



AS Law



Sources of Law G151

English Legal System G152

COURSE HANDBOOK 2009-10



CONTENTS

Introduction.....	3
Equipment	3
Content & Assessment Objectives	4
How to answer exams	
i. Sources of Law G152	5
ii. English Legal System G151	6
Homework and Assessment	
i. Homework	7
ii. Assessment	8 - 9
How to write law essays	10 - 11
Independent Study	11
Attendance	12
Teacher Absence	12
Resources	13
The Blog	14
Glossary	15

Introduction

Welcome to AS Law! I will not kid you, it is hard work – but it is interesting, relevant and full of useless facts. By now you've lasted a half-term and had a good taster as to what the course contains, and what's expected of you. This course guide is intended to clear up a few questions, make clear what is expected of you, point you in the right direction if you need help, and give you a reference guide for the whole year.

DON'T LOSE IT!!!

So, onwards... welcome. Work hard, meet deadlines, take part, have equipment and have an opinion!
Miss Hart.

Equipment

Please **don't** spend a lot of money on A level Law text books. They are out of date as soon as they are published, and you will be given all of the notes that you will need.

If you are asked to look at any text book, there are copies of **all** of them in the library, and you are more than welcome to use one of the classroom texts (with permission from Miss Hart).

For each unit you will be given a **student handout**. This will cover the topic, and you will be expected to bring it with you to every lesson.

It will also include the objectives (what you should know), details of homework and of the end of unit test.

You will only be given **one** copy of the handout. If you lose it, it is up to you to replace it.

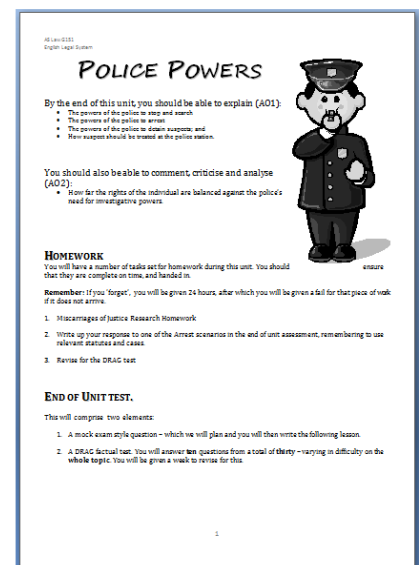
If you do not bring it [*without a really excellent excuse*]...

First time (per half term) you will be warned.

Second time you will be asked to leave the class, and make up the work in your own time. (*yes, this does mean in your 'free' time*)

Further times ... will act as evidence that you are not progressing, and home and your tutor will be contacted.

You will also need a **folder**, a **pen** and some **paper** – get yourself organised!



Content of the Course

Unit 1: <i>English Legal System</i>	Unit 2: <i>Sources of Law</i>
Civil courts and other methods of dispute resolution Criminal process (<i>Powers of the police</i>) Criminal courts (<i>Bail, pre-trial and appeal</i>) Penal system (<i>sentencing</i>) Judiciary The Legal Profession (<i>Barristers & solicitors</i>) Lay people in the legal system (<i>Juries & magistrates</i>) Provision of legal services This is assessed through one two hour exam, to be sat in June 2010	Legislation Delegated Legislation Statutory Interpretation European Union law Doctrine of precedent Law Reform This is assessed through one one hour exam, to be sat in June 2010

For each unit, you will need to know:

** REMEMBER: KNOW WHICH AO THE QUESTION IS MARKED AGAINST!!!**

A01	Demonstrate knowledge and understanding	Demonstrate knowledge and understanding of legal rules and principles by selecting and explaining relevant information and illustrating with examples and citation.
A02	Analysis, evaluation and application	Analyse legal material, issues and situations, and evaluate and apply the appropriate legal rules and principles.
A03	Communication and presentation	• Present a logical and coherent argument and communicate relevant material in a clear and effective manner using appropriate legal terminology.

Demands of Exams: So, what do I do in each exam?

G152 Sources of Law

Answer one question.

1 Read the Source material below and answer parts (a) to (e) which follow.

Exercise on Delegated Legislation

SOURCE A

Delegated legislation consists of laws created under the authority of Parliament but not actually created by Parliament. There are three types: Statutory Instruments, Bylaws and Orders in Council.

Kruze v Johnson (1968)

Kent County Council made a bylaw under the Local Government Act 1966, providing that 'No person shall sound or play upon any musical or noisy instrument or sing in any public place or highway within fifty yards of any dwelling-house after being required by any constable or by an inmate of such house personally or by his or her servant to stop doing so.'

SOURCE B

Delegated legislation is necessary for a number of reasons. Local bylaws can only be made effectively with awareness of the locality. The new assemblies for Scotland, Wales and Northern Ireland have important powers to make delegated legislation. Also, modern legislation often needs to include detailed technical provisions and MPs do not usually have the technical skill required. Delegated legislation can be made by experts who are familiar with the relevant areas.

However, the main criticism of delegated legislation is that there is a lack of democratic involvement due to the fact that most delegated legislation is made by civil servants rather than elected politicians.

Adapted from 'English Legal System', Catherine Elliott and Frances Quinn, Longman

3

Answer **all** parts.

1 (a) **Source A** refers to a bylaw.

Describe and illustrate bylaws and two other types of delegated legislation. [15]

(b) Identify and explain which **type** of delegated legislation would be most appropriate to introduce a law relating to each of the following:

- (i) parking restrictions in a district or town; [5]
- (ii) the implementation of regulations outlined in an Enabling Act relating to the use of mobile phones in cars; [5]
- (iii) powers needed to deal with an emergency situation. [5]

(c) With reference to **Source B** and your knowledge of delegated legislation:

- (i) state the reasons why delegated legislation is needed; [15]
- (ii) discuss the **disadvantages** of delegated legislation. [15]

Using the sources, you answer **all** parts of one question in **one** hour. Remember: you should spend the first **6** minutes of the exam annotating the paper, identifying relevant information for each question.

Order of answering:

C i & ii

Ci will be assessed for **A01**, and you should focus on explaining clearly with detail.

Cii is the discriminator on the paper. It is this question which will have the most impact on your grade. It is also the hardest! It is assessed for **A02**, which means that you should assess and criticise the area of law asked about.

A

This will be a nice, straightforward question, and is also assessed for **A01**. Remember: use the source, and clearly structure your answer.

B i, ii & iii

These are **application** questions, and are worth 5 marks each. You need to apply the law as you understand it to each statement, and evaluate its truth. Remember to give reasons, and say why the other types of law or rules are not appropriate.

Your answers here can be short, and may only be a single paragraph... that's fine!

Answer four questions.

At least one from Section A, and at least one from Section B.

SECTION A

Answer at least one question from this section.

- 1 (a) Describe the sentences available for adult offenders. [18]
(b) Discuss the advantages and disadvantages of custodial sentences. [12]
- 2 (a) Explain the role of juries in both criminal cases and civil cases. [18]
(b) Discuss the arguments for abolishing juries. [12]
- 3 (a) Describe the current system for granting or refusing bail. [18]
(b) Discuss whether the criteria used by the police or the courts when granting or refusing bail are satisfactory. [12]
- 4 (a) Describe the different methods of Alternative Dispute Resolution available to deal with civil disputes. [18]
(b) Discuss the advantages and disadvantages of using Alternative Dispute Resolution. [12]
- 5 (a) Outline the theory of the separation of powers, illustrating your answer with examples. [18]
(b) Discuss the ways in which judges' independence is maintained. [12]

You must answer **four** questions in total:
At least **two** from section A; and
At least **one** from section B.

Each question is worth **30** marks in total,
and the distribution of marks is identical in
each section:

- (a) 18 A01 marks
(b) 9 A02 marks
3 A03 marks

Section A questions:

(a) questions should be clearly structured - use subheadings if you want!
Include a lot of detail e.g. cases, description etc.

(b) Evaluate the area of law. To ensure that you get full marks, you only need to mention around 3 points, and develop them in some detail! Remember: *read the question!*

Section B questions:

(a) Exactly the same as for section A part (a) questions: detailed, logical and clear.

(b) These are application questions. You need to apply the law as you know it to the situation described, and come to a **logical conclusion**.

SECTION B

Answer at least one question from this section.

- 6 (a) Describe the powers the police have to stop and search an individual on the street. [18]

Tyrone, aged 16, has missed the last bus and has to walk home. It is 2am and a police officer driving past in a police car sees Tyrone and stops. The police officer tells Tyrone to empty his pockets and Tyrone refuses. The police officer then grabs Tyrone's shoulder, pushes him into the police car and takes him to the local police station.

- (b) Advise Tyrone on whether the police officer acted lawfully with regard to stop and search and the arrest. [12]

- 7 (a) Describe the types of public funding available for advice and representation in a criminal case. [18]

Jane is a bank clerk and has been arrested on suspicion of stealing £10 000 from her employer.

- (b) Explain to Jane what problems she might encounter with the public funding of her defence. [12]

Paper Total [120]

Assessment & Homework

The course is assessed entirely through examination. Because of this, your homework and assessments are vital in assessing your progress at AS, and will inform both the progress sheets (including UCAS) and the decision of whether or not to enter you for the exam.

You need to be **very** aware that if you choose not to do homework, or miss assessments, that you will be accepting **full** responsibility for the consequences. By taking this course, you are agreeing to fulfil the work requirements!

HOMEWORK

Homework will be set once per week, and you will normally have **one week** to complete the task. However, there may be occasions when a shorter deadline is imposed – it will mean the task is shorter!

What kind of homework might I get?

A variety! Past questions, independent research, opinion pieces, source preparation, revision for tests etc.

How can I hand it in?

In person in the lesson would be the traditional way! However, in this age of new technology, you may also email your homework in to queensburylaw@hotmail.co.uk or submit it through FROG. Please note, that if you choose to submit it by email, then it **must** arrive before the lesson. Miss Hart will check the email there and then, and if it is not present it **will** count as late homework.

Excuses such as 'I haven't printed it off yet', 'My computer died' etc. will not be accepted – You have a pen and paper.

But what if I have a genuine reason for not handing it in?

Well, on the very rare occasion that you have a genuine excuse, then it is up to you to find Miss Hart **before the lesson** and inform her.

What happens if I do forget/ don't hand it in?

You will have **24** hours to get it to Miss Hart by email, or in person. It is your responsibility to ensure that it reaches her. After this, it will not be marked, and you will receive a U for that piece of work.

If you receive more than one U grade per half term, you will be subject to further sanctions. These will include contacting parents, and may ultimately lead to you being invited to leave the course.

You should remember that the homework will go towards progress and UCAS grades, and thus Us **will** be taken into account.

Likewise, if you are late with homework more than 3x within a half term, you will also be subject to sanctions.

How do I find out what the homework is?

Simple: You'll be told! It will also be on the front of the handout and detailed on the blog for those of you who forget, or were absent www.queensburylaw.wordpress.com and on the VLE from January 2010. There is **no** excuse for not completing the work.

ASSESSMENT

As well as your homework, you will be assessed at the end of each topic. This is to ensure that you have understood the factual content of the unit, and to assess the development of your essay and exam skills.

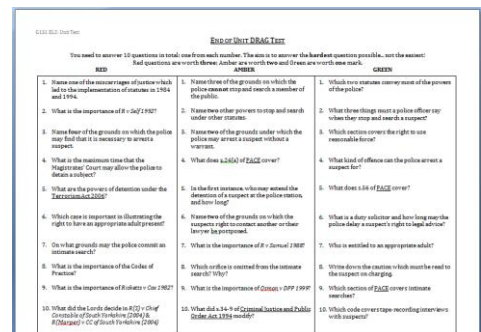
There will be two parts to each of the assessments:

1. DRAG tests.

These are factual tests, which you will have **one week** to revise for. You will have a choice of thirty questions, and need to answer **ten** – one for each number.

The questions are divided into three columns:

- Green worth 1 mark each
- Amber worth 2 marks each
- Red worth 3 marks each



You should aim to answer the **hardest** question that you can for each number. It will be marked out of thirty and the grade boundaries are based on the percentages needed for those grades in the exam

* This means that answering **all** the **green** questions will still only be an U!*

GRADE BOUNDARIES

A (80%)	24	D (50%)	15
B (70%)	21	E (40%)	12
C (60%)	18	U	1-11

2. Exam Question

You will be given a past exam question – detailed on the front of the unit handout. This will be planned in lesson time, and assessed in timed circumstances.

Each of you will have an exercise book where these will be written. This will enable you to work out how you are improving, and monitor your own attainment.

After each test is marked, you will be required to monitor and record your own performance, taking into account your target grade. [This is the grade you wish to aim for at the end of the course **not** your ALIS or EMG, and will be revised on a termly basis.]

These assessments will be marked according to the mark schemes and you'll be given sample answers to help you identify your own areas for improvement. To convert your scores into grades, use the table above. (for SOL simply double it!)

Remember: You should also be taking into account the 'levels' and aiming to be in L3 or L4 for each answer. Ignore A03, as it is awarded based on your scores for A01 & A02. Look over the page for the level descriptors...

AS GCE Levels of Assessment

There are four levels of assessment of AOs 1 and 2 in the AS units. Level 4 is the highest level that can reasonably be expected from a candidate at the end of the first year of study of an Advanced GCE course. Similarly, there are three levels of assessment of AO3 in the AS units.

Level	Assessment Objective 1	Assessment Objective 2	Assessment Objective 3 <i>(includes QWC)</i>
4	Good, well-developed knowledge with a clear understanding of the relevant concepts and principles. Where appropriate, candidates will be able to elaborate by good citation to relevant statutes and case-law.	Ability to identify and analyse issues central to the question showing some understanding of current debate and proposals for reform or identify most of the relevant points of law in issue. Ability to develop clear arguments or apply points of law clearly to a given factual situation and reach a sensible and informed conclusion.	
3	Adequate knowledge showing reasonable understanding of the relevant concepts and principles. Where appropriate, candidates will be able to elaborate with some citation of relevant statutes and case-law.	Ability to analyse most of the more obvious points central to the question or identify the main points of law in issue. Ability to develop arguments or apply points of law mechanically to a given factual situation, and reach a conclusion.	A good ability to present logical and coherent arguments and to communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
2	Limited knowledge showing general understanding of the relevant concepts and principles. There will be some elaboration of the principles, and where appropriate with limited reference to relevant statutes and case-law.	Ability to explain some of the more obvious points central to the question or identify some of the points of law in issue. A limited ability to produce arguments based on their material or limited ability to apply points of law to a given factual situation but without a clear focus or conclusion.	An adequate ability to present logical and coherent arguments and to communicate relevant material in a reasonably clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
1	Very limited knowledge of the basic concepts and principles. There will be limited points of detail, but accurate citation of relevant statutes and case-law will not be expected.	Ability to explain at least one of the simpler points central to the question or identify at least one of the points of law in issue. The approach may be uncritical and/or unselective.	A limited attempt to present logical and coherent arguments and to communicate relevant material in a limited manner using some appropriate legal terminology. Reward grammar, spelling and punctuation.

How to write Law essays....

Here we're talking about the 12/15 mark ones.... the shorter ones (AO2) will be covered in class... just remember – get stuck in, and remember the conclusion!

AO1 ESSAYS:

Introduction: Define the terms of the question – look at the question and identify **what** area of law is being asked about?

- 3 (a) Describe the current system for granting or refusing bail. [18]
- (b) Discuss whether the criteria used by the police or the courts when granting or refusing bail are satisfactory. [12]

What do we mean by 'bail'?

Main Section: Describe all areas of the law, clearly and logically. You are basically explaining what the current law in this area is

Remember to use statutes and cases as your evidence of what you are saying.

e.g. Bail Act 1976 → remember: statutes need **YEARS** and should be underlined.

R v Shivpuri 1986 – if you can, remember the date!

R stands for Regina (the crown)
They are the prosecutors

This is the name of the defendant (D)
If they are under 18, or they are mentally disordered, it might just be an initial.

You can use subheadings to organise your work.

Conclusion: You could choose one of two ways to finish:

1. Summarise the key points
2. Make a (brief) criticism of the area. *Remember: criticism can be positive!!!!*

AO2 ESSAYS:

Introduction: define the terms of the questions, and identify one of the more contentious issues

(c) With reference to **Source B** and your knowledge of delegated legislation:

- (i) state the reasons why delegated legislation is needed; [15]
- (ii) discuss the **disadvantages** of delegated legislation [15]

Why are there so many problems with DL?

What do we mean by DL?

Main Section: Using the source as your starting point (**but** you will need more information than is in the source!!) explain what the disadvantage is and then... most importantly... **WHY** it is a disadvantage.

Aim to include 6 or 7 points in total – and remember to evaluate each in turn.

Conclusion: Evaluate the statement. What do you think?

Independent Study Work

You will have noticed that you have a lot more independent study time at A level. Now you've have a half-term to get the excitement of going to Tesco out of your system, you should be aware that there are tasks and work that you can be doing during this time to help you.

Naturally, you could be doing homework... but you will also notice that in your handouts, there are some tasks labelled 'IS/PS tasks'. These are for you to complete and intended to enhance and consolidate your knowledge. They are really aimed at those of you wanting to do as well as possible.

Once you have completed them, then you may hand them in, if you want them to be looked at, although you'll see that they can stand alone!

G152 Sources of Law

Remember: The House of Lords can only delay legislation. The Parliament Acts of 1911 and 1949 allow a Bill to become an Act despite being rejected by the Lords, if the Bill successfully passes through back through the House of Commons in the next session.

IS TASK

Research the passing of the Hunting Act 2004, write a short summary [paragraph] of its passage through Parliament. How did it start out? What happened? *There is a short section in **Law Review** which may help!*

Consideration of (Lords/Commons) Amendments



Once the Bill has been scrutinised by both Houses, the Bill will be sent to the House it originated in so that any further amendments that have been made can be discussed and voted upon. At this stage new amendments will only be tabled by the government, either to remove amendments made by the Lords or to replace them with nuanced versions. The Bill will 'ping-pong' between the Houses until both have approved of the changes made to it via divisions.

Attendance

So, how often should you attend class? **100% of the time.**

Again, it should be pointed out that this course is assessed entirely through examination in May/June 2009. Thus, teaching time is vital and limited. If you miss a lesson, it will not be repeated.

It is **your** responsibility to ensure that all the work is caught up on including IS tasks and/or homework. If you feel you need help, or further notes, please ask Miss Hart and she will help.

You should **not** be taking holidays during term time. You have about 11 weeks of holiday a year – at least a week every 6 weeks, and there is no excuse for extra absence.

Dental and **medical** appointments should not be made during lesson time – use your weekends, after school, lunches or frees. If you have an appointment booked in advance, let Miss Hart know and she will ensure that you will have all relevant notes.



Finally: a warning. **DO NOT** approach me and ask for time off for a driving lesson/theory exam. It will not be approved by me, home will be contacted, and you **will** be expected to make up any missed lessons out of your own time.

You should be aware that Universities are now starting to ask about attendance as part of the application, and employers certainly will!

Known Absences

If you have a genuine reason why you cannot attend a lesson, you should let Miss Hart know as soon as possible either by leaving a message, or by emailing queensburylaw@hotmail.co.uk

What happens if you're attendance falls?

Well, firstly if you are on EMA – you'll lose money. Secondly, your parents or guardians will be contacted, you may be placed on report (yes, really, I am not kidding!!).

Ultimately, if your attendance fails to improve after these steps, you will be invited to leave the course.

Teacher Absence

Right, the aim is that your teacher will **never** be absent. If I know in advance that I will be out, work will be set the previous lesson. It is expected that this **will** be complete for the next lesson taught. The following lesson will depend on the work being done.

These lessons are not extra frees, but should be used to complete the work set.

If it is an unexpected illness, then I will leave work on the blog – www.queensburylaw.wordpress.com and the MLE from January. It is up to you to collect the work and complete it! If your home school is Manshead, then you may give me your email address, and I will copy you in on any absence work to prevent unnecessary bus trips. However, you are also able to log into FROG and I will email the whole class the work.

There will be a register on the desk, and you must sign or email to be counted as 'present'.

Resources

So, you need some help, or you've been asked to go away and do some research. Where do you start?

1. The Library.



Queensbury Library is very well stocked with recent law texts – including the key texts for AS law by Jacqueline Martin – OCR Law for AS, as well as some of the more challenging texts. *[there are also now a number of AS textbooks in the Manshead library as well, so you have no excuse!]*

The library also subscribes to and stocks the A level Law Review. This is an excellent magazine which is published three times a year. It is aimed at **you** and contains a number of articles and law updates which you will find useful.

The people writing the articles are the examiners – and they tend to sum up key areas in no more than two pages – very useful for revision, consolidation or catch up work. There are also a number of quizzes etc!

2. The internet

The internet is a hugely useful tool in research... if you know how to use it! Please bear in mind that simply copying and pasting from it is plagiarism. This means passing off someone else's work as your own. **DO NOT DO IT.** If you are found plagiarising another's work, you will be repeating the task in your own time.

Secondly, **do not** use Wikipedia for the law. Don't get me wrong – it's great for information and gossip, but its great weakness is that it is written by anyone. **Please** do not use it. Instead, use any of the following websites, all of which are aimed at **you** at your stage of education.

www.peterjepson.com (give it a minute, and click on student resources. There are also lists of past questions under homework and additional work)

www.stbrn.ac.uk/other/depts/law/index.htm Very detailed case notes – just bear in mind that they are running a different course, and have info on other areas of law.

www.helpwithlawexams.co.uk a developing site with help for the OCR syllabus

www.ocr.org.uk/qualifications/asa_levelgceforfirstteachingin2008/law/documents.html - the exam boards information including specimen papers and answers!

www.sixthform.info – great site, with information about other cases and also of use to those of you doing maths I guess!

www.times.co.uk – the website for the times newspaper, which has a law section on a Thursday. Remember that the law is **always** changing and this is as good a place as any to start! (The law section is hidden in the business section... and there is also a sections for students of law!)

THE BLOG

Miss H has slowly been embracing the joys of technology... and the latest thing is the blog! From October 2009, it will be updated weekly – covering developments in the law, as well as all of the course handouts and links to other articles, revision guides etc.

If you want to have a nosy at what we will cover in the summer after your exams as well... feel free!

Any questions, you can leave a comment, and **all** your homework and absence work is also on here!

It is a developing resource, so please let me know if there is anything else that you think should be available...

The address is www.queensburylaw.wordpress.com

Glossary

By the end of AS law, you should be able to define each of the following terms, using your own words:

Common law

Precedent

Statute

Bill

Summary Offence

Triable either way

Indictable Offence

Subjective

Actus reus

Objective

Mens Rea

Legislative

Parliament

Supremacy

Acquittal

Sovereignty

Miss Hart's Law Weblog

[FRONT PAGE](#) [CRIMINAL LAW](#) [SYNOPTIC](#) [SOL \(B\)](#) [EXAM QUS.](#) [AS REVISION](#)

[ELS \(A\)](#) [A2 REVISION](#)



Parliament and Monday..

July 4, 2009 · [Leave a Comment](#)

Ok, so those of you coming to Parliament, remember: meet at **Parkway Railway station** by **10am**.

Those of you not going (*and infact those of you who are!*) you still have work to complete – the details are below. If you are on EMA and



Welcome to the world of Miss Hart. Any questions or queries? queensburylaw@hotmail.co.uk

BLOGROLL

- [A Level Law Notes](#)
- [Dr Jepsen A Level Law](#)
- [Help with Law Exams](#)
- [Loreto Law A Level](#)
- [Queensbury VLE](#)
- [Sixthform.info](#)

