

# General Introduction

Welcome to your GCSE Law course! This Introduction gives you all the information you will need to make a good start to your studies.

## Purpose, Aims and Objectives of the Course

This course has been designed to enable an external student to achieve the highest grades in the General Certificate of Secondary Education in Law set by the Assessment and Qualifications Alliance (AQA).

AQA GCSE Law specification number 4162 centres on the study of the following topics:

- Introduction to Law
- Courts and Processes
- People in the Law
- Sources of English Law
- The Law of Tort
- Criminal Law
- Family Law
- Rights and Responsibilities

The examination assesses the candidate's ability to:

- recall relevant knowledge of the law
- apply knowledge of the law to legal problems
- select and use legal material in a systematic and reasoned manner
- comment critically on legal matters



# Arrangement of Lessons

## Unit One: The English Legal System

### Module A: Introduction to Law

Lesson One:	The Nature of Law
Lesson Two:	The Development of Law
Lesson Three:	The Making of Law
Lesson Four:	The Administration of Law

#### **Tutor-marked Assignment A**

### Module B: Courts and Processes

Lesson Five	The Criminal Courts (1): The Magistrates' Court
Lesson Six	The Criminal Courts (2): The Crown Court
Lesson Seven	Civil Courts: the Claims Procedure

### Module C: People in the Law

Lesson Eight:	Juries
Lesson Nine:	Lay Magistrates

#### **Tutor-marked Assignment B**

Lesson Ten:	Legal Professionals
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### Module D: Sources of English Law

Lesson Eleven:	Sources of English Law (1): Act of Parliament
Lesson Twelve:	Sources of English Law (2): Case Law and Precedent

#### **Tutor-marked Assignment C**

## Unit Two: The Law in Action

### Module E: The Law of Tort

Lesson Thirteen:	Tortious Liability
Lesson Fourteen:	Negligence
Lesson Fifteen:	Occupiers' Liability and Vicarious Liability
Lesson Sixteen:	Trespass
Lesson Seventeen:	Nuisance
Lesson Eighteen:	Defences and Remedies

#### **Tutor-marked Assignment D**

**Module F: Criminal Law**

Lesson Nineteen:	Criminal Liability: Introduction
Lesson Twenty:	Fatal Offences
Lesson 21:	Non-fatal Offences
Lesson 22:	Property Offences
Lesson 23:	General Defences

**Tutor-marked Assignment E****Module G: Family Law**

Lesson 24:	Marriage
Lesson 25:	Divorce
Lesson 26:	Succession

**Tutor-marked Assignment F****Module H: Rights and Responsibilities**

Lesson 27:	Contract
Lesson 28:	Consumer Law
Lesson 29:	Employment Law
Lesson 30:	Human Rights

**Tutor-marked Assignment G****Module I: Revision**

Lesson 31:	Revision
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**Tutor-marked Assignment H****Tutor-marked Assignment I**

## AQA Aims

The aims of this course are the same as the aims listed in the AQA specification. Please refer to the AQA website for full details at:

<http://store.aqa.org.uk/qual/newgcse/pdf/AQA-4160-W-SP-10.PDF>

The stated aims for this subject are for the student to:

- actively engage in the study of law to develop as effective and independent learners and as critical and reflective thinkers with enquiring minds
- develop an understanding of the role of law in underpinning relationships among individuals, groups and institutions within society

- develop an understanding of the role of law in underpinning relationships among individuals, groups and institutions within society
- develop enquiry, critical thinking and decision-making skills through investigation of legal issues that are important, real and relevant to the world in which they live, and base reasoned judgements and arguments on evidence
- know the rights and responsibilities they have as individuals, appreciate their own contribution to society and develop skills that enhance their ability to act in informed roles within different contexts.

By the end of the course, provided you have conscientiously undertaken the prescribed course of study, you should feel confident about taking the examination, and should obtain the success you deserve.

## Textbooks

The course is fully self-contained and is designed to prepare you for the examination without the use of a textbook. However, you are strongly advised to supplement your studies by reference to one of the many specially written GCSE textbooks, in order to get a different perspective. For instance, Jaqueline Martin, *GCSE Law* (4<sup>th</sup> edition, 2009) is useful. If you are using a textbook, only the latest edition should be consulted.

## The AQA GCSE Law Specification 4162

This course is designed to prepare students for the Assessment and Qualifications Alliance (AQA) GCSE Law examinations, specification 4162, for which the first examination was in June 2010. This does not include coursework.

### Studying the Specification (or Syllabus)

You should be sure to acquire your own copy of the specification, either via the AQA Publications Dept or from the website [www.aqa.org.uk](http://www.aqa.org.uk).

The specification can be ordered by post at

<http://web.aqa.org.uk/public/index.php>

or downloaded from <http://store.aqa.org.uk/qual/newgcse/pdf/AQA-4160-W-SP-10.PDF>.

We advise that you obtain a copy of the syllabus so that you can assess which topics you have covered in the most detail and which ones you will feel happiest about in the exam. AQA can also provide advice booklets on your course, including 'Supplementary Guidance for Private Candidates'. This is available at:

<http://www.aqa.org.uk/admin/library/AQA-PRIVCAND-GUIDE-07-08.PDF>

As you approach the examination, it will also be helpful to tackle past papers from AQA. Print copies can be purchased from the above address; alternatively online copies can be accessed on the AQA website. Go to:

<http://web.aqa.org.uk/public/index.php>

and click on 'past papers'.

## Using the Internet

All students would benefit from access to the Internet. You will find a wealth of information on all the topics in your course. As well as the AQA website ([www.aqa.org.uk](http://www.aqa.org.uk)), you should get into the habit of checking the Oxford Open Learning site ([www.ool.co.uk](http://www.ool.co.uk)) where you may find news, additional resources and interactive features as time goes by. If you have not already done so, you may register for your free copy of *How to Study at Home*, our 200-page guide to home learning, or enrol on further courses. Put it on your Favourites list now! Other law-specific websites are recommended in individual lessons.

## The Structure of the Examination

The exam is untiered. It is divided into two units:

Unit 1 The English Legal System (41601)

Unit 2 The Law in Action (41602)

Each unit is examined separately in a written exam paper of 1 hour 30 minutes. Each exam is worth 50%

In the Unit 1 exam candidates answer all questions from Section A and one or two questions in Section B. Section A consists of compulsory short-answer questions. Section B includes one multi-part question from a choice of two, based on a scenario, including short-answer questions and some extended writing.

In the Unit 2 exam candidates answer two questions from a choice of four. Candidates must study a minimum of two of the topics in Unit 2, but should be encouraged to study more than two. The

exam will consist of four questions covering the four areas of the specification and candidates will need to answer two multi-part questions, each based on a scenario, including short-answer questions and some extended writing. The four areas in Unit 2 are:

1. The Law of Tort
2. Criminal Law
3. Family Law
4. Rights and Responsibilities

Candidates can enter one or both units in any one examination series.

Unit 1 'The English Legal System' includes Lessons 1-12 of this course.

Unit 2 'The Law in Action' includes Lesson 13-30 of this course.

There is no coursework.

## **Assessment Objectives**

The examiners will assess candidates ability to :

- Recall, select and communicate knowledge and understanding of legal structures, processes and issues
- Apply knowledge and understanding in a range of contexts both familiar and unfamiliar
- Analyse and interpret information, sources and arguments

The GCSE qualification will be graded on an eight-grade scale: A\*, A, B, C, D, E, F and G. Candidates who fail to reach the minimum standard for grade G will be recorded as U (unclassified) and will not receive a qualification certificate.

## **The Structure within each Lesson: How to Study**

You will find that each lesson commences with a list of learning aims, is divided into numbered parts, and concludes with a range of assessment activities such as a Revision Quiz, Self-assessment Test or Tutor-marked Assignment. Interspersed throughout the lesson material are various activities for you to do. You do not need to submit your answers to Self-Assessment Tests to your tutor as answers are provided at the end of the course. You will also find at the end of some lessons a diagrammatic summary of the lesson's contents.

## Front Page

The front page of each lesson shows:

- The title.
- Aim(s) of the lesson: these set out the position that you should reach after working through the lesson. Keep these in mind while reading the lesson material.
- Context: this gives a very brief summary and shows how the lesson fits in with the rest of the course.
- Note: this indicates specific reading or writing materials needed for the lesson.

## Lesson Content

There then follows the text of the lesson; this presents the subject material to be studied in the lesson. Read the lesson through carefully several times until you feel that you have understood the broad outline of the theory involved. You will sometimes find diagrammatic representations of the information or a summary at the end of a lesson.

## Case Files and Fact Files

Lessons are interspersed with Case Files and Fact Files. Examples of these appear below.



*Fact File.* The Ancient Romans had a legal system called *Jurisprudence*. That is where the word *Jury* originates from.




NATIONAL COAL BOARD v EVANS (1951) 2 K.B. 816  
In the course of excavating the foundations of a building, the defendant damaged a cable belonging to the National Coal Board. It was held that since the presence of the cable was unforeseeable the defendant was not liable.

The fact files provide further information on legal or technical vocabulary or history. The case files provide examples of points of law. You should read these carefully and develop a good knowledge of a selection so that you can use them to illustrate or back up theoretical points you will make in your exam.

## Activities

For most of this course the work that you will be doing will not be sent to your tutor; it will consist of Activities. These will aid your learning and allow you to check that you are taking in what you have been reading. The important thing to remember is that none of the work that you do in these activities is wasted: all of it will contribute to helping you develop skills which will later be assessed both in your coursework assignments and in your examination. Your activities will give you necessary practice, and careful work on these will contribute more to your eventual performance and success than any other aspect of the course.

Activities are indicated as follows:

Activity 1	In the previous lesson precedent was discussed. To revise this and the material in this lesson so far, complete the right hand side of the following table: Order of Precedence in relation to the System of Judicial Precedent.		
	Courts of Law	Courts of Law Bound	Binding Others
	1.	House of Lords	
	2.	Court of Appeal Civil Division	
	3.	High Court (Divisional Courts)	
	4.	High Court and Crown Courts	
	5.	County Courts and Magistrates' Courts	

The pencil symbol indicates that you should make your own notes in the space provided (though, of course, you may prefer to make them separately). Answers are not always given, as the questions can be quite open-ended. Your tutor will help you with any activities that you find particularly hard.

## Self-Assessment Tests

When you feel that you have mastered the topics and completed the activities, tackle the Self-assessment Test (there is one at the end of most lessons). The specimen answers to these can be found at the end of the course. Try not to be tempted to look at the answers before attempting the question. This would give you less chance of doing well in the Tutor-marked Assignments.



## Tutor-marked Assignments

After every three or four lessons there is a Tutor-marked Assignment. These assignments are progressive both as regards difficulty and as regards knowledge. They have been designed firstly to test your understanding of the specific lessons and your ability to apply the skills which you have learnt to problematical situations. Secondly, they have been designed to provide you with a means of revising the content of earlier lessons. Revision will become a greater part of your time as the examination approaches and so you will need to devote more time to consolidating knowledge. The TMAs will provide examination practice as they consist of the longer questions set in the examination.

### Assessment of TMA Answers

If you are working with a tutor you will have the opportunity to submit to him (or her) your answers to the Tutor-marked Assignments (or TMAs). When you have completed the TMA, write your name and other details very clearly on your answers, ensure that all the sheets are firmly attached together, and send them to your tutor. Remember that the final examination has to be done in handwriting, so it is good to practice writing answers under timed conditions.

When your scripts for each of the Tutor-marked Assignments are returned, sets of suggested answers will also be sent to you. These Suggested Answers are the product of experience, and are based on careful reading and analysis of the question and the drafting of a preliminary answer plan. If your answers do not initially come up to the standard of the Suggested Answers, do not worry. Continued practice and the advice of your tutor will enable you eventually to achieve the desired standard.

## The Use of Cases

English law is essentially a case law system and part of the English legal technique is the use of cases as authorities. However, this does not mean that you must have a detailed knowledge of every case mentioned in the course. Such depth of knowledge may be restricted to those cases examined in detail in the course and the recommended texts. However, the use of case law is an indication of a mastery of legal technique.

It is important that you do remember cases. The leading cases are vitally important as it is doubted that an answer with regard to a subject would be complete or unacceptable without such a case. Help with these cases will be given by your tutor.

It is essential to keep up to date with the latest legal developments. This may be achieved by reading broad sheet newspapers, such as *The Times*.

## Study Techniques

Studying is very much a personal matter. We all have different methods of studying, and it is best that you study in the way which you find suits you best and with which you are happiest. However, even accepting this, there are several hints that may be given in this respect:

- Firstly, do not expect too much too soon. Law is a demanding subject and to master it you will have to learn a new language and new associated techniques. This will take time, but if you work through the course conscientiously you will succeed in mastering both the language and technique of the subject and the substantive law required of you.
- Study in short spells of say, 35–40 minutes, and take regular breaks. After 35 minutes or so, your mind will tire and you will cease to absorb information. Take a break and return to your studies only when you feel refreshed and able to do so.
- Study with a definite aim in mind. Do not simply flip through your notes, but commence your study period with the aim of mastering a particular part of the notes. Try not to do too much in any particular study period.
- Remember that no one can ever know it all! It is sufficient that you try your best - no one can ask or expect more of you than that.
- Finally, remember that studying should be a pleasurable and enjoyable experience and that the more you put into it the more you will get out of it.

## Legal Essay Technique\*

How should essays be written? A good approach is given below. Read it before you begin the course and return to it as you tackle your first pieces of written work.

### A. The Approach

1. Read the question fully and be sure you understand it. Ask yourself the following questions:
  - (a) What is being asked in the question?
  - (b) What are the nuances?
2. Brainstorm the question.

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3. Order the brainstorm.
4. Keep referring back to the question to make sure you are not straying from the point.
5. Draft an answer and read it through.  
Ask yourself the following questions:
  - (a) Have I answered the question?
  - (b) Have I covered all the points?
6. Make a final copy.

## **B. Essay Structure**

1. The Introduction
  - (a) Outline your answer in general terms.
  - (b) Keep this paragraph short.
2. The Main Body of the Essay
  - (a) Divide into paragraphs—each paragraph **MUST** relate to the paragraph before and after.
  - (b) Each paragraph needs to be a complete entity in itself.
  - (c) Keep sentences short.
3. The Conclusion
  - (a) Give a résumé of what has been said.
  - (b) You may give your views but remember the way it is done. ‘It is submitted that...’
  - (c) Keep it short.

## **C. Content of the Essay**

### **A. Civil**

A legal essay is divided into two distinct areas: The Thought Process and The Legal Presentation.

#### ***1. The Thought Processes***

- (a) What is the Common Law?
- (b) What is the Statute Law?
  - (i) What is the English Law?
  - (ii) What is the European Law?
  - (iii) What is the International Law?

- (c) Is there case law?
  - (i) What are the leading cases?
  - (ii) What are the general principles?
  - (iii) How do these general principles apply?
  - (iv) How do the facts of the question fit into the principles?
- (d) Is there academic law on this point?
  - (i) Are there contradictions?
  - (ii) Where are the points of difference?
- (e) Your ideas
  - (i) There is nothing wrong with having an opinion.
  - (ii) Neutral phraseology is important. 'It is submitted that...' or 'It is respectfully submitted that...'

## ***2. The Legal Presentation***

Now that you have ordered your essay in terms of English and the Legal Structure you must turn to the presentational skill.

REMEMBER: there are always two sides to every argument and then a judgement.

In civil law the parties are called the Claimant (the person who brings the case) v (versus) the Defendant (the person who defends the action) and there is the judge who decides the case. All parties have to be discussed in the essay. As such you must take account of each party and the opposing arguments. In an essay you need to start with the Claimant's case, followed by the Defendant's and finally the judgement.

- (a) **The Claimant**  
Follow the models above and look at the arguments from the Claimant's point of view.
- (b) **The Defendant**  
Follow the models above and look at the arguments from the Defendant's point of view.

In each case the law may well be the same. It is your job to try to tease out the differences. Use neutral words like 'may, might possibly, if but, then'.

Use authorities to show the differences between the principle and what the facts are in the case under consideration.

- (c) **The Judgement**  
Try to give an assessment of the way you think the case is likely to go. When making such a decision the words to use are 'on the balance of probabilities'. Do not say 'beyond all reasonable doubt'.

## B. Criminal (If applicable)

Again, a legal essay is divided into two distinct areas: The Thought Process and The Legal Presentation. Although the areas have to be distinct from the model point of view, within sentences or paragraphs the points still have to be raised.

### 1. The Thought Processes

- (a) What is the Common Law?
- (b) What is the Statute Law?
  - (i) What is the English Law?
  - (ii) What is the European Law?
  - (iii) Isolate the *actus reus* and *mens rea* for each substantive crime.
- (c) Is there case law?
  - (i) What are the leading cases?
  - (ii) What are the general principles?
  - (iii) How do these general principles apply?
  - (iv) How do the facts of the question fit into the principles?
- (d) Is there academic law on this point?
  - (i) Are there contradictions?
  - (ii) Where are the points of difference?
- (e) Your ideas
  - (i) There is nothing wrong with having an opinion.
  - (ii) Neutral phraseology is important. 'It is submitted that...' or 'It is respectfully submitted that...'

### 2. The Legal Presentation for Criminal Essays

Now that you have ordered your essay in terms of English and the Legal Structure you must turn to presentational skills.

REMEMBER: there are always two sides to every argument and then a judgement. In civil law the parties are called the Prosecution or Prosecutor (the person who brings the case) v (versus) the Accused Defendant (the person who defends the action) and then there is the judge who decides the case. All parties have to be discussed in the essay. As such you must take account of each party and the opposing arguments. In an essay you need to start with the Claimant's case and this is followed by the Defendant's and then the judgement.

- (a) **The Prosecutor**  
Follow the models above and look at the arguments from the Claimant's point of view.

- (b) **The Accused**  
Follow the models above and look at the arguments from the Defendant's point of view.

In each case the law may well be the same. It is your job to try to tease out the differences. Use words like may, might possibly, if but, then'. Use authorities to show the differences between the principle and what the facts are in the case under consideration.

- (c) **The Judgement**  
Try to give an assessment of the way you think the case is likely to go. When making such a decision the words to use are 'beyond all reasonable doubt'.

## D. Other Points to be Considered

- (a) Keep sentences short.
- (b) Take care with your English:
- (i) Use of words: choose words which are concise and unambiguous.
  - (ii) Use of apostrophe: e.g. Mr Peter's house/Mr James's house, it's (= it is)/its (possessive pronoun)
  - (iii) Present participle: e.g. 'Sailing down the Thames, the Houses of Parliament were seen.' Who or what was sailing down the Thames?
- (c) Keep it simple!

## Examination Technique

Obviously your ultimate aim in taking this course will be to take and pass an examination and the course has been specifically designed with this end in mind. However, as the examination approaches there will undoubtedly be certain queries you will have as regards examination technique.

The commonest question asked by students is how to approach and answer problematical questions. The key to answering such questions is proper preparation:

1. Read through the question several times, analysing the situation presented as you do so.
2. Make note of any points you think significant, cases that you think relevant and so on. These notes will act as the basis of

your essay plan, and you should organise these notes into a logical order.

3. Define relevant basic terms, set out basic rules, etc.
4. In actually writing your answer remember to state the relevant law first and apply it to the facts presented in the question.
5. Remember also to examine all the possibilities to which the facts give rise, and to make an effective use of the relevant case law.

Another query raised by students concerns the use of cases and the importance of including names, dates, and facts of cases in an answer.

1. If you cannot remember the name of a case, but you can recall the facts, then include the facts in your answer, but introduce them in some other way (e.g. 'In a decided case ...').
2. If you know the name of the case but cannot recall its facts, it is acceptable for the case name alone to follow the principle. If this is the *only* way you introduce cases your answer will look unbalanced.
3. There is no need to remember case dates or law report references.
4. Try to choose cases that are relevant to the facts of the problem and illustrate those facts.
5. Answer the question.

Good luck!

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