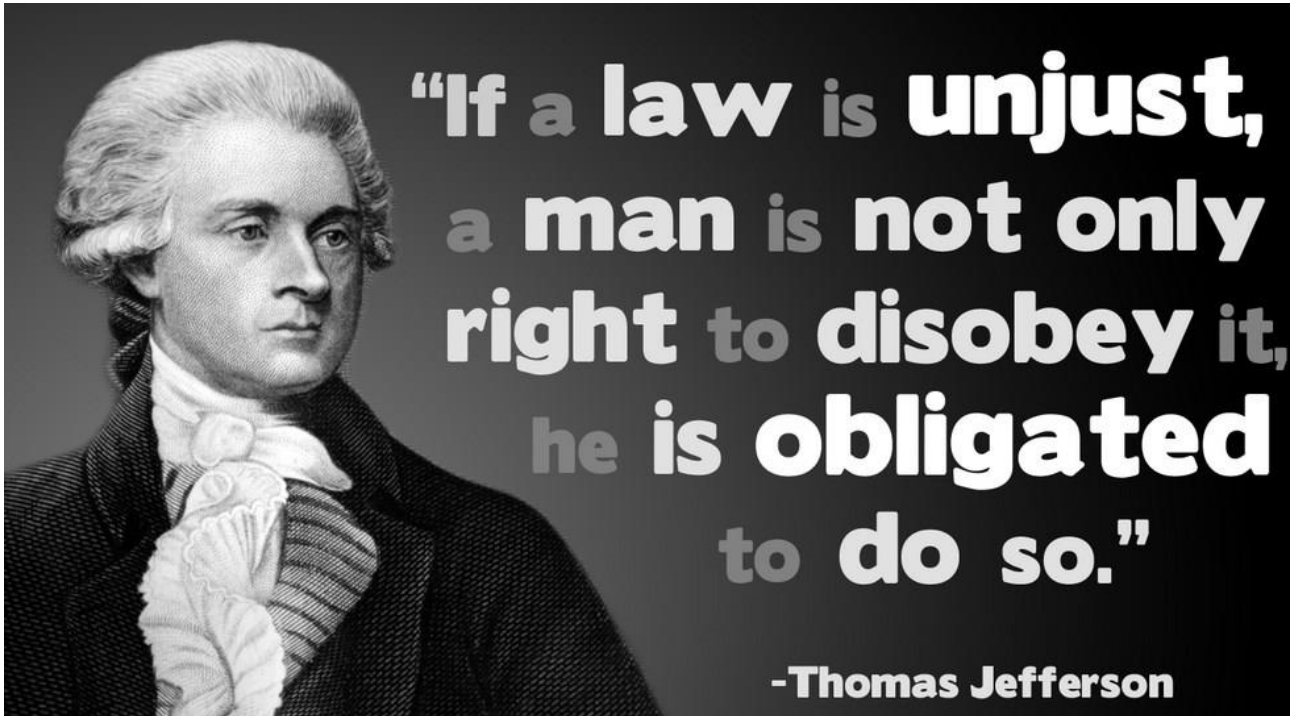


YEAR 11

A-LEVEL LAW

TRANSITION MATERIAL
(BEFORE STARTING YEAR 12)



INFORMATION ABOUT THE SUBJECT

WHY STUDY LAW?

Students will learn about the legal system, law making, the nature of law, criminal law, the law of tort and human rights law or the law of contract. Law students develop a range of skills including the application of legal rules and principles to present an argument, analysis and evaluation of the law, legal issues and concepts.

WHY IS A LEVEL LAW IMPORTANT?

A Level Law provides an introduction to law. It allows students to learn about a fascinating subject, one which covers many aspects of life. Students of A Level

Law will:

- Develop an understanding of law and how it works.
- Learn more about society from a legal perspective both contemporary and historical.
- Learn about the interaction between law and morals, justice and society.
- Learn about different areas of law – e.g. criminal law, human rights, contract and tort.
- Make connections with business, economics, history, politics and technology.
- Develop academic skills, including analysis and evaluation.
- Be able to make an informed decision about future careers.

HAVE YOU EVER WONDERED. . ?

- Why do we need law?
- How are laws made?
- How do judges make decisions?
- What are the different types of court and how do they operate?
- How do people become solicitors or barristers?

DO YOU WANT TO KNOW ABOUT:

- Offences such as murder and theft?
- Negligence?
- Contracts?
- Your rights?

ARE YOU.. ?

- Are you interested in a becoming a solicitor, barrister or legal executive?
- Are you interested in a career in business?
- Are you interested in a career in politics or government?
- Are you studying business or economics?
- Are you studying humanities or social science subjects?
- Are you interested in debating controversial issues?

HOW WILL YOU BE ASSESSED?

- AS and A Level Law are assessed by written examinations.
- The A Level qualification consists of three exam papers, each 2 hours long and each worth $33\frac{1}{3}\%$ of the marks.
- There is a variety of exam questions including:
 - Essay questions
 - Legal scenario questions.

SO WHY DO IT?

- A Level Law provides a fascinating insight into so many different disciplines. There are many benefits of studying A Level Law. It links all aspects of society.
- It helps students develop a range of transferable skills: analytical skills, attention to detail, logical thinking, research skills, essay writing skills and the ability to produce a balanced argument.
- The course is engaging and encourages the learner to experience the 'law in action'. Visits to the criminal and civil courts, the Houses of Parliament and other related places of interest, bring the subject to life.
- The study of law links with other areas of study e.g. business, economics, history, politics and sociology.

THOUGHT PROVOKING QUESTIONS

- How is the law changing?
- What is the relationship between law and morals?
- Does the law provide justice?
- How is technology changing the law?
- What is the impact of globalisation?

WHAT'S INCLUDED?

A Level Law covers a wide range of subject content including:

- The legal system
- Law making
- Criminal law
- The law of tort
- The nature of law and a choice of human rights law or the law of contract.

WHERE CAN THE QUALIFICATION TAKE ME?

- Students wishing to continue their legal studies after A Levels can opt for a university degree or work-based apprenticeship.
- Both of these routes can lead to the qualifications required to become a solicitor, barrister or legal executive.
- Other popular careers include the police, teaching, social work, business and accounting.



TASK 1

You need to prepare a short presentation (not more than 3 minutes) introducing yourself. This needs to include who you are, your hobbies/interests, why you want to study A-Level Law, why you think you are suited to the subject plus one piece of legal research you have done. The piece of legal research can be on anything you like, e.g. a newspaper article, something you've seen on the news, etc. but you will need to share with the class why you found it interesting and what your response to the piece of research is.

TASK 2

You need to visit a Crown Court close to where you live. You can pair up with someone else to complete this task. Go and watch a trial for at least one hour. You need to take notes on the case you are watching. What do you observe about the layout of the court? You could even sketch the layout. Who is present in the court? How are people dressed? What is the case about? Can you work out the legal names of people in the courtroom?



TASK 3

Read the article below and then answer the questions that follow:

The Legal Case Of The Snail Found In Ginger Beer

By Clive Coleman - BBC Radio 4

How a case about a snail gave power to modern consumers and launched a million lawsuits

This is the story of how our modern law of negligence came about all because of a fizzy drink. And a mollusc from Paisley in Scotland.

The mollusc in question was a common snail that ended its days in a bottle of ginger beer. It made legal history in the 1932 case of **Donoghue v Stevenson**.

It begins on an unremarkable Sunday evening on 26th August 1928. May Donoghue, a shop assistant, met a friend at the Wellmeadow cafe in Paisley, near Glasgow.

Her unnamed friend ordered and paid for a pear and ice cream ginger beer 'float' for May.

When the ginger beer was poured into her glass, it was alleged the decomposing remains of a snail dropped out of the darkened, opaque bottle.

May complained of stomach pains, and a doctor diagnosed gastroenteritis and shock.

But if you are thinking McDonalds, hot cups of coffee and big bucks compensation, think again. This is 1928.

No Legal Redress

In those days, the common law only acknowledged a duty of care was owed to people harmed by the negligent acts of others in specific and limited circumstances.

For example, this was the case where a contract existed between the parties, or where a manufacturer was making something dangerous, or acting fraudulently.

As the law stood, May Donoghue could not take legal action over her snail.

As May's unnamed friend had paid for the drink, it meant May had not entered into a contract with the cafe owner.

Clearly, neither May nor her friend had a contract with the manufacturer of the ginger beer.

The latter had not committed fraud. And ginger beer could hardly be described as dangerous.

To the rescue came one doughty and determined solicitor called Walter Leechman, who took up May's case.

He had already brought two cases against another drinks manufacturer, AG Barr, alleging a dead mouse had been found in a bottle of their ginger beer.

Leechman had lost both cases, but he went ahead and issued May Donoghue's writ against David Stevenson, the manufacturer of the ginger beer.

The case went all the way to the highest court in the land. It was heard in the House of Lords on 10th December 1931, three years after May allegedly discovered the snail.

Her counsel argued that a manufacturer who puts a product on the market in a form that does not allow the consumer to examine it before using it, is liable for any damage caused.

Remember May could not have examined her ginger beer before drinking it because the bottle was dark and opaque.

Lord Atkin of Aberdovey, one of the greatest judges of the twentieth century, was on the panel who heard the appeal.

'Love Thy Neighbour'

On 26th May 1932, he found in favour of May Donoghue and rose to give the leading judgment in the case.

"The rule that you are to love your neighbour becomes in law 'You must not injure your neighbour'; and the lawyer's question: 'Who is my neighbour?' receives a restricted reply.

"You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour."

And with those words the modern law of negligence was born.

Lord Atkin based his judgment on the Christian principle of 'loving thy neighbour', and the parable of the Good Samaritan.

This elastic term could now be applied to almost any relationship, in any circumstances.

Among other areas, it covers personal injury, product liability, professional negligence on the part of doctors, architects and even lawyers themselves.

For many, Lord Atkin's judgment was a noble principle based upon the Gospel of Luke. For others, it went too far, giving birth to our modern compensation culture. It has made many lawyers and insurance companies rich, but it has also seen the ill and injured compensated for losses caused by the negligent acts of others.

In the original case, David Stevenson died less than a year after the Law Lords' decision, and his estate settled May Donoghue's claim to the sum of £200.

But what, I hear you ask, of the snail itself? Its claim to fame was that it launched a million lawsuits. And it gave power to the modern consumer.

Ginsters' Snail

In 2008, 21-year-old Simon Enticknap from Basingstoke bit into a Ginsters chicken and mushroom slice and found....a snail.

Even though he avoided eating it, Ginsters apologized immediately, and sent £25 in compensation.

The speed of their response was down to the Paisley snail.

But to this day, no-one knows for sure if there ever really was a snail in May Donoghue's bottle of ginger beer.

TASK 3 - QUESTIONS

1. What is the name of the case?
2. What year did the case take place?
3. What area of law did the case deal with?
4. What was the name of the person who brought the case to court (claimant)?
5. What was the name of the person they were bringing the case against? (defendant/respondent)?
6. Summarise the facts of this case.
7. Briefly explain why the claimant found it difficult to bring about a case initially?
8. Which court did the case end up in?
9. What was the name of the judge in the case?
10. Explain in your own words what his 'neighbour principle' means.
11. What was the emanating from this case?

TASK 4

Read the following introduction on **Statutory Interpretation** and then complete the questions below, including the research questions.

Introduction

Acts of Parliament (also known as statutes) have a unique and important status as sources of law. Parliament is the sovereign law-making body in English law and this means that Parliament can alter the law in whatever ways it chooses. Acts of Parliament cannot be challenged by other institutions and only Parliament itself can alter what a statute says.

Judges' constitutional role is that they must apply Acts of Parliament as they are written. They are not at liberty to give their own interpretation or to modify the meaning that Parliament intends.

As a result, care is taken to try to ensure that the meaning of Acts of Parliament is clear. Unfortunately, it is inevitable that from time to time disputes will arise over what particular sections mean or how they should be applied. These disputes come before the courts and it is for judges to determine how such disputes are resolved. Statutory interpretation is the name given to the process by which judges decide what particular words in statutes mean.

Why Do Statutes Need To Be Interpreted?

- There may be a mistake in the drafting so that the words used do not mean what was intended. This happened in **Fisher v Bell** (1961) where the Act referred to an 'offer for sale', which in contract law had a technical meaning that differed from the everyday meaning. The result was that something could be displayed in a shop window and yet was not being offered for sale.
- Words can change in their meaning. For example, in **Cheeseman v DPP** (1990), the court decided that the word 'passenger' had a different meaning today to that in use in 1847 when the Act in question had been drafted.
- Circumstances can change so that the words are no longer appropriate. For instance, in **Royal College of Nursing v DHSS** (1981), the court had to consider the wording of the **Abortion Act 1967** that a pregnancy should be terminated 'by a registered medical practitioner'. Because of advances in medical techniques, by the end of the 1970s, abortions were often carried out by nurses giving patients an injection, under the direction of a doctor.

- An Act may use a broad term instead of a limited and specific word. An example is the **Dangerous Dogs Act 1991**, which referred to 'any dog of the type known as the pit bull terrier'. In **Brock v DPP (1993)** the court had to decide what was meant by 'type'. The conclusion was that it was not the same as 'breed' so therefore it could include dogs that were not pedigree pit bulls.

TASK₄ - QUESTIONS

1. Explain what is meant by 'statutory interpretation'.
2. Look at the four reasons why statutory interpretation may be needed. Which ones could have been avoided when the statute was drafted?
3. Research what is meant by the Literal Rule within Statutory Interpretation and type up one side of A4 notes on what you have found out.
4. Research what is meant by the Golden Rule within Statutory Interpretation and type up one side of A4 notes on what you have found out.

What we learn with
pleasure
we never forget.

- ALFRED MERCIER