



## 2023 UNIT SPECIFICATION

<b>Title:</b>	(Unit 1) Introduction to Law and Practice
<b>Level:</b>	3
<b>Credit Value:</b>	7

<b>Learning outcomes</b> <b>The learner will:</b>	<b>Assessment criteria</b> <b>The learner can:</b>	<b>Knowledge, understanding and skills</b>
<b>1. Understand the structure of the law</b>	<b>1.1</b> Explain the classification of law  <b>1.2</b> Distinguish between criminal and civil law	<b>1.1</b> <ul style="list-style-type: none"><li>• How the law impacts on aspects of our daily lives;</li><li>• the 'pervasive' nature of the law;</li><li>• definitions of, and comparisons between, common law, equity and legislation.</li></ul> <b>1.2</b> <ul style="list-style-type: none"><li>• Definitions of, and comparisons between, civil disputes and criminal cases e.g; citations; burden of proof; standard of proof;</li><li>• objectives;</li><li>• range of remedies and sanctions e.g. punishment or damages.</li></ul>

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	<p><b>1.3</b> Distinguish between common law and equity</p>	<p><b>1.3</b></p> <ul style="list-style-type: none"> <li>• The meaning of equity;</li> <li>• why and how it was created;</li> <li>• its relationship to common law;</li> <li>• Judicature Acts 1873-75; its role in modern times;</li> <li>• equitable innovations: mortgages and trusts;</li> <li>• equitable maxims;</li> <li>• equitable remedies.</li> </ul>
<p><b>2. Understand what the organs of government are</b></p>	<p><b>2.1</b> Explain the role of:</p> <ul style="list-style-type: none"> <li>• The Executive</li> <li>• Judiciary</li> <li>• The Legislature</li> </ul> <p><b>2.2</b> Apply an understanding of the organs of government to a given situation</p>	<p><b>2.1</b> The organs of government;</p> <ul style="list-style-type: none"> <li>• the role of the three institutions within the UK constitution, being the Executive, the Judiciary and the Legislature, and the separation of powers;</li> <li>• doctrine of parliamentary sovereignty;</li> <li>• constitution of the Legislature: House of Commons; House of Lords; the Monarch;</li> <li>• constitution of the Executive: Prime Minister; Cabinet; Secretaries of State; ministers.</li> </ul> <p><b>2.2</b> Application to a scenario.</p>
<p><b>3. Understand how an Act of Parliament is created</b></p>	<p><b>3.1</b> Explain the formal consultation process which may take place before a bill is introduced to Parliament</p>	<p><b>3.1</b></p> <ul style="list-style-type: none"> <li>• The functions of green and white papers and law reform bodies, eg; Law Commission;</li> <li>• the formal consultation process;</li> <li>• use of Acts of Parliament to develop the law.</li> </ul>

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	<p><b>3.2</b> Describe the different types of Bill</p> <p><b>3.3</b> Describe the stages of creation of an Act of Parliament</p> <p><b>3.4</b> Apply an understanding of how an Act is created to a given situation</p>	<p><b>3.2</b></p> <ul style="list-style-type: none"> <li>• Including, but not limited to, specific Bills such as; Public Bills (Government Bills and Private Members’ Bills); Private Bills; Hybrid Bills;</li> <li>• examples of Bills and description and content of each type.</li> </ul> <p><b>3.3</b></p> <ul style="list-style-type: none"> <li>• What is meant by and what is involved in: Speaker’s Certificate; First Reading; Second Reading; Committee Stage; Report Stage; Third Reading and Royal Assent in the House of Commons and House of Lords.</li> <li>• Main controls over the House of Lords under The Parliament Acts 1911 and 1949.</li> <li>• Structure and content of an Act of parliament.</li> </ul> <p><b>3.4</b> Application to a scenario</p>
<p><b>4. Understand the meaning of delegated legislation</b></p>	<p><b>4.1</b> Describe how secondary legislation is created</p>	<p><b>4.1</b></p> <ul style="list-style-type: none"> <li>• Definition of primary and secondary legislation;</li> <li>• the different types of secondary legislation i.e. Statutory Instruments and Bye-Laws, with examples.</li> </ul>

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	<p><b>4.2</b> Explain the controls exercised over delegated legislation</p> <p><b>4.3</b> Explain the advantages and disadvantages of delegated legislation</p> <p><b>4.4</b> Apply an understanding of delegated legislation to a given situation</p>	<p><b>4.2</b></p> <ul style="list-style-type: none"> <li>• Requirement for publication;</li> <li>• Court controls, e.g. judicial review and <i>ultra vires</i>; European Convention on Human Rights;</li> <li>• Parliamentary controls, eg: requirement of laying before Parliament; Parliamentary committees;</li> <li>• how the controls are effected in practice.</li> </ul> <p><b>4.3</b></p> <ul style="list-style-type: none"> <li>• The advantages: fast, flexible, saves Parliamentary time; technical drafting by experts;</li> <li>• the disadvantages: usurps power of Parliament and erodes democratic process, volume and complexity leading to obscurity.</li> </ul> <p><b>4.4</b> Application to a scenario</p>
<p><b>5. Understand how the doctrine of judicial precedent operates</b></p>	<p><b>5.1</b> Explain how case law operates as a source of law</p>	<p><b>5.1</b></p> <ul style="list-style-type: none"> <li>• Definition and concepts of case law with the use of examples;</li> <li>• definition of a judgment, including <i>ratio decidendi</i> and <i>obiter dicta</i>;</li> <li>• citations of cases;</li> <li>• interaction between case law and legislation.</li> </ul>

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	<p><b>5.2</b> Describe how the doctrine of judicial precedent works.</p> <p><b>5.3</b> Explain when the court can ignore the previous decision of a higher court</p> <p><b>5.4</b> Apply an understanding of judicial precedent to a given situation</p>	<p><b>5.2</b></p> <ul style="list-style-type: none"> <li>• The meaning of binding and persuasive judgments;</li> <li>• use of the court hierarchy to illustrate the binding nature of decisions of the United Kingdom Supreme Court (with reference to the Practice Statement on Judicial Precedent (1966)), and the Court of Appeal (with reference to <u>Young v Bristol Aeroplane Co Ltd</u> (1944) and other relevant case law) and the High Court;</li> <li>• the impact of other influential courts, ie: The Court of Justice of the European Union following the UK's withdrawal from the European Union, the European Court of Human Rights and the Privy Council.</li> <li>• higher courts and lower courts and the doctrine of <i>stare decisis</i>.</li> </ul> <p><b>5.3</b> Outline of which courts can overrule, distinguish, disapprove and reverse previous decisions and in which circumstances, using case law examples.</p> <p><b>5.4</b> Application to a scenario.</p>
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<p><b>6. Understand how membership of the European Union influences the law of England and Wales</b></p>	<p><b>6.1</b> Describe the following:</p> <ul style="list-style-type: none"> <li>• Treaties</li> <li>• Regulations</li> <li>• Directives</li> </ul> <p><b>6.2</b> Describe the main institutions of the European Union</p> <p><b>6.3</b> Apply an understanding of EU membership and its influence to a given situation</p>	<p><b>6.1</b></p> <ul style="list-style-type: none"> <li>• Outline of primary and secondary sources of EU law with reference to how the individual member states are subject to it;</li> <li>• impact of EU law on UK law following the UK's withdrawal from the European Union;</li> <li>• horizontal and vertical direct effect.</li> </ul> <p><b>6.2</b> Outline of the constitution and role of the following EU institutions:</p> <ul style="list-style-type: none"> <li>• Court of Justice of the European Union</li> <li>• European Commission</li> <li>• Council of the European Union (Council of Ministers)</li> <li>• European Parliament</li> <li>• European Council</li> </ul> <p><b>6.3</b> Application to a scenario</p>
<p><b>7. Understand the court hierarchy</b></p>	<p><b>7.1</b> Describe the main work undertaken by the criminal courts in England and Wales</p>	<p><b>7.1</b></p> <ul style="list-style-type: none"> <li>• The roles, function, jurisdiction and personnel of the Magistrates Court, the Crown Court, the Court of Appeal and the United Kingdom Supreme Court;</li> <li>• outline, with examples, of the different types of offence: summary offences, offences triable either way and offences triable only on indictment;</li> </ul>

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	<p><b>7.2</b> Describe the main work undertaken by the civil courts in England and Wales</p> <p><b>7.3</b> Describe the system of appeals within the court hierarchy</p>	<ul style="list-style-type: none"> <li>• the main objectives of Criminal Procedure Rules 2020 including the purpose of the overriding objective.</li> </ul> <p><b>7.2</b></p> <ul style="list-style-type: none"> <li>• The roles, function, jurisdiction and personnel of the County Court, the High Court, the Court of Appeal and the United Kingdom Supreme Court;</li> <li>• the main objectives of Civil Procedure Rules 1998 including the purpose of the overriding objective;</li> <li>• issuing of cases in the County Court or High Court; allocation of cases and the three-track system (small claims, fast track and multi-track).</li> </ul> <p><b>7.3</b> Outline of the appeals route for both civil and criminal cases, including:</p> <ul style="list-style-type: none"> <li>• Magistrates to the Crown Court, including appeals against conviction, and to the Divisional Court of the High Court by means of case stated on a point of law;</li> <li>• Crown court appeals against conviction and/or sentence to the Court of Appeal;</li> <li>• Role of the Criminal Division of the Court of Appeal;</li> <li>• Role of the United Kingdom Supreme Court;</li> <li>• County Court or High Court Appeals against Judgment to Civil Division of Court of Appeal.</li> </ul>
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	<p><b>7.4</b> Explain the role of the Criminal Review Commission</p> <p><b>7.5</b> Apply an understanding of the court hierarchy to a given situation</p>	<p><b>7.4</b> Outline of the role of the Criminal Cases Review Commission, including examples of recent miscarriages of justice, and how it operates in practice.</p> <p><b>7.5</b> Application to a scenario.</p>
<p><b>8. Understand the relevance of the European Convention on Human Rights</b></p>	<p><b>8.1</b> Explain the rights and freedoms granted by Section 1 of the European Convention on Human Rights</p> <p><b>8.2</b> Describe the application of the Human Rights Act 1998 and the relevance of it within the UK</p> <p><b>8.3</b> Apply an understanding of the European Convention on Human Rights to a given situation</p>	<p><b>8.1</b></p> <ul style="list-style-type: none"> <li>• An outline of the rights and freedoms contained in Section 1 of the European Convention on Human Rights;</li> <li>• an illustration of their application in case law.</li> </ul> <p><b>8.2</b> The effects of sections 2, 3, 4, 6 and 7 and the Articles in Schedule 1 of the Human Rights Act 1998.</p> <p><b>8.3</b> Application to a scenario.</p>
<p><b>9. Understand how disputes can be resolved outside the court hierarchy</b></p>	<p><b>9.1</b> Explain the means of settling a dispute outside the court structure</p>	<p><b>9.1</b></p> <ul style="list-style-type: none"> <li>• An outline of alternative dispute resolution ('ADR') and comparison of negotiation, mediation and conciliation, arbitration;</li> <li>• circumstances in which and by whom these different types of resolution might be used;</li> <li>• outline of the different types of tribunal;</li> <li>• the tribunal chambers.</li> </ul>

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	<p><b>9.2</b> Explain the advantages and disadvantages of various types of ADR</p> <p><b>9.3</b> Apply an understanding of dispute resolution to a given situation</p>	<p><b>9.2</b> Outline of the circumstances in which each alternative method of ADR would be appropriate and the likely advantages and disadvantages of use of each when compared to each other and to use of litigation.</p> <p><b>9.3</b> Application to a scenario.</p>
<p><b>10. Understand the personnel of the English Legal System, their qualification routes and their roles</b></p>	<p><b>10.1</b> Describe the formal training to qualify as a CILEX Legal Executive</p> <p><b>10.2</b> Describe the work undertaken by CILEX Legal Executives</p>	<p><b>10.1</b></p> <ul style="list-style-type: none"> <li>• The requirements and purpose of the training route, the requirement of qualifying employment to qualify as a CILEX Legal Executive and what this means;</li> <li>• the CILEX membership grades.</li> </ul> <p><b>10.2</b></p> <ul style="list-style-type: none"> <li>• The role of CILEX Legal Executives, including the nature of the work undertaken by CILEX Legal Executives and work which may not be undertaken;</li> <li>• rights of audience;</li> <li>• CILEX Legal Executives in private practice firms;</li> <li>• additional practice rights;</li> <li>• the regulation of CILEX Legal Executives and the role of CILEX Regulation, The Legal Services Board;</li> <li>• The Office for Legal Complaints and the Legal Ombudsman.</li> </ul>

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	<p><b>10.3</b> Describe the different levels of judge and their allocation within the court system</p> <p><b>10.4</b> Describe the formal training required to qualify as a barrister</p> <p><b>10.5</b> Describe the work undertaken by barristers</p>	<p><b>10.3</b> Judicial appointment and qualifications in relation to Justices of the Supreme Court, Lords Justices of Appeal, High Court Judges, Circuit judges, Recorders and District judges;</p> <ul style="list-style-type: none"> <li>• jurisdiction of each level of judge as to the cases which can be heard;</li> <li>• role of the Lord Chancellor/Secretary of State for justice.</li> </ul> <p><b>10.4</b></p> <ul style="list-style-type: none"> <li>• The requirements and purpose of the training route including the Academic stage, the Bar Course Aptitude Test, the Vocational stage, and the Bar Professional Training Course, Call to the Bar and Pupillage;</li> <li>• the Inns of Court.</li> </ul> <p><b>10.5</b></p> <ul style="list-style-type: none"> <li>• The nature of the work undertaken by barristers both in court and in preparing advice for clients;</li> <li>• barristers in chambers;</li> <li>• the regulation of barristers and the role of the Bar Standards Board and its code of conduct;</li> <li>• The Legal Services Board; The Office for Legal Complaints; and the Legal Ombudsman.</li> </ul>
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	<p><b>10.6</b> Describe the formal training required to qualify as a solicitor</p> <p><b>10.7</b> Describe the work undertaken by solicitors</p> <p><b>10.8</b> Apply an understanding of the personnel of the English Legal System to a given situation</p>	<p><b>10.6</b> The requirements and purpose of the training route including:</p> <ul style="list-style-type: none"> <li>- Degree (or equivalent qualification or work experience)</li> <li>- SQE1 Assessment (functioning legal knowledge and practical legal skills assessment)</li> <li>- SQE2 assessment (practical legal skills assessments)</li> <li>- Qualifying work experience</li> <li>- Admission as a solicitor.</li> </ul> <p><b>10.7</b></p> <ul style="list-style-type: none"> <li>• The nature of the work undertaken by solicitors;</li> <li>• rights of audience;</li> <li>• solicitors in private practice firms;</li> <li>• the regulation of solicitors and the role of the Law Society and the Solicitors' Regulation Authority ('SRA') and its Rules and Regulations;</li> <li>• The Legal Services Board; The Office for Legal Complaints; and the Legal Ombudsman.</li> </ul> <p><b>10.8</b> Application to a scenario.</p>
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<p><b>11. Understand the contribution made by laymen within the legal system of England and Wales</b></p>	<p><b>11.1</b> Describe the role of magistrates</p> <p><b>11.2</b> Describe the role of the jury</p> <p><b>11.3</b> Apply an understanding of the contribution by laymen to the English Legal System to a given situation</p>	<p><b>11.1</b> How magistrates are appointed and the appointment criteria;</p> <ul style="list-style-type: none"> <li>• the role of the Justices' Clerk and the role magistrates play within the criminal legal system;</li> <li>• the advantages and disadvantages of a hearing before magistrates.</li> </ul> <p><b>11.2</b></p> <ul style="list-style-type: none"> <li>• Juries Act 1974;</li> <li>• eligibility for jury service;</li> <li>• how juries are selected;</li> <li>• the role of juries in a Crown Court trial;</li> <li>• jury secrecy;</li> <li>• the advantages and disadvantages of a jury trial.</li> </ul> <p><b>11.3</b> Application to a scenario.</p>
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Additional information about the unit	
Unit aim(s)	The learner will understand key underpinning concepts, terms and processes in Law and the practice of Law
Details of the relationship between the unit and relevant national occupational standards (if appropriate)	This unit may provide relevant underpinning knowledge and understanding towards units of the Legal Advice standards
Details of the relationship between the unit and other standards or curricula (if appropriate)	Courses of study leading towards the achievement of the unit may offer the learner the opportunity to satisfy requirements across a number of Level 3 Key Skill areas; most specifically, Communication, Improving own learning and performance, Problem solving and Working with others
Assessment requirements specified by a sector or regulatory body (if appropriate)	N/A
Endorsement of the unit by a sector or other appropriate body (if required)	N/A
Location of the unit within the subject/sector classification	15.5 Law and Legal Services
Name of the organisation submitting the unit	CILEx (The Chartered Institute of Legal Executives)
Availability for use	Only available to owning awarding body
Availability for delivery	1 September 2008

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