

# Longley Park Sixth Form Transition Pack

## Law



Welcome to the summer bridging work from the BIT Department. We hope this pack allows you to gain an insight into some of the brilliant subjects and activities that you could be doing within each subject.



## **LAW**

A Law qualification is highly desired by many employers as this qualification will give you the skills and knowledge to be successful, either to progress into employment or onto university. You have the opportunity to gain an interesting insight into the ever changing world of Law by studying a variety of subjects related to the current legal system. The route we offer is a BTEC pathway.

**Below are some of the careers and destinations where our course could take you:-**

- Higher Education
- Solicitor
- Barrister
- Journalism
- Public Relations
- Teaching
- Management

**For more specific detail on courses, please check out our online prospectus!**

## **LAW**

You will find out about the English legal system and how law influences our daily lives. Assignments are designed to give you a real sense of what it is like to work in the legal professions and visits to courts in session and discussions with guest speakers will be part of the course. The skills you will develop on the course, such as being able to see both sides of an argument, effective research skills and solving complex legal problems will be of value to you in other areas of life.

## Law - Y11 Summer Work



### A word from our Law Teacher:

*This document is to give you a little insight into Law. The subject of law is fascinating for many reasons. The main reason I love law is that it governs EVERY part of our life. Whatever it is you are doing, no matter how big or small, there are laws that govern it. Another reason is that your rights and the law goes together hand in hand. That could be either your rights in contract law when you're a consumer or your employment contract or within criminal law, whether you are the victim of crime or suspected of committing one. Knowledge is power. If you know the law, you know your rights! The last reason is that it is so strange. Fact is often stranger than fiction, we look at some wild and amazing cases from the last 400 years!*

**Matt Goult - Teacher of Law**



### Civil v Criminal Law

In Law, there are different types of law that are used to govern different types of the behaviours. The two main types we look at are CIVIL law and CRIMINAL law. No criminal law, you might have a good idea of what we mean by criminal law.

Criminal laws are acts that the STATE/ GOVERNMENT say that you shouldn't do. They govern the rules of society and are there to protect us. The outcome of a criminal case will usually be a punishment, most commonly a fine or in more serious cases a custodial sentence, prison.

**Q - How long is a LIFE sentence in the UK? Look it up - You might be surprised.**

Civil law concerns a **dispute** between two individuals, companies or organisations. The outcome of these cases could be compensation, enforcing a person does an action or stops acting in a certain way.



### Activity:

Look at the scenarios below - Do they concern CRIMINAL or CIVIL law?

Think about it carefully and **JUSTIFY** your answer, say why it is a **criminal** or **civil** case.

- A beef company had to recall thousands of burgers because they possibly contained horse meat.
- A student was charged with assaulting a teacher (Matt highly discourages this!)
- A woman spilled her coffee over her lap in McDonalds because it was too hot.
- A woman who was driving was hit from behind by a truck and suffered spinal injuries.
- A man is in love with a woman and keeps harassing her with phone calls and text messages.
- A father reports the mother of his child for neglecting their 2 year old son, he is admitted to hospital due to lack of food.
- A man and wife wish to get divorced.

## Civil

Please watch the following video:

[Donoghue v Stevenson : 5 law cases you should know \(1/5\)](#)

What are the facts of the case?

What principle did this famous case give us?

### \*\*\*\*\*Activity\*\*\*\*\*

Now, look at three more cases below and explain how the neighbour principle applies in each of these cases. Think about who are the 'neighbours' and how the NEGLIGENT actions could affect the victims in each case.

- *Haley v London Electricity Board* [1965]
- *Barnett v Chelsea & Kensington Hospital* [1969]
- *British Railways Board v Herrington* [1972]

## Criminal

As talked about above, you will have a good idea of what we mean by criminal law. You will be thinking of people **ACTING** in an unlawful or criminal way. However, what you might not be aware of is the fact that someone could be guilty of a criminal offence by **FAILING TO ACT** or what is legally known as an **OMISSION**.

Please look at these 5 cases:

Omissions - A failure to act

### R v Gibbons & Proctor (1918)

A child's father and his wife neglected and failed to feed the child, which led the child dying of starvation. The defendants were charged with the child's murder. They argued that simply allowing the child to die was an omission and therefore could not constitute the act of killing, which is required for murder.

### R v Stone & Dobinson (1977)

The defendants, S and D, were a couple who took in the victim, S's sister, as a lodger. S had severe disabilities, being partially deaf and blind. D had learning difficulties. Whilst staying with the defendants, the victim became unable to care for herself, having long struggled with mental health issues and obsession about her weight. D made some efforts to care for her, bringing her food and washing her with the help of a neighbour. However, her attempts were not sustained and inadequate, and the victim passed away.

### R v Dytham (1979)

The defendant was a police officer. He stood by whilst a bouncer kicked a man to death. He was charged with the offence of misconduct in a public office. He argued that the offence could not be committed by an omission as it specifically requires misconduct.

### R v Miller (1983)

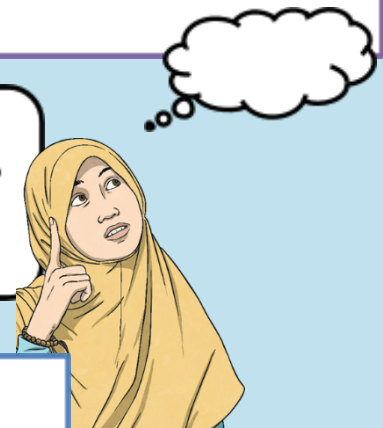
The defendant had been out drinking for the evening. He went back to the house he had been staying in and fell asleep on a mattress with a lighted cigarette in his hand. He awoke and saw that the cigarette had started a small fire. Upon seeing the fire, he then got up and went to another room and went back to sleep.

### R v Pittwood (1902)

The defendant was employed by a railway company to man the gate at a level crossing. The defendant lifted the gate to allow a cart to pass and then went off to lunch failing to put it back down. A train later collided with a horse and cart killing the train driver.

### \*\*\*\*\*Activity\*\*\*\*\*

Do you think each of these defendants are **GUILTY** or **NOT GUILTY** and **WHY**?  
Should their failure to act constitute a criminal offence?



### \*\*\*\*\*Problem Question\*\*\*\*\*

### R v BLAUE (1975)

The defendant entered the home of an 18-year-old woman and asked for sex. When she declined his advances, he stabbed her four times; the wound penetrated her lung which could be treated by both a blood transfusion and surgery in order to save her life. After refusing treatment because of her religious beliefs (as a Jehovah's Witness) she died. Medical evidence showed that she would not have died if she had received treatment.

In this case the victim refused medical treatment which would have saved her life. But her religious beliefs forbid any medical treatment. She therefore died. The defendant argued, if she had taken the medical treatment she would have survived and he would not be on trial for murder.



## \*\*\*\*\*Activity\*\*\*\*\*

What do you think? Should Blaue be charged with murder? Why?

Some things to consider;

- Is it the victim's fault for refusing medical treatment?
- Should we respect the religious beliefs of the victim?
- If the defendant had not stabbed the victim, would the victim have had the choice to make?
- If the stabbing had happened to any other person, the defendant would not be facing a charge of murder.

### Important note

The important thing in law is not searching for the right answer but justifying your own arguments. So you cannot be wrong! As long as you back up your arguments and explain why you have reached that conclusion, you are on the right lines. I am looking for the skill of critical thinking and argument building.

I would be very interested to hear your thoughts and see your answers to the above activities- So if you wish to seek feedback, please email me on [MGoult@brigantitrust.net](mailto:MGoult@brigantitrust.net)