

# LAW

## MOCK EXAM INFORMATION:

Paper 1: 1hour 30 minutes      Paper 2: 45 Minutes

## TOPICS TO BE REVISED:

### **Paper One (UNIT ONE).**

#### **Part One: Introduction to Law**

1. Definition of law and reasons why we need law.
2. Classification of Law:
  - Public-v-Private
  - Criminal-v-Civil
3. The Hierarchy of the Courts.

#### **Part Two: Criminal Courts and Processes**

1. Pre-trial issues:
  - Summons or Arrest?
  - The role of the CPS;
  - Classification of Criminal offences into Summary, triable either way or indictable only;
  - The role of the Duty Solicitors;
  - Bail at the police station and from the court.
2. Procedure in the Magistrates Court.
3. Procedure in the Youth Court.
4. Procedure in the Crown Court.
5. Post-trial issues:
  - Sentencing in the Criminal Courts;
  - Criminal appeals.

#### **Part Three: Civil Courts and Processes**

1. Pre-trial issues:
  - Seeking legal advice:
    - Solicitors
    - Citizens Advice Bureaux;
    - Other sources of advice.
  - Negotiation.
  - Funding: public funding, (legal help) and conditional Fee Arrangements.
  - Track allocation, (Small Claims/Fast-track/ Multi-track).
2. Procedure in County Court trials.
3. Post-trial issues:
  - Remedies: damages and Injunctions;
  - Civil Appeals.

## **Part Four: People in the law**

1. Lay people in the law 1: Juries.
2. Lay people in the law 2: Magistrates.
3. The legal profession:
  - Solicitors;
  - Barristers;
  - Judges.

## **Part Five: Passing Legislation**

1. The Legislative Process – Passage of a bill through Parliament.
2. Case Law:  
The hierarchy of the courts, binding and persuasive precedents, (ratio decidendi and obiter dicta) and the advantages and disadvantages of judicial precedent.
3. European Union Law:
  - Regulations and directives;
  - The relationship between the different sources of Law: Parliamentary Supremacy-v-EU Law
  - Human Rights Law.

## **Paper Two (UNIT TWO)**

### **Part One: Elements of Criminal Liability:**

1. The Actus Reus:
  - Chain of causation;
  - Thin Skull Rule.
2. The Mens Rea
  - Direct Intent
  - Indirect Intent, (foresight of consequences)
  - Transferred Malice
  - Recklessness
  - Strict Liability Cases

### **Part Two: Fatal offences against the person**

Murder: An understanding of:-

The Actus Reus of murder

The Mens Rea of murder

Plus the key cases/issues

Partial defences to murder:

(1) Diminished Responsibility:-

- Abnormality of mental functioning
- From a recognised medical cause
- Substantial impairment
- Abnormality explains the killing

(2) Loss of Control:-

- The defendant lost control

- The cause was a qualifying trigger
- Reasonable man test

Manslaughter

- (1) Gross Negligence
- (2) Unlawful Act, (Constructive manslaughter)

Sentencing: The mandatory life sentence and its impact

### **Part Three: Non-fatal offences against the person**

The key non-fatal offences against the person: -

An understanding of the actus reus and mens rea and key cases/issues of: -

- Common assault (assault and battery);
- Offences Against the Person Act 1861
  - Assault occasioning actual bodily harm, (ABH)
  - Assault occasioning grievous bodily harm and wounding, (GBH) under s20 and s18 of OAP 1861

### **Part Four: The key property offences**

The main offences against property: -

An understanding of the definition and key elements of the following property offences, (Plus the key cases/issues), under the Theft Act of 1968: -

S1(1) Theft;

- Section 8: Robbery;
- Section 9: Burglary
- Section 10: Aggravated burglary;
- Section 12: TWOC

And

Under Section 3 of the Theft Act of 1978

- Making off without payment

### **Part Five: General Defences**

Understanding of the following general defences and the key cases and issues:

- Insanity and the M'Naughton rules;
- Automatism, (insane and non-insane and especially re: diabetes);
- Intoxication, (voluntary and involuntary);
- Duress;
- Duress of circumstances/necessity;
- Self-defence;
- Consent.

### **TEACHER'S TOP TIPS**

- For both papers it is a mark a minute – watch your time carefully.
- For unit 2, (paper 2), you must apply the law to the scenario – do not just explain the law, apply it to the facts of each particular scenario AND you must also **use the leading cases/statutes** to explain your answer. (Remember, you cannot access the higher marks without authority).

- Questions which ask you to write in continuous prose carry the marks for SPAG. You must carefully paragraph them, and watch your spelling and punctuation.