describe the formal training required to qualify as a solicitor</p> <p><b>10.7</b> Describe the work undertaken by solicitors</p> <p><b>10.8</b> Apply an understanding of the personnel of the English Legal System to a given situation</p>	<p><b>10.4</b> The training route including the Academic stage, the Vocational stage and pupillage.</p> <p><b>10.5</b> The nature of the work undertaken by barristers both in court and in preparing advice for clients; barristers in chambers; the type of work carried out; the role of the governing professional body ie, The Bar Standards Board and code of conduct; The Legal Services Board. The Office for Legal Complaints.</p> <p><b>10.6</b> The training route including the Academic stage and the Vocational stage and the training contract.</p> <p><b>10.7</b> The nature of the work undertaken by solicitors and the role of the governing professional body ie, the Law Society and Solicitors' Regulation Authority (SRA) and code of conduct; The Legal Services Board. The Office for Legal Complaints.</p> <p><b>10.8</b> Application to a scenario.</p>
<p><b>11 Understand the contribution made by laymen within the legal system of England and Wales</b></p>	<p><b>11.1</b> Describe the role of magistrates</p> <p><b>11.2</b> Describe the role of the jury</p>	<p><b>11.1</b> 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><b>11.2.</b> Eligibility for jury service (Juries Act 1974); how juries are selected; the role of juries in a crown court trial;S8 Contempt of Court Act 1981; the advantages and disadvantages of a jury trial.</p>

This specification is for 2012 examinations

	<b>11.3</b> Apply an understanding of the contribution by laymen to the English Legal System to a given situation	<b>11.3</b> Application to a scenario.
--	-------------------------------------------------------------------------------------------------------------------	----------------------------------------

<b>Additional information about the unit</b>	
Unit aim(s)	The learner will understand key underpinning concepts, terms and processes in Law and the practice of Law
Unit expiry date	31 March 2015
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)	N/A
Endorsement of the unit by a sector or other appropriate body (if required)	N/A
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

This specification is for 2012 examinations