

	<p>1.3 Explain the roles of individuals involved in the court system</p> <p>1.4 Describe the principal provisions of the primary and secondary legislation establishing and regulating the criminal courts</p> <p>1.5 Describe the relevance of the Human Rights Act to criminal proceedings</p> <p>1.6 Explain the jurisdiction to stay proceedings as an abuse of process</p> <p>1.7 Analyse a given legal situation on the structure of the criminal courts in order to offer practical advice and assistance</p>	<p>against conviction, sole ground is that conviction is unsafe, misdirection or error of law, power to order retrial against sentence, powers, function of guideline judgments, Attorney General's reference, establishing an authoritative but hypothetical ruling, terminating rulings, reopening cases, unduly lenient sentences, scope of 'unduly' lenient; Administrative Court or Court of Appeal to House of Lords, ie, point of law, by leave only</p> <p>1.3 Qualification and usual jurisdiction of Lords of Appeal in Ordinary, Lords Justices of Appeal, High Court Judges, Circuit Judges, Recorders, District Judges (Magistrates Courts); composition and function of the jury; Juries Act 1974 qualification and function of JPs, scope of criminal jurisdiction and role of the legal advisor</p> <p>1.4 An understanding of the primary legislation, eg, Magistrates Court Act 1980, Courts Act 1971, Courts Act 2003 and secondary legislation, eg, Criminal Procedure Rules 2005 in particular the overriding objective and the obligations imposed on the defence in consequence</p> <p>1.5 An understanding of the European Convention on Human Rights Arts 5-7.</p> <p>1.6 Relevant case law, eg, <i>Humphreys</i> (1975), <i>Beckford & Daley</i> (1991), <i>R v Derby CC ex p Brooks</i> (1984), <i>A-Gs Reference (No 1 Of 1990)</i>, <i>R v Feltham MC ex p Ebrahim</i> (2001)</p> <p>1.7 Analysis of a complex scenario to offer advice and assistance</p>
2 Understand police powers in relation to	2.1 Explain the powers of stop and search	2.1 Availability and applicability of stop and search

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<p>the investigation of crime</p>	<p>2.2 Explain the powers to search premises and persons, and obtain samples (eg, fingerprints)</p> <p>2.3 Explain the powers of arrest and detention</p> <p>2.4 Explain the powers in relation to questioning</p> <p>2.5 Analyse a given legal situation on police powers in relation to the investigation of crime in order to offer practical advice and assistance</p>	<p>powers: Police and Criminal Evidence Act 1984 (PACE) ss 1-4 and Code A; ss 44-7 Terrorism Act 2000 Part 4</p> <p>2.2 Availability and applicability of powers to search premises and persons: PACE ss8-23 and 32; 54-55 and Code B; provisions relating to samples: PACE ss 61 65; PACE Code C s 17 and Annex A</p> <p>2.3 Availability and applicability of powers of arrest and detention: PACE ss 24-53; 56-58 and Codes C and G</p> <p>2.4 Availability and applicability of powers in relation to questioning: Codes C, E and F; Criminal Justice and Public Order Act 1994 ss 34-38; drafting a written statement as an alternative to answering questions</p> <p>2.5 Analysis of a complex scenario to offer advice and assistance</p>
<p>3 Understand the rules relating to public funding of advice and representation in criminal matters</p>	<p>3.1 Describe the scope of the work which can be done by one's own solicitors and duty solicitors under the Unified Contract (Crime)</p> <p>3.2 Explain the purpose of a representation order</p> <p>3.3 Outline the means criteria for the grant</p>	<p>3.1 The principal terms of the Unified Contract (Crime) and guidance/instructions issued by the Legal Services Commission/Criminal Defence Service so far as they are relevant to the conduct of proceedings and the grant of representation in individual cases; the scope of the police station and court duty solicitor schemes and the role of CDS direct</p> <p>3.2 Its purpose; applying for a representation order; the merits section of an application for a representation order; the statutory merits criteria</p> <p>3.3 The statutory means criteria and the procedure</p>

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	<p>of representation</p> <p>3.4 Analyse a given legal situation on the public funding of advice and representation in order to offer practical advice and assistance</p>	<p>for evaluation of applications</p> <p>3.4 Analysis of a complex scenario to offer advice and assistance, eg, completing the merits section of an application for a representation order</p>
4 Understand the law relating to bail in criminal proceedings	<p>4.1 Explain the powers of the police and the courts in relation to bail</p> <p>4.2 Analyse a given legal situation on the law relating to bail in order to offer practical advice and assistance</p>	<p>4.1 Granting bail; procedures to review or appeal bail decisions; the consequences of breach of bail: Bail Act 1976; PACE ss 37-8, provisions relating to street bail</p> <p>4.2 Analysis of a complex scenario to offer advice and assistance, eg, preparing a bail application taking full account of all relevant factors and likely objections; Bail Act 1976</p>
5 Understand the various stages of criminal proceedings	<p>5.1 Explain the purpose and process of interview under caution</p> <p>5.2 Explain identification procedures</p> <p>5.3 Explain, in either way cases, the plea before venue, mode of trial and committal procedures</p> <p>5.4 Explain the purpose and process of the defence statement and disclosure</p> <p>5.5 Explain the relevant rules of evidence</p>	<p>5.1 PACE Code C; principal provisions of PACE Codes E and F; Criminal Justice and Public Order Act 1994 ss 34 -38; consequences of selective silence, total silence and providing written comments.</p> <p>5.2 PACE Code D; the VIPER system; relevant case law, eg, <i>Turnbull</i> (1977); alternatives to a VIPER or parade identification</p> <p>5.3 Magistrates Courts Act 1980 ss 5-8, 17-25; Criminal Procedure Rules 2010 Part 10; Mode of Trial Guidelines (scheduled to Criminal Procedure Rules)</p> <p>5.4 Criminal Procedure and Investigations Act Part I; CPR Parts 21 and 22</p> <p>5.5 Evidence of character of the accused or others; alibi; hearsay; burden and standard of proof; unfavourable and hostile witnesses; exclusion of evidence; expert evidence: Criminal Justice Act 2003 Part 11; Youth Justice and Criminal Evidence Act 1999 Part 2; PACE ss 76-78 and</p>

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	<p>5.6 Explain the evidential issues associated with the availability of defences</p> <p>5.7 Analyse a given legal situation relating to the stages of criminal proceedings in order to offer practical advice and assistance</p>	<p>84; Criminal Justice Act 1967 ss 9-11; Criminal Justice Act 1988 s 30; Criminal Procedure Rules Part 27 – 36; nature of burdens of proof and evidential burdens; impact of ECHR</p> <p>5.6 Awareness of the features of the principal defences, eg, self-defence, necessity, duress <i>per minas</i>, duress of circumstances; automatism; partial defences to murder under Homicide Act 1957 s 3 -4; insanity; Criminal Law Act 1967 s 3; extent to which there is a legal or evidential burden on the defence</p> <p>5.7 Analysis of a complex scenario to offer advice and assistance, eg, drafting a defence statement, instructions/brief to counsel or a formal admission under s 10 Criminal Justice Act 1967</p>
6 Understand sentencing and ancillary orders in criminal proceedings	<p>6.1 Explain the principles and practice of sentencing</p> <p>6.2 Analyse a given legal situation on sentencing and ancillary orders in order to offer practical legal advice and assistance</p>	<p>6.1 The principles of sentencing; the sentences available and the criteria for their imposition: Powers of Criminal Courts (Sentencing) Act 2000; Criminal Justice Act 2003 Part 12; Crime and Disorder Act 1998 Part IV Chapter 1; Sentencing Guidelines Council Guidelines; Magistrates Courts' Sentencing Guidelines; guideline sentencing cases; Criminal Justice Rules Parts 42-55; offences to be taken into consideration; pre-sentence and other reports</p> <p>6.2 Analysis of a complex scenario to offer advice and assistance, eg, advising on sentence in relation to defined circumstances and drafting a plea in mitigation</p>
7 Understand the principles of legal professional ethics as they apply to criminal matters	<p>7.1 Explain the duties of the advocate and adviser</p>	<p>7.1 Confidentiality; duty not to mislead the court; duty to disclose adverse matters of law; when the adviser must withdraw; representing an absent client; relationship with court, prosecution and others</p>

	7.2 Analyse a given legal situation on professional ethics as they apply to criminal matters in order to offer practical advice and assistance	7.2 Analysis of a complex scenario to offer advice and assistance
8 Understand the special rules relating to juveniles	<p>8.1 Explain the jurisdiction of the youth court and the circumstances in which a juvenile may be tried in an adult court</p> <p>8.2 Explain the rules operating for the protection of juveniles</p> <p>8.3 Explain sentencing in relation to a juvenile</p> <p>8.4 Analyse a given legal situation relating to the special rules for juveniles in order to offer practical advice and assistance</p>	<p>8.1 Magistrates Courts Act 1980 ss 24, 29; Children & Young Persons Act 1933. Grave crimes and dangerous offenders: ss 90-92 Powers of criminal Courts (Sentencing) Act and Part 12 Chap 5 CJA 2003.</p> <p>8.2 Youth Justice and Criminal Justice Act 1999 Part 2 Chapters 4 and 5</p> <p>8.3 Youth Justice And Criminal Evidence Act 1999 Part 1; Powers of Criminal Courts (Sentencing) Act 2000 (relevant provisions); Crime and Disorder Act 1998 ss 37-42</p> <p>8.4 Analysis of a complex scenario to offer advice and assistance, eg, advising on sentence in relation to defined circumstances for a juvenile</p>

Additional information about the unit	
Unit aim(s)	To accredit a broad and detailed understanding of Criminal Litigation
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; specifically, Unit 31 Criminal Law Advice and Casework
Details of the relationship between the unit and other standards or curricula (if appropriate)	Na
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	Available to all Awarding Bodies to award credit (shared)
Availability for delivery	1 September 2009

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