

Law transition work, Summer 2023

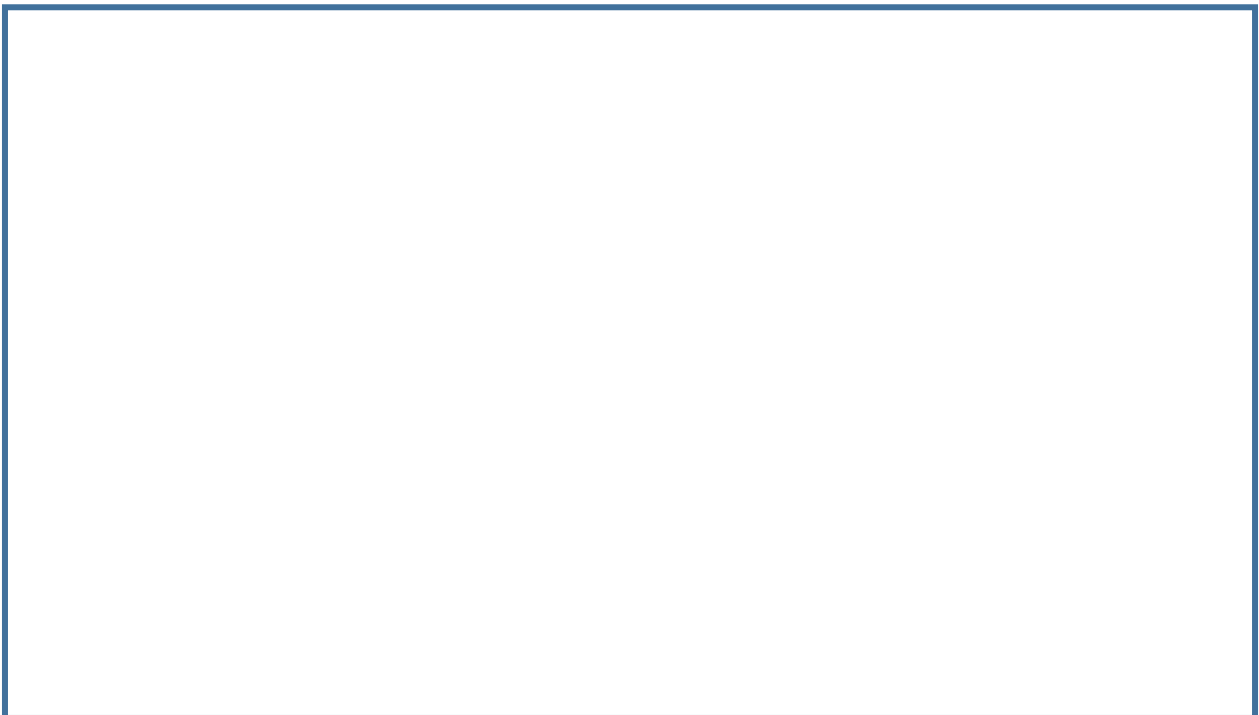
The social sciences (Law, Criminology, Sociology, Psychology, Economics) share a common approach to study. You are required to demonstrate your knowledge and understanding of the topics, to apply what you have learned to novel situations and to analyse, evaluate and justify.

KS5 courses are a step up from the way you have worked at GCSE. These tasks are designed to help you prepare you for this way of working.

How is the law made?

Task One

The main source of law in the English Legal System is Parliament. The passage of primary legislation through Parliament follows a long-established process. The first part of this task is to help you understand how that process works. Visit <https://www.parliament.uk/about/how/laws/> , watch the video and make a chart showing your understanding of the legislative process.



Task Two

One of the most important laws we will study during our Criminal Law course is the Theft Act (1968). This act sets out the definition of a variety of crimes including Theft and Robbery, which we will study. Read through the Theft Act, focussing in particular on sections 1-9, 30-35, and the schedules.

Parliament often sets out its intention in certain parts of an Act including the long title (the bit under the main title) and in the schedules. However, the Theft Act is interesting because Parliament felt the need to address each key aspect of the definition in a separate section.

Read through sections 1-9 again and try in your own words to define the following terms based on what you read.

Dishonesty: _____

Appropriation: _____

Property: _____

What is the difference between 'theft' and 'robbery'?

Task Three

Once Parliament has passed an Act, it is then up to the courts to interpret and apply it. They do this in cases. Cases in criminal law usually involve the state prosecuting someone for a behaviour that has been deemed illegal, whereas in civil law, these cases tend to be between individuals, companies or a combination of both. Looking

at the interpretation of the Theft Act, and in particular section 2 which deals with dishonesty, the courts have formulated a number of tests.

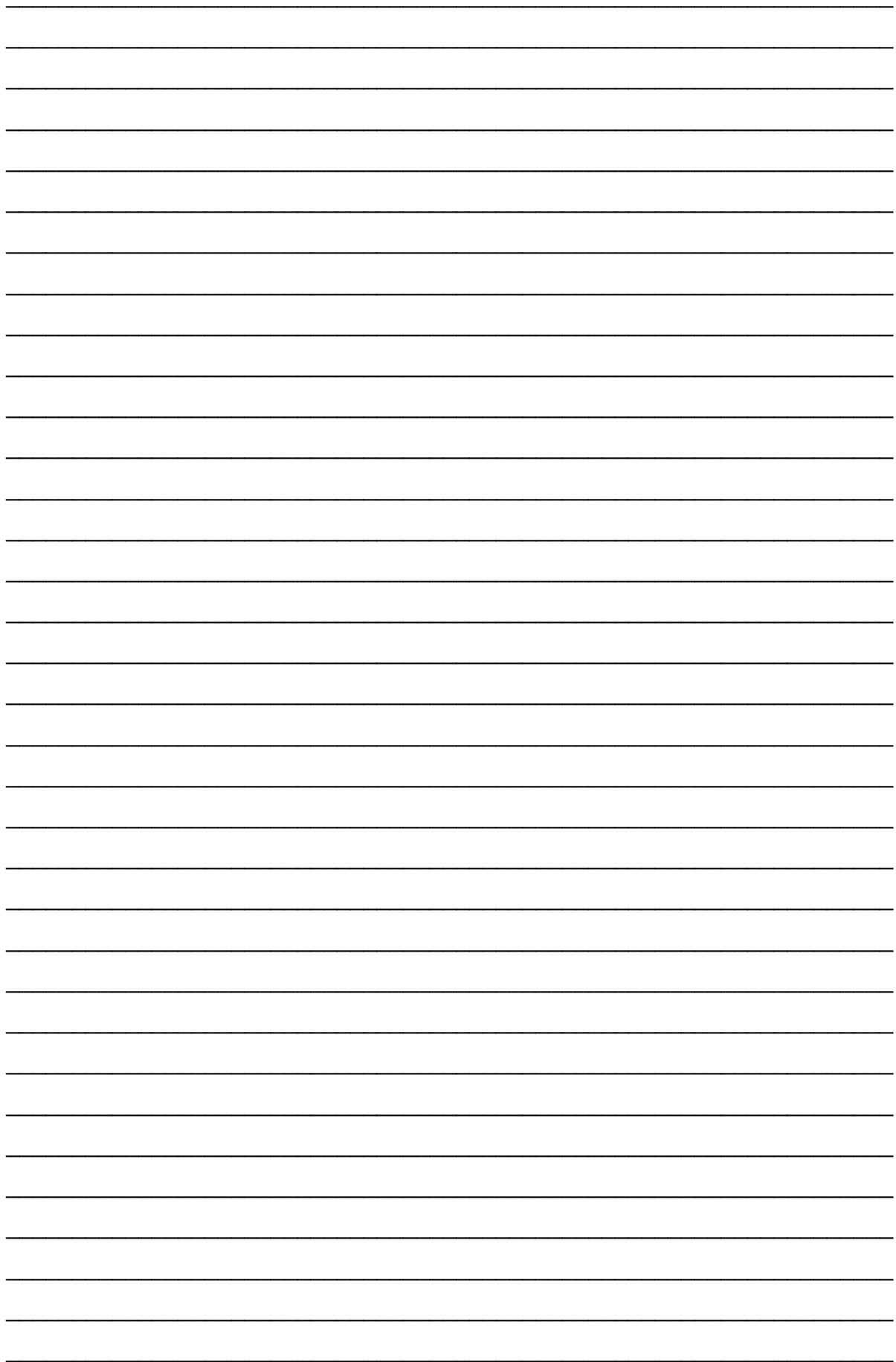
For a long time, the test for dishonesty came from the case of R v Ghosh <https://www.lawteacher.net/cases/r-v-ghosh.php>

Read the information about the Ghosh test and explain it using your own words.

Like so much in the law, there are constant changes in interpretation. In 2017, the Ghosh test was superseded in the case of Ivey v Genting Casinos (2017). Read through the summary below and note down what the main changes to the test for dishonesty are. <https://lawprof.co/criminal-law/property-offences-cases/ivey-v-genting-casinos-uk-ltd-t-a-crockfords-2017-uksc-67/>

Task Four

You have hopefully by now understood the changing nature of the law and how it adapts and changes depending on the circumstances. You have hopefully also understood how the courts have the task of applying different facts to a case. Review Ghosh and Ivey and try to understand what key changes the courts made to the test for dishonesty. Try to explain it in your own words.



Challenge...

The Supreme Court is the highest domestic court in the United Kingdom. It was created in 2009 to replace the Judicial Committee of the House of Lords. In the years since its creation it has dealt with those cases that have made their way up the hierarchy of the courts system, and in most cases is the final court of appeal. Watch the video at <https://www.supremecourt.uk/introductory-film.html> and make notes on the nature, makeup, and function of the Supreme Court. Think about what Lord Kerr talks about when talking about the separation of powers, the impact of opening the court's deliberations to the public. Use the video to make a flow chart of the different courts that a case will be heard by on its way to the Supreme Court.

You could choose to take your learning further....

The Rule of Law is one of the fundamental foundations of the English Legal System. Read and reflect upon remarks made by the Queen in 1968 and consider their relevance to the modern legal system: <https://www.judiciary.uk/announcements/the-queen-on-judges-and-the-rule-of-law/>

One of the biggest changes recently has been the UK's departure from the European Union. Read <https://www.supremecourt.uk/about/the-supreme-court-and-europe.html> and make notes about how the UK Judiciary work in relation to European institutions of different types.

Visit <https://www.parliament.uk/about/how/role/relations-with-other-institutions/devolved/> which sets out the relationship between the Westminster Parliament and the Devolved Legislatures (Scottish Parliament, Welsh Senedd, Northern Ireland Assembly) and explain the nature of the relationship that exists between these bodies. Think about the hierarchy of the legislatures, the difference between devolved and reserved powers and how these institutions interact with each other.

We looked at the case of *Robinson v West Yorkshire Police* (2017). Read the full judgement and try to figure out the reasoning of the judges. Write down your thoughts for discussion.

