

## **BTEC Applied Law Summer Independent Learning**

### **Yr12-13**

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

Please **complete ALL tasks** by your first law lesson in September. Upload evidence on to **Teams**. We recommend you spend 2 hours on Task 1/2, 2 hours on tasks 3/4 and 2 hours on task 5.

The Summer Independent Learning in this pack will focus on **Unit 3 – Applying the law**.

	<b><u>Tasks</u></b>	<b><u>Completed</u></b>
<b>1.</b>	<b><u>Fatal Offences Recap/Summaries</u></b> Compete these without using your booklets at first to see what you remember, then add what you missed.	
<b>2.</b>	<b><u>Fatal Offences Scenario Practice</u></b> Apply the law to each scenario step by step, coming to a justified conclusion: <ul style="list-style-type: none"> <li>• Lisa – Murder/DR</li> <li>• Kevin – Murder/LoC</li> <li>• Katya &amp; Dr Teal – UAM/GNM</li> </ul>	
<b>3.</b>	<b><u>Police Powers Pre-Reading/Research</u></b> <ul style="list-style-type: none"> <li>• Stop and Search</li> <li>• Arrest</li> <li>• Detention</li> <li>• Searches and samples</li> <li>• Interviews</li> </ul>	
<b>4.</b>	<b><u>Property offences Pre-Reading/Research</u></b> <ul style="list-style-type: none"> <li>• Theft</li> <li>• Robbery</li> <li>• Burglary</li> <li>• Criminal damage &amp; Arson</li> <li>• Fraud by false representation</li> </ul>	
<b>5.</b>	<b><u>Police Powers and Property Application Practice</u></b>	

## Murder

### Definition -

#### Actus Reus

1. Unlawful killing -
2. Human Being -
3. King's Peace -
4. Causation (F/L) -

AR CASES -

#### Mens Rea

Direct to kill -

Direct to GBH -

Oblique to kill (Virtual Certainty) -

Oblique to GBH (Virtual Certainty) -

MR CASES -

## Unlawful Act Manslaughter

### 1. Unlawful Act? -

Larkin -

### 2. Dangerous? -

Test (SRP) -

Church -

### 3. Caused death? -

F/L -

Case -

### 4. Mens rea for UA? -

Newbury -

## Fatal Offences Summary

### Diminished Responsibility

#### 1. Abnormality of mental functioning

Byrne -

#### 2. Recognised medical condition -

#### 3. Substantial impairment -

- 
- Cases -
- 

#### 4. Provides an explanation -

Case -

#### Drink involved?

- Just drunk =
- Drunk + AMF =
- ADS =

## Loss of control

### 1. Loss of control? -

Jewell -

### 2. Qualifying triggers

- Fear of violence -

- Anger at things said or done that:  
JSBW OR EGC

Cases -

### 3. Normal person test -

Camplin -

Exclusions:

## Gross Negligence Manslaughter

Leading Case =

### 1. Duty of care?

Case -

### 2. Breach of duty? (objective test) -

### 3. Caused death -

F/L -

### 4. Grossly Negligent? -

Case -

### 5. Risk of death? -

Anne was stopped by the police close to Whiteacre Cricket Ground following reports that a woman matching her description was seen beating another woman to death with a cricket bat. Investigations of the incident by the police established the following facts:

- Anne was seen on CCTV repeatedly beating Lisa with a cricket bat
- Anne had been suffering severe depression for a number of years and had been seeing a psychiatrist
- the psychiatrist had been trying a number of different treatments for Anne's depression, but at the time of the incident no treatment was proving effective
- as a result of her depression, Anne's behaviour had become increasingly irrational leading to several arguments between her and Lisa

### Apply each element of murder -

#### Actus Reus

1. Unlawful killing? -
  2. Human Being? -
  3. King's Peace? -
  4. Causation (F/L)? -
- Break in chain? -*

#### Mens Rea

- Direct to kill? -
- Direct to GBH? -
- Oblique to kill? (Virtual Certainty) -
- Oblique to GBH? (Virtual Certainty)-

Conclusion - Is Lisa guilty of murder?

### Apply each element of DR -

1. Abnormality of mental functioning?
2. Recognised medical condition?
3. Substantial impairment?

- - 
  -
4. Provides an explanation?

Conclusion - Can Lisa rely on the defence of DR?

Kevin Gallo (aged 33) was charged by the police on Friday morning after the death of Daniel Thomsen. Investigations of the incident by the police have established the following facts:

- Kevin was at his sister Renee's home, where she lived with her husband, Daniel.
- A few weeks ago, Daniel had thrown Renee down the stairs, breaking her arm and Kevin was worried that Daniel would attack Renee again.
- One night, Kevin, Renee and Daniel had been having a meal. Renee accidentally knocked a drink over. Daniel shouted at Renee and called her a 'stupid woman'. He said that if she didn't clear the drink up quickly he would give her another beating.
- Kevin told Daniel to stop treating his sister that way. Daniel began laughing about throwing Renee down the stairs and made several nasty comments about her.
- Daniel's comments made Kevin very angry. He saw a hammer and then began repeatedly hitting Daniel on the head with it, shouting 'die'. Daniel died instantly.

### Apply each element of murder -

#### Actus Reus

5. Unlawful killing? -
  6. Human Being? -
  7. King's Peace? -
  8. Causation (F/L)? -
- Break in chain? -*

#### Mens Rea

- Direct to kill? -
- Direct to GBH? -
- Oblique to kill? (Virtual Certainty) -
- Oblique to GBH? (Virtual Certainty)-

Conclusion - Is Kevin guilty of murder?

### Apply each element of LoC -

1. Loss of control? -
  2. Qualifying triggers
    - Fear of violence? -
    - Anger at things said or done that:
- JSBW? -
- EGC? =

#### 3. Normal person test -

Conclusion - Can Kevin use a defence?

Katya has been arrested for dangerous driving. Investigations of the incident by the police have established the following facts:

- Katya was driving along a quiet road when she received a text from her boyfriend. She replies as she goes round a bend and loses control and the car skids, hitting Donald as he is walking his dog.
- Donald is unconscious and taken to hospital.
- Doctor Teal, who has been on duty for 18 hours, examines Donald and says he needs an urgent blood transfusion to save his life.
- Donald refuses for religious reasons. Donald is allergic to antibiotics but Doctor Teal does not check for this and give him some anyway. Donald dies.

### Apply each element of UAM to Katya

#### 1. Unlawful Act? -

#### 2. Dangerous? -

Apply Test (SRP) -

#### 3. Caused death? -

*F/L -*

*Break in chain? -*

#### 4. Mens rea for UA? -

Conclusion - Is Katya guilty of UAM?

### Apply each element of GNM to Dr. Teal

#### 1. Duty of care? -

#### 2. Breach of duty? (objective test) -

#### 3. Caused death -

*F/L -*

#### 4. Grossly Negligent? -






#### 5. Risk of death? -

Conclusion - Is Dr. Teal guilty of GNM?

### Task 3 – Police Powers Pre-Reading/Research

**Activity 1** in the Unit 3 exam will combine a **fatal offence** and a **police power**. You need to show **knowledge** of the law and **apply** the law on for both. You must also include **evaluation** for both. These are powers the police have to stop and search, arrest, and detail a suspect. If police do not follow correct procedures then all evidence can be **dismissed by the courts**. All powers are found in the **Police and Criminal Evidence Act 1984 (PACE)** and are organised in **Codes**.

Conduct research on the police powers in the table below

Police Power	What code under PACE can you find the powers?	What must police do for it to be lawful? Answer the following questions:	What are the Pro's and Con's of the police power?
<b>Stop and Search</b> 		<ol style="list-style-type: none"> <li>1. Where can police stop and search you?</li> <li>2. What are police allowed to search for?</li> <li>3. When can police stop and search you?</li> <li>4. Where on a person are police allowed to search?</li> </ol> <a href="https://www.gov.uk/police-powers-to-stop-and-search-your-rights">https://www.gov.uk/police-powers-to-stop-and-search-your-rights</a>	
<b>Arrest</b> 		<ol style="list-style-type: none"> <li>1. When can an arrest without a warrant be made?</li> <li>2. What can police arrest for?</li> <li>3. What is the procedure police go through when arresting?</li> <li>4. What level of force can police use when arresting?</li> </ol> <a href="https://www.inbrief.co.uk/police/power-of-arrest/">https://www.inbrief.co.uk/police/power-of-arrest/</a>	
<b>Detention</b> 		<ol style="list-style-type: none"> <li>1. For how long can a suspect be detained in the police station without charge?</li> <li>2. What is the role of the custody officer when a suspect is detained?</li> <li>3. What rights does a suspect have when being detained?</li> <li>4. When Is it legal for police to delay the suspect their rights?</li> </ol> <a href="https://www.gov.uk/arrested-your-rights">https://www.gov.uk/arrested-your-rights</a>	
<b>Searches &amp; Samples</b> 		<ol style="list-style-type: none"> <li>1. What types of searches can be made at the police station?</li> <li>2. What types of samples are taken from the suspect at the police station?</li> <li>3. Which searches and samples can a suspect legally refuse?</li> </ol> <a href="https://www.devon-cornwall.police.uk/support-and-guidance/custody/records-samples-and-searches/">https://www.devon-cornwall.police.uk/support-and-guidance/custody/records-samples-and-searches/</a>	
<b>Interviews</b> 		<ol style="list-style-type: none"> <li>1. What is a caution?</li> <li>2. How many recordings are made of interviews in a police station?</li> <li>3. What is the rule of vulnerable or under 18's being interviewed?</li> </ol> <a href="https://www.stuartmillersolicitors.co.uk/what-happens-at-a-police-interview/">https://www.stuartmillersolicitors.co.uk/what-happens-at-a-police-interview/</a>	

## Task 4 – Property Pre-Reading/Research

**Activity 2** in your unit 3 exam will be on **Property offences and defences**. You need to show **knowledge** of the law and **apply** the law on for both. You must also include **evaluation** for both. Research the offences and complete the table below.

Property Offence	Act of Parliament	Description/Test and Maximum Sentence	Pro's and Con's of the current law
Theft		<a href="http://www.e-lawresources.co.uk/Theft.php">http://www.e-lawresources.co.uk/Theft.php</a>	
Robbery		<a href="https://e-lawresources.co.uk/Robbery.php">https://e-lawresources.co.uk/Robbery.php</a>	
Burglary		<a href="https://e-lawresources.co.uk/Burglary.php">https://e-lawresources.co.uk/Burglary.php</a>	
Fraud by False Representation		<a href="http://www.e-lawresources.co.uk/Misrepresentation.php">http://www.e-lawresources.co.uk/Misrepresentation.php</a>	
Basic Criminal Damage  Aggravated Criminal Damage  Arson		<a href="https://e-lawresources.co.uk/Criminal-Damage.php">https://e-lawresources.co.uk/Criminal-Damage.php</a>	

## Task 5 – Police powers and Property Application Practice

## Police Powers and Property Application Practice

Jenny Atkinson was the victim of a violent attack in Bedlam town centre when she was pushed to the ground and a young white male snatched her handbag.

Witnesses identified the suspect as Peter Parfitt, a heroin addict with previous convictions who is well known by the police. After making statements as to what happened and visiting the local A and E, Jenny carried on with her routine and met several friends for drinks in the evening. Jenny had consumed too much alcohol to drive and decided to stay at a friend's house near to the bar. Her friend was away on holiday and Jenny had forgotten her key so she broke in through a small kitchen window and went to sleep in the spare room.

At 5 a.m. she was awoken by police officers at the door - a neighbour had reported a suspected break in. Jenny was taken to the police station for questioning.

Meanwhile, in the early hours of that same morning police officers had spotted Peter Parfitt.

They stopped and searched him and on finding him in possession of Jenny's purse and cash cards, he had been arrested. His right to legal advice and to have someone told about his whereabouts was delayed.

1. Provide **case file notes** on the scenario to include:
  - An explanation of the relevant property offences using professional language and legal terminology
  - Application of relevant case law
  - Evaluation and legality of the police during stop, search, arrest and detention.

### Answer

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