

# Y12 BTEC Applied Law Summer Independent Learning

Welcome to BTEC Applied Law!

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

Please **complete ALL tasks** ready for your first day at New College and bring them with you to your first BTEC Applied Law lesson. Do the tasks in the **spaces provided** in this pack.

Please be aware that you will sit an **assessment** on the knowledge and skills covered in this pack within the **first week** of you starting at NCD. You will have an opportunity to review your Summer Independent Learning and ask any questions on what you have learnt when you meet your teacher in one of the lessons before you sit the assessment.

**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 BTEC Applied Law course involves studying 2 units in year 12 and 2 units in year 13. One unit each year will be assessed through coursework and the other unit will be assessed through an external assessment (exam).

**You cannot plagiarise (copy) any work from the internet for any of the tasks. Everything must be your own words.**

The Summer Independent Learning in this pack will focus on **Unit 2 – Investigating Aspects of Criminal Law and the Legal System**. This is the first unit you will learn in September. It is all about:

Learning Aim C	Learn about all the different people involved during a trial
Learning Aim D	Learn about the different non-fatal offences against a person and sentencing of offenders

In England and Wales, there are two main groups of people involved in the criminal justice system; these are **Legal Professionals** and **Lay People**. This will be the focus of **part 1** in this pack. Please ensure you are looking at websites relevant for England and Wales only.

Once you have completed these tasks, you will have gained knowledge of:

1. Magistrates;
2. Juries;
3. Solicitors;
4. Barristers;
5. Legal Executives; and
6. Judges.

## People in a trial

A lay person is someone who is not legally qualified (ordinary people). Lay People are involved in trials as **Magistrates** and **Juries**. They decide the guilt or innocence of those on trial in the criminal courts.

**Task 1** – Watch the following videos on the different people within the criminal courts, and do the tasks below.

<https://www.youtube.com/watch?v=WeNDacwO5NA> – Magistrates



Court

[https://www.youtube.com/watch?v=tZYv\\_s5R-s](https://www.youtube.com/watch?v=tZYv_s5R-s) – Crown Court

a) **Identify** all of the legal and lay people the **Magistrates** and **Crown Court**. This could include a diagram of where they would all be located within the courtrooms.

Magistrates' Court

Crown Court

b) **Explain their roles (what they do)** within the Magistrates Court and the Crown Court. You must do this with at least **100 words per role**.

	Role (what they do)
<b>Juries</b>	
<b>Magistrate Judge</b>	
<b>Barristers</b>	
<b>Solicitors</b>	
<b>Legal Executives</b>	
<b>Judges</b>	

c) Explain **1 difference** between:

- Solicitor v Barrister -
- Magistrate Judge v Judges -
- Legal Executives v Solicitors -
- Juries v Judges -

### Legal Professionals

Legal Professionals are also known collectively as 'Lawyers'. They include **Solicitors, Barristers, and Legal Executives**. They all have legal qualifications.

**Task 4** – Legal Professionals Activity – using the internet **research solicitors, barristers and Legal Executives and complete the below activity.**

*You are a Career's Advisor at New College Bradford, students have asked for information on the legal career. As part of your role, you have been asked to create career's information for NCB students on a career as a barrister and a solicitor.*

You can choose how to provide this information, it could be a report, a poster, a leaflet, 'A day in the Life of' etc. Your advice **MUST** include the following;

- What type of work they do
- What a typical day might involve.
- Qualifications required (different ways to becoming a solicitor, barrister or legal executive)
- What training is required for all 3 legal careers
- What starting salaries are and what they earn on average
- Differences and similarities between the 3 professions.
- Advantages and disadvantages of using them when you have a legal problem.
- Other professions or roles that a student could do if they wanted to work within the legal sector but did not want to become a solicitor, barrister or legal executive.

**Print this task and attach/hand in with this pack**

## Elements of a Crime

In order to be guilty of a criminal offence, the defendant (the accused person) must commit the **actus reus** and **mens rea** of the crime. You normally need to both to be found guilty.



**Actus Reus (AR)** – Physical element of a crime (doing something or failing to do something which is illegal)

**Mens Rea (MR)** – Mental element of a crime (having a guilty intention/mind)

**Task 1 – using the internet research AR and MR and explain what they both mean in the space below. Give examples**

*Actus reus is...*

*Mens Rea is...*

## Omissions


Although most people are guilty for physically doing an act, sometimes people can be guilty of a criminal offence where they do this opposite of an act, such as ‘failing to act’ e.g. failing to stop at traffic lights, failing to care for their children. This is known as being **liable by omission. (LBO)** **An omission is a failure to act or a failure to do something.** This is usually when a person has a **duty of care** and **breaches** that duty.






**Task 3 – Using the internet and the following links research the area of Omissions and detail the facts of the case examples:**

<https://www.youtube.com/watch?v=vOM7vNPYW-s>

<http://e-lawresources.co.uk/Actus-reus.php>



Area of Omissions	Explanation of the law	Case examples – Facts of the case
<p><b>Contractual Duty</b></p> 		<p><b>R v Adomako (1994)</b></p> <p><b>R v Pitwood (1902)</b></p>

<b>Public Duties/official position</b>		<b>R v Dytham (1979)</b> 
<b>Acceptance of Care</b> 		<b>R v Stone and Dobinson (1977)</b>
<b>Duty via Relationship</b> 		<b>R v Gibbins and Proctor (1918)</b>
<b>Creation of a danger</b> 		<b>R v Miller (1983)</b>
<b>Statutory Duty (Parliament said so)</b> 		<b>Road Traffic Act (1988) – Give examples of when you will be Liable by omission:</b>

**Causation**

For many crimes, the element of causation will apply. This is used to prove that the defendant caused the end outcome (e.g. murder – must prove the defendant caused death). There are two parts to proving causation.

**Task 5 - Use the following link to research the two-part test for causation and explain them in the space below:**

<http://www.e-lawresources.co.uk/Causation-in-criminal-liability.php>



1. Factual cause –






2. Legal cause –

Once the two-part test above is proven, the defendant will have full actus reus, because causation will be established (chain of causation created). However, there are a number of ways that the **chain of causation can be broken, if it is broken then the defendant is no longer fully responsible for the consequence because something intervened that is more responsible for the end result (death/injury)**

Task 6 – Watch the video using the link below and then complete the table to show ways that the chain of causation can be broken (intervening acts).



<https://www.youtube.com/watch?v=GCaxConAMRs>

Area that can break the chain of causation	Explanation (when will it break the chain?)	Case examples
<b>Thin skull rule</b> 		<b>R v Blaue (1975)</b>
<b>Victims own act</b> 		<b>R v Roberts (1971)</b>  <b>R v Williams and Davis (1992)</b>
<b>refusal of treatment/suicide</b> 	<b>Refusal –</b>	<b>R v Holland (1841)</b>
<b>Medical Treatment</b> 		<b>R v Jordan (1956)</b>  <b>R v Smith (1959)</b>
<b>Life support machines</b> 		<b>R v Malcherek and Steel (1981)</b>
<b>Third parties</b>		

Task 7 - Complete the mini scenarios below to decide if the defendant is the 'cause' or if the chain of causation will be broken. See the example scenario and model answer, then answer 3 scenarios yourself making sure to include:

1. Factual cause
2. Legal cause
3. Any of the intervening acts that can break the chain of causation e.g. eggshell / escape etc.
4. Conclusion

Ben is having a shootout with the police and in order to protect himself, moves his friend in front of him. The police shoot and a bullet hits his friend. On the way to hospital, the paramedics do not close the back doors properly and his friend falls out and dies an hour later from head injuries.

Factual cause applied to ben using the 'but for' question. Case used.

Legal cause applied to ben

Possible Intervening acts discussed with case reference

Ben is the factual cause because but for using his friend as a shield, his friend would have survived because he would not have been shot had to go in an ambulance. This is similar to the case of Pagett 1983 when D used his pregnant girlfriend as a human shield and was then found to be the cause of her death, not the police. Ben is also the legal cause because even though there were multiple causes for the death, Ben is more than a minimal cause. Ben could argue that there has been a third party intervening act and that the paramedics are to blame. This may break the chain if the paramedics were seen to be so grossly negligent like in Jordan 1956. To conclude, Ben will probably be the cause of death as long as the chain of causation is not broken.

1. Natasha and David are having a fight in the back with a kitchen knife. When the ambulance arrives they do not check his medical records and give him 4x antibiotics that he is allergic to. David has an allergic reaction and dies.

Conclusion on whether or not they are liable through omission or not

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2. Tim has attacked Matthew and he has ended up on life support. At the hospital the doctors decide after using the required tests that Matthew is better off with his machine turned off so they do so.

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