

## **A Level Law Year 13 Summer Independent Learning**

This pack contains various tasks to help you prepare for the start of year 13 in September.

Please **complete ALL tasks** ready for your first day back at New College. We recommend completing this task on Microsoft Word or other electronic means. **However, this must be brought in as a printed copy to your first lesson. This is because your teacher will take it in and check it.**

The Summer Independent Learning in this pack will focus on new content and retrieval from year 12 as shown in the below table:

<u>SIL Focus</u>	<u>Task Number</u>	<u>Topic</u>	<u>Checklist</u> <i>(tick when complete)</i>
New Content (Part 1)	Tasks 1-4	Law Making and Influences ( <i>Paper 2, Section A</i> )	
Retrieval Practice (Part 1)	Tasks 5-6	<b>Legal System and Criminal Law</b> ( <i>Paper 1 Section A &amp; B</i> ) and <b>Tort</b> ( <i>Paper 2, Section B</i> )	
Retrieval and Exam Skills (Part 2)	Task 7-9	<b>Tort</b> ( <i>Paper 2, Section B</i> )	

## Part 1 - Law Making and Influences

### Task 1 – Law Making and Influences

When Parliament make law they are influenced by a number of different factors. **Use the following links to research and detail how the below influence our laws:**

- <https://www.legalsecretaryjournal.com/influences-in-law-making>
- <https://www.lawteacher.net/free-law-essays/administrative-law/many-influences-on-parliament-administrative-law-essay.php>
- <https://prezi.com/t5xwx t-wzig/the-influences-of-parliament/>

Type of influence	Description/ How they influence our law?	Examples
Media /Public Opinion		
Pressure Groups		
Law Commission		
European Union		

## Task 2 – Law Making and Influences

When a law is made it starts off as a Bill. There are three main types of bill. **Watch the following video to detail the types of bill and complete the table below:**

- [https://www.youtube.com/watch?time\\_continue=10&v=LaFgWniqd2Y](https://www.youtube.com/watch?time_continue=10&v=LaFgWniqd2Y)

Type of bill	Detail (who proposes it and give examples of each)
<b>Public bill</b>	
<b>Private bill</b>	
<b>Private Members Bill</b>	

Choose and Research a current bill in parliament. And answer the following questions:

<https://bills.parliament.uk/>

Question	Answer
What is the name of the bill you chose?	
Describe what the Bill is all about.	
What influenced this Bill to be made in the first place? How did it come about?	
What type of Bill is it and who introduced it?	
What stage of the law making process is it at?	
What will be the impacts of this Bill turning into a law?	

### Task 3 – Law Making and Influences

When a bill becomes a law, it has to go through many stages. All of the stages must be done correctly. Use the following links to research each stage of the Parliamentary law making process and complete the flow diagram.

- <https://www.youtube.com/watch?v=iM4CKYCrW7Y>
- [https://www.youtube.com/watch?time\\_continue=4&v=Wuk3L3tknwg](https://www.youtube.com/watch?time_continue=4&v=Wuk3L3tknwg)
- <https://www.parliament.uk/about/how/laws/passage-bill/commons/coms-commons-first-reading/>

#### Law making process



### Task 4 – Law Making and Influences

So far, you have looked at areas that you can have 8 mark knowledge (AO1) questions on (influences, bills, process). You can also be asked 12 mark evaluation (AO3) questions on this topic. **Conduct your own independent research into the advantages and disadvantages of Parliamentary law-making process.**

#### Evaluation of the Parliamentary law-making process

Advantages	Disadvantages
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

## Task 5 – Legal System and Criminal Law – Practice

Complete the following practice exam paper without notes. Ensure you answer all questions on the paper. Time yourself and write your total time at the bottom of the paper. *This paper should take you 2 hours maximum.*

### **Paper 1: Legal System and Criminal Law**

#### **SECTION A**

#### **The legal system**

Answer **two** questions (**one** from questions 1-2 and **one** from questions 3-4.)

*Answer **one** question from questions 1-2.*

1. Describe the aims of sentencing and any aggravating and mitigating factors which affect a sentence (8 marks)
2. Describe the role and regulation of solicitors and legal executives. (8 marks)

Pick either Q3 or Q4:

3. Discuss the advantages of using juries in criminal cases. (12 marks)
4. Discuss the advantages and disadvantages of the judiciary. (12 marks)

## SECTION B

### Criminal Law

Choose **Part 1** or **Part 2**.

#### Part 1

Answer the **three** questions below

*The first two questions are based on the scenarios below. The scenarios are **not** related.*

Sally is having a party at her home to celebrate her birthday. Her brother, Harry, decides to play a joke on Sally by hiding in a large box wrapped with a ribbon. As Sally, who thinks this box is a present, removes the ribbon. Harry bursts out of the top of the box wearing a clown's mask and shouts, "Surprise! Happy birthday!! Shocked, Sally, who is clearly frightened, begins to panic. Then Harry jumps out of the box and pushes a custard pie in Sally's face. This causes Sally to stumble backwards and trip over a chair knocking herself unconscious for three minutes.

5. Advise whether Harry is liable for any non-fatal offences against the person against Sally. (20 marks)

Maria was engaged to Frank, a climber. Frank and his friend Gavin were climbing when Frank fell and died. Gavin survived and Maria believes he could have saved Frank. Maria is depressed and her doctor has prescribed medication. The doctor says she must only take one pill at a time and not drink alcohol. At a lunch in Frank's memory Maria is wearing a necklace he gave her. She hears Gavin say that Frank was a dangerous climber who got what he deserved. Maria is upset and takes a pill the doctor prescribed washed down with a glass of red wine. An hour later, Maria is drinking a glass of lemonade when Gavin comes and hugs her. She runs off and falls, breaking her necklace. Maria sees Gavin laugh. She grabs a sharp knife from the lunch table and stabs Gavin several times, killing him.

6. Advise whether Maria can avoid liability for murder by using the defences of loss of control or diminished responsibility. (20 marks)

#### Essay question on criminal law

7. "The law on assault and battery is effective and protects victims"

Discuss the extent to which you agree with this statement. (20 marks)

## Part 2

Answer the **three** questions below

*The first two questions are based on the scenarios below. The scenarios are **not** related.*

Heidi and Mark are famous models who are working at an international fashion show. They dislike each other and will do anything to get more publicity than the other. After the show, where they are appearing together on stage, both models spot a photographer for a world-famous fashion magazine. Mark deliberately stands in front of Heidi to block her from the photographer's view. Annoyed, Heidi pushes Mark out of the way and he falls from the stage. However, unknown to Heidi, Mark has osteoporosis (a medical condition where bones break easily) and breaks his neck in the fall. He dies immediately.

8. Advise whether Heidi is criminally liable for the unlawful act manslaughter of Mark. (20 marks)

Hamza rents out houses to students. He goes to each house to collect the money he is owed. At the first house, Sylvia is not in, but through the window Hamza sees her laptop computer on a desk. He rings his brother, Muhammed and sells it to him for £100, telling him to collect it from the house. At the next house, Hamza notices some rare plants growing in a large plant pot. They were planted there by Freddie, the tenant. Hamza digs up several of the plants and intends to give them to his friend, Mabel, as a gift. As he is driving back to deliver the plants to Mabel, Hamza is stopped for dangerous driving. He is diabetic and has not eaten after taking his insulin that morning. He says that he could not remember anything about the journey. Hamza is charged with theft and dangerous driving.

9. Advise whether Hamza is criminally liable for theft and whether or not he can rely on any mental capacity defences. (20 marks)

### **Essay question on criminal law**

10. "The law on assault and battery is effective and protects victims"

Discuss the extent to which you agree with this statement. (20 marks)

**Complete the following practice exam paper without notes.** Ensure you answer all questions on the paper. Time yourself and write your total time at the bottom of the paper. *This paper should take you 1 hour maximum.*

## **SECTION B**

### **Tort Law**

Answer the **three** questions below.

The first two questions are based on the scenarios below. The scenarios are **not** related.

Percy keeps free-range chickens that make a lot of noise, disturbing his next door neighbours. One of his neighbours, Darla, teaches meditation classes in her home. The noise from the chickens interrupts her sessions and she has lost ten students as a result. Kerry lives in the house on the other side and told Percy that the smell from the chickens made it unpleasant to be in her garden. Percy was annoyed by this, and when he cleaned out the henhouses, he started piling the chicken droppings next to the fence between their gardens. The smell has got so bad that Kerry is unable to sit in her garden or have the windows open at the back of her house.

Carly has bought a shop. The shop is in a bad state of repair, especially in the storeroom where there is a rotten floorboard. Carly fixed a warning notice to the door saying 'Keep out – floor unsafe'. The electrical wiring needed to be replaced, so she called in Andy the Electrician, who was recommended by the local council. Andy replaced the wiring and told Carly that it was all completed. Andy then packed up his tools to leave but found he was missing a set of pliers. He went into the storeroom to see if he left it there and the rotten floorboard collapsed. Andy fell part-way through the hole in the floor, breaking his leg. An ambulance was called, and Meg the paramedic came into the shop to help Andy. She switched on the light and received an electric shock due to faulty wiring. Meg suffered severe burns.

1. Advise whether Darla and Kerry can successfully sue Percy for private nuisance including the remedies they can potentially claim. **[20]**
6. Advise whether Carly will be liable to Andy and Meg under Occupiers Liability, including any relevant defences. **[20]**

### **Essay question on tort law**

7. Discuss the extent to which the law on Vicarious liability is fit for purpose. **[20]**

## Part 2 – Additional content – Tort Law

This additional content focuses on the law of Tort.

### Task 7 – Law of Tort – Nuisance

This is an extract from an important case. The extra detail will provide a deeper understanding of the law and how it fits in with other cases in this topic.

Read the following case summary on the next page and answer the questions below:

1. What interference was caused by the Canary Wharf building?
2. Is there a right to a view?
3. Is there a right to television reception?
4. Should the right to television reception be recognised by the law?
5. According to this case, who can claim for a nuisance?
6. Which decision was overruled by the House of Lords in this case?

#### **Extension task**

7. Research the other cases cross referenced to in the text (**Bland v Moseley (1587)** and **Malone v Laskey (1907)**) and using the template used for Hunter, produce your own key cases.

## HUNTER v CANARY WHARF LTD and LONDON DOCKLANDS DEVELOPMENT CORPORATION (1995)

### Facts:

This landmark case was heard in the House of Lords. It involves the civil law of nuisance. Canary Wharf is an expansive business and retail park situated on the Isle of Dogs in East London, the largest of the towers being 235 metres high. Local residents who lived near the Canary Wharf buildings in London found that they no longer had very good television reception, as the building was so tall, it caused interference. The construction company did rectify the television interference but the residents claimed for the loss of their use and enjoyment of land during 1989-1992. One of the main issue in this case was the fact that the claimants were not all owners or tenants of the houses and flats. Claims were also made by the owner's spouse, children etc.

### Held:

The Court of Appeal had decided that television reception was not a right, just as people do not have the right to a view (**Bland v Moseley (1587)**). The court did however; state that claims could be made by people who did not have an interest in the land affected by the building of the Canary Wharf by following the decision in **Khoransandjian v Bush (1994)**.

The House of Lords however, reversed the decision and held that claims could only be made by people who owned or occupied land near to Canary Wharf. This was to simplify the law of nuisance and reaffirm that it is essentially a land-based tort.

### **LORD GOFF OF CHIEVELEY:**

'Since the tort of nuisance is a tort directed against the plaintiff's enjoyment of his rights over land, an action of private nuisance will usually be brought by the person in actual possession of the land affected, either as the freeholder or tenant of the land in question, or even as a licensee with exclusive possession of the land It has for many years been regarded as settled law that a person who has no right in the land cannot sue in private nuisance...'

### Evaluation point:

The decision in this case to only allow claims from people with an interest in land has returned the law to the position it was in 1907 (**Malone v Laskey**). The House of Lords justified this decision as being necessary to make the law of nuisance more straightforward and to distinguish it from the law of negligence. Lord Cooke's dissenting judgement argued that it was unjust to change the law back just to make it simpler.

### Cross-reference to other important cases:

**Bland v Moseley (1587)** – there is no right to a view.

**Malone v Laskey (1907)** – only people with an interest in land can claim in the tort of nuisance.

This additional content focuses on exam skills and the law of Tort.

### Task 8 – Law of Tort - Remedies

By applying the law to a scenario you are able to test your knowledge of the law whilst developing essential skills for the exam. Read the facts and decide what remedies may be available to Richard:

### Task 9 – Law of Tort - Defences

Carole owns a chicken farm. A year ago she obtained planning permission to build a large shed to expand her business. Carole's next-door neighbour, Richard, is an artist who sells work from a studio at his home. He complains forcefully to Carole that his business is suffering as the noise of her chickens means visitors don't stay long enough to buy any art. In response Carole takes delivery of even more chickens.

Lorries collecting eggs from Carole's chickens day and night. Richard claims that the lorries keep him awake and that the rural atmosphere is ruined. The cars and lorries produce fumes which Richard says have made his prize-winning flowers die

**Advise Richard as to the type of remedies he might be able to claim.**

The following scenario includes some defences. Read the facts and decide if David can successfully raise any defence, answer the questions below:

David was taking his daughter Elena, aged eight, to school in his car. She was not wearing a seat belt. As they were late, David was driving very fast. He was unable to avoid Frank who was in the middle of the road on his motorbike, overtaking a car. Frank had seen David approach him but decided to overtake him anyway.

Both Elena and Frank were taken to hospital as they were seriously injured. At the hospital the doctors offered Frank a risky operation to limit the extent of his brain injury. Frank chose to go ahead with the operation but it made his condition worse.

1. Can David raise any defences against a claim of negligence made by Elena?
2. Can David raise any defences against a claim of negligence made by Frank?