

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> (tick when complete)
Retrieval & Exam Skills	Task 1	Legal System and Criminal Law (<i>Paper 1 Section A & B</i>)	
Retrieval & Exam Skills	Task 2,3&4	Tort (<i>Paper 2, Section B</i>)	
New content – pre-reading	Task 5&6	Human Rights (<i>Paper 3, Part B</i>) – Human Rights Act and ECHR	
New Content – pre-reading and scenario	Task 7	Human Rights – Domestic English Laws (<i>Paper 3, Part B</i>) Judicial review	
New Content – research	Task 8	Human Rights – English Laws (<i>Paper 3, Part B</i>) Police Powers	

Task 1 – 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)

Task 2 – Law of Tort – Practice Paper

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.*

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.

Ahmed has just passed his driving test and purchased a new car. He offers to take his neighbour Beena to the supermarket. Beena usually gets the bus and is not used to travelling by car. She refuses to wear her seat belt as she says she feels trapped when wearing it. When leaving the supermarket, Ahmed puts the car in reverse gear by mistake. Consequently, he smashes the car into the wall behind him. Beena suffers a 'whiplash' neck injury and has to take six weeks off work. She is also left suffering from an anxiety disorder and is now afraid to go outdoors. She wishes to sue Ahmed for negligence.

1. Advise whether Carly will be liable to Andy and Meg under Occupiers Liability, including any relevant defences. **[20]**
2. Advise Beena whether Ahmed is liable to her in negligence and, if so, what remedies she might expect. **[20]**

Additional content – Tort Law

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

Task 3 – 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:

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.

Task 4 – Law of Tort - Defences

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?

Task 5 – Human Rights – Human Rights Act 1998

Use the link/QR code and your own independent research to answer the following questions:







<https://www.equalityhumanrights.com/human-rights/human-rights-act#what-the-human->



[rights-act-does](https://www.equalityhumanrights.com/human-rights/human-rights-act#what-the-human-rights-act-does)

1. What are human rights?
2. What is the impact of the HRA on UK citizens?
3. Before the introduction of the HRA, what challenges were faced by UK citizens when trying to defend their human rights?
4. In your own words what does section 2,3 and 4 of the HRA require of judges?
5. Give 3 examples of public bodies.
6. What does section 6 make unlawful?
7. Research the cases of Hirst v UK (2005) , Commissioner of Police of Metropolis v DSD and Another (2018) and Bellinger v Bellinger . How well are our human rights protected under ECHR? Use the cases to develop your points. <ul style="list-style-type: none">- <i>It effectively protects our rights because...</i>- <i>It does not effectively protect our rights because...</i>
8. What is parliamentary sovereignty? What does section 19 of the HRA require? How does this effect parliamentary sovereignty?

Task 6– Human Rights – Articles of ECHR

	Article 5	Article 6	Article 8	Article 10	Article 11
1. What human right does the article of the ECHR cover? 					
2. Case research	<p>Cheshire West and Chester Council v P (2014)</p> <ol style="list-style-type: none"> 1. Facts? 2. Do you agree with the outcome? 3. How was ‘deprivation of liberty’ defined in this case? 	<p>Steel and Morris v United Kingdom (2005)</p> <ol style="list-style-type: none"> 1. Facts? 2. Do you think this was a fair trial? Yes/no – explain why. 	<p>Find a recent case in the media, where a celebrity has claimed that their right to privacy has been violated.</p> <ol style="list-style-type: none"> 1. Facts? 2. What was the outcome? 3. Should celebrities have the right to privacy? 	<p>Handyside v United Kingdom (1976)</p> <ol style="list-style-type: none"> 1. Facts? 2. Do you agree with the outcome? Explain your reasoning. 	<p>Plattform v Austria (1988)</p> <ol style="list-style-type: none"> 1. Facts? 2. What was the legal principle? 3. Do you think too much or not enough protection is provided for those that wish to protest?
3. Why is this human right important? What might it be like to live in a society that does not protect this HR?					

Read the AO1 on Judicial review.

Answer the scenario question using the table.

Enforcement - judicial review

Anton is denied leave to appeal. He claims that the trial process was defective and that his conviction is unsafe. He requests that his case be publicised to allow him to seek help from technical expert witnesses who would be able to assist him to defend himself effectively. He argues that denying him access to his data and devices prevented him from properly defending himself. For these reasons, Anton believes that he should have the right to a full appeal against conviction. He wishes to challenge the decisions of the court to deny him an appeal and to hold his trial in secret.

Advise Anton about the procedures involved in a judicial review hearing and what the potential order and outcomes might be in his case. [20]

Criteria

In order to be successful in a judicial review case, there has to be a decision made by a **public body**, with a case brought within the **time limit** by a person who has “**locus standi**” for one of the **grounds**:

✓ **Public body?**

Judicial review can only be brought against a public body. These include government ministers, local authorities, health authorities, and the police. It also includes private companies carrying out work normally done by public authorities, such as companies running prisons.

✓ **Time limit?**

Judicial review must be brought within three months of the grounds for the case first arising

✓ **Locus standi?**

The person bringing the judicial review must have “locus standi” (legal standing), meaning that the decision of the public body must affect them personally. This can also include trade unions, where a decision affects its members. For example, in the **Unison** case, the trade union brought a judicial review hearing about employment tribunal fees.

✓ Grounds?

You can only bring a case in judicial review if there are sufficient grounds, or reasons, to allow the case:

- **Illegality** – where decision-makers act without power, exceed powers given or misapply the law. This is sometimes called substantive ultra vires. For example, in **Attorney-General v Fulham Corporation**, the local authority was given the power to open wash-houses for poor people in the area but charged them. This was acting beyond the power given to them.
- **Proportionality** – for human rights cases, the court will consider whether the restriction on the right was proportional to the aim that the public body was trying to achieve. For example, in **Youssef**, he challenged a decision to include him a list of people who had assets frozen because of links with Al Qaeda. The court had to consider whether the restriction was proportional to the national security aims and Mr Youssef lost his case.
- **Procedural impropriety** – where decision-makers fail to follow correct procedures. This is sometimes called procedural ultra vires. For example, in the **Aylesbury Mushrooms** case, the government minister did not consult with the Mushroom Growers Association when making the decision.
- **Irrationality** – where a public body takes a decision which no reasonable decision-maker in the same position would make. This is sometimes called substantive ultra vires for reasonableness. For example, in **Thompson and Venables**, the home secretary taking into account a public petition about the sentencing of the killers of Jamie Bulger was held to be unreasonable.

Remedies

The remedies available are:

Damages – under s8 HRA 1998, the court can award damages if it is “necessary to afford just satisfaction”. This means that in some cases, there can be a breach of the ECHR but the court doesn’t award damages as it feels it isn’t necessary.

Declaration – a statement whether the public body has acted unlawfully

Quashing Order – “quash” (set aside) the decision made by the public body

Prohibition Order – prohibit public bodies acting in a certain way

Mandatory Order – tell a public body they must act in a certain way



Declaration of Incompatibility – under s8 HRA 1998, the court can state that a piece of legislation is incompatible with ECHR. For example, in *A v Home Secretary*, the court issued a declaration of incompatibility saying the powers to detain alleged terrorists without trial was incompatible with ECHR.




Introduction – Explain what a judicial review is.

	AO1 (Law)	AO2 (Application)
Public body?		
Time limit?		
Locus standi?		
Grounds?		
Remedies?		
Conclusion		

Task 8– Human Rights – English Laws – Police Powers Research

Use the links/QR codes to research police powers and complete the table.

Police Power	What code under PACE can you find the powers?	What must police do for it to be lawful? Answer the following questions:
Stop and Search 		<ol style="list-style-type: none"> 1. Where can police stop and search you? 2. What are police allowed to search for? 3. When can police stop and search you? 4. Where on a person are police allowed to search? <p>https://www.gov.uk/police-powers-to-stop-and-search-your-rights</p>
Arrest 		<ol style="list-style-type: none"> 1. When can an arrest without a warrant be made? 2. What can police arrest for? 3. What is the procedure police go through when arresting? 4. What level of force can police use when arresting? <p>https://www.inbrief.co.uk/police/power-of-arrest/</p>

<p>Detention</p> 		<ol style="list-style-type: none"> 1. For how long can a suspect be detained in the police station without charge? 2. What is the role of the custody officer when a suspect is detained? 3. What rights does a suspect have when being detained? 4. When Is it legal for police to delay the suspect their rights? <p>https://www.gov.uk/arrested-your-rights</p>
<p>Searches & Samples</p> 		<ol style="list-style-type: none"> 1. What types of searches can be made at the police station? 2. What types of samples are taken from the suspect at the police station? 3. Which searches and samples can a suspect legally refuse? <p>https://www.gov.uk/arrested-your-rights/giving-fingerprints-photographs-and-samples</p>
<p>Interviews</p> 		<ol style="list-style-type: none"> 1. What is a caution? 2. How many recordings are made of interviews in a police station? 3. What is the rule of vulnerable or under 18's being interviewed? <p>https://www.stuartmillersolicitors.co.uk/what-happens-at-a-police-interview/</p>