

Tech Level Unit 1 From 6 January 2020 - this qualification is no longer available to new learner registrations



Title:	INTRODUCTION TO LAW AND THE LEGAL SYSTEM IN ENGLAND AND WALES
Level:	Level 3
Credit Value:	10
Guided Learning Hours	60

Learning outcomes	Assessment criteria	Knowledge, understanding and skills
The learner will:	The learner can:	
1. Understand the nature of law	1.1 Explain how law can be classified 1.2 Distinguish between common law and equity 1.3 Distinguish between civil law and criminal law	1.1 Understanding how the law affects our daily lives – an outline of meaning of public and private law. Definitions of common law, equity and legislation. 1.2 The meaning of equity, why and how it was created, its relationship to common law, equitable maxims, equitable remedies. 1.3 Define civil law and criminal law and explain the differences between them e.g. objectives of each, remedies and sanctions (punishment or damages), citations, burden of proof, standard of proof.
2. Understand the organs of government	2.1 Explain the sovereignty of parliament the constitutional role of the Monarch. 2.2 Explain the roles of the House of Commons and House of Lords 2.3 Explain the separation of powers between the executive, legislature and the judiciary	2.1 Understand the role of parliament, the monarch's constitutional role and where the power lies. 2.2 An outline of the constitution of both Houses and the different roles of the House of Commons and the House of Lords.

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	2.4 Explain the role of the Lord Chancellor and the Ministry of Justice	2.3 Understand the role of the three institutions and the separation of powers. 2.4 Understand how the Lord Chancellor is appointed; the nature of the work undertaken and role performed by the Lord Chancellor. An outline of the work undertaken by the Ministry of Justice.
3. Understand the sources of law	3.1 Explain the function of legislation 3.2 Explain judicial precedent, the basis of common law 3.3 . Explain how case law is used. 3.4 Explain the influence on English law through membership of the European Union	3.1 Outline of primary legislation and how a Bill becomes an Act; the different types of Bill. Outline of secondary legislation; the different types of secondary legislation i.e: Statutory Instruments, Bye-Laws and Orders in Council. 3.2 Understand that common law is made up of judicial precedent (case law) rather than statute law. The meaning of binding and persuasive judgments; definition of a judgment including Ratio Decidendi and Obiter Dicta. 3.3 The meaning of the doctrine of stare decisis; the use of court hierarchy to illustrate the binding nature of the United Kingdom Supreme Court (with reference to the 1966 Practice Statement), and the Court of Appeal (with reference to <u>Young v Bristol Aeroplane Co</u> 1944). Outline of the influence of the European Court of Justice, the European Court of Human Rights and the Judicial Committee of the Privy Council. 3.4 Primary and secondary sources - Treaties, Regulations and Directives of European Union (EU) law with reference to how the individual member states are subject to it. Outline of the European Institutions and their role in the creation and application of EU Law: European Commission, Council of the European Union (Council of Ministers), European Council, European Parliament and European Court of Justice.

	<p>3.5 Explain the influence on English law of the European Convention on Human Rights; the Human Rights Act 1998</p>	<p>3.5 An outline of the rights and freedoms contained in the European Convention on Human Rights Section 1 Articles 2-12 of the ECHR.</p> <p>Understand that the Human Rights Act 1998 incorporates rights and freedoms of the ECHR; know in outline only the meaning of sections 2, 3, 4, 6 and 7 of the HRA 1998:</p> <p>s2 A court determining a case in connection with a Convention Right must take into account any relevant judgment, decision or opinion of the European Court of Human Rights</p> <p>s3 Primary and secondary legislation must be given effect in a way which is compatible to ECHR</p> <p>s4 A court may make a declaration of incompatibility if any provision of primary legislation is incompatible with a Convention Right</p> <p>s6 It is unlawful for a public authority to act in a way which is incompatible with a Convention Right</p> <p>s7 A person who claims a public authority has acted in a way which is unlawful by s6, may bring proceedings against a public authority in a court or tribunal</p>
<p>4. Understand the hierarchy and function of the courts</p>	<p>4.1 Identify the courts exercising civil jurisdiction and the nature of the work undertaken in the civil courts including reference to the Civil Procedure Rules</p> <p>4.2 Identify the appeal procedure for civil cases.</p>	<p>4.1 The roles and jurisdiction of the County Court (including the Small Claims Court), the High Court, the Court of Appeal and the United Kingdom Supreme Court. Know in outline the purpose of the overriding objective (Part 1) and the meaning of active case management (Part 3) of the Civil Procedure Rules. Understand the three track system (small claims, fast track and multi-track) and the types of cases heard in each track.</p> <p>4.2 An outline of the appeals route including: County Court or High Court Appeals against judgment to Civil Division of Court of Appeal and appeals from the High Court and Court of Appeal to the Supreme Court.</p>

	<p>4.3 Identify the courts exercising criminal jurisdiction and the nature of the work undertaken in the criminal courts including reference to the Criminal Procedure Rules and the role of the jury.</p> <p>4.4 Identify appeal procedure for criminal cases.</p>	<p>4.3 The roles and jurisdiction of the Magistrates Court, the Crown Court, the Court of Appeal and the United Kingdom Supreme Court explaining, with examples, summary offences, offences triable either way and offences triable only on indictment. Know in outline the purpose of the overriding objective of the Criminal Procedure Rules (Part 1) and the meaning of active case management (Part 3). Understand how juries are appointed, their role in the criminal courts, the meaning of their various verdicts.</p> <p>4.4 Outline of the appeals route including: 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 and United Kingdom Supreme Court and Crown Court appeals against conviction and/or sentence to the Court of Appeal Criminal Division. Know the function of the Criminal Cases Review Commission.</p>
<p>5. Understand the personnel of the English legal system</p>	<p>5.1 Explain the jurisdiction and work of judges and magistrates. Know the appointment criteria of magistrates and their role in the criminal justice system.</p> <p>5.2 Explain the work and regulation of barristers, solicitors, chartered legal executives and paralegals.</p>	<p>5.1 Know the courts in which different judges sit (Lords of Appeal in Ordinary, Lord Justices of Appeal, High Court Judges, Circuit Judges, Recorders and District Judges). Know the appointment criteria for magistrates and the role they play within the criminal justice system; know the role of the Justices' Clerk and Legal Adviser; the advantages and disadvantages of a hearing before magistrates.</p> <p>5.2 The nature of the work undertaken by barristers both in court and in preparing advice for clients; barristers in chambers; the type of work carried out; the role of the governing professional body ie: The Bar Standards Board the code of conduct; The Legal Services Board. The Office for Legal Complaints the role of the Legal Ombudsman.</p>

		<p>The nature of the work undertaken by solicitors and the role of the governing professional body ie: the Law Society and Solicitors' Regulation Authority (SRA) and the code of conduct; The Legal Services Board. The Office for Legal Complaints including the role of the Legal Ombudsman.</p> <p>The role of Chartered Legal Executives including the nature of the work undertaken by Chartered Legal Executives and their regulation and work which may not be undertaken; the role of CILEx Regulation, The Legal Services Board; The Office for Legal Complaints the role of the Legal Ombudsman.</p> <p>Understand the role of paralegals and what they are and are not allowed to do.</p>
6. Understand the alternatives to litigation through Alternative Dispute Resolution	6.1 Explain what is meant by, and how disputes might be resolved through, Alternative Dispute Resolution (ADR) and explain the advantages and disadvantages of ADR.	6.1 Define the various types of ADR (Arbitration, Mediation, Negotiation and Conciliation), identify when each alternative method would be appropriate and understand the likely advantages and disadvantages of each type of ADR.
7. Understand basic legal terminology in the context of a court case	7.1 Know in outline the procedure of a civil and criminal trial and the terminology used in the context of a case	7.1 Know the order of a civil and criminal trial. Understand the meaning of the following terms: claimant and defendant (civil case); counsel, Crown Prosecution Service and defendant (criminal case), statements of truth in relation to witness statements, examination in chief, cross examination, opening and closing speeches, summing up, judgment, making an application and contempt of court
8. Understand how to apply knowledge of the Law in England and Wales	8.1 Apply knowledge of Law and the Legal system in England and Wales to a given situation	8.1 Application to a scenario

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Additional information about the unit	
Unit aim(s)	The learner will understand key underpinning concepts, terms and processes in Law, the practice of Law and the Legal System
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 2016