

Suggested Scheme of Work

English Legal System G141

This is merely a suggestion as to the order of topics to be covered and also includes a more detailed explanation of the content.

Weeks 1 - 3

Powers of the police to stop and search on the street under S 1 PACE 1984 (as amended) and other statutes e.g. S60 Criminal Justice and Public Order Act 1994, Misuse of Drugs Act etc

Powers of the police to arrest without a warrant under S24 and S25 PACE 1984 and for breach of the peace. Arrest with a warrant. Manner of arrest.

Rights of the individual when stopped and searched and arrested under the Codes of Practice.

Powers of the police to detain interview and search a suspect at the police station, including time limits, the power to delay some individual rights and the justification for the different types of search.

How the individual is protected during detention, including *inter alia* rights to legal advice, having someone informed, a copy of the codes of practice, the interview being taped the rules for each type of search and the exclusion of evidence.

A discussion of whether the **balance between individual rights and the need for investigative powers** is achieved and whether there could be improvements to the current system.

New powers of arrest that came into force in 2006.

Weeks 4 - 5

Pre trial matters – Categories of offences. Pre trial procedure for summary offences.

The procedure for dealing with triable either way offences, including plea before venue and mode of trial procedure.

A discussion of the advantages and disadvantages of choosing trial by jury and whether the defendant should have the choice.

Bail – powers of both the police and the courts to grant bail including the Bail Act 1976 and subsequent amendments. Conditional and unconditional bail. Restrictions on bail.

A discussion on whether the conflicting interests of the defendant and public protection are balanced by the current system.

Weeks 6 - 7

Criminal jurisdiction of the Magistrates' Courts (a brief look at the civil jurisdiction is also useful as part of the role of magistrates).

The role of the magistrate's clerk.

Lay Magistrates – selection and appointment, social background, training and role.

Evaluation and criticism of all aspects of the use of lay magistrates.

Weeks 8 - 9

Jurisdiction of the Crown Courts at first instance.

Juries – Qualification of jurors and the selection of jury panels. The role of the jury in both criminal and civil cases. Advantages and disadvantages of jury trial and possible alternatives to the jury system. A discussion of the advantages and disadvantages created by the recent reforms to the selection of jurors.

The routes of **appeal from the Magistrates' Court** for both the defence and the prosecution. The routes of **appeal from the Crown Court** for both the defence and the prosecution.

Weeks 10 - 11

Principles of Sentencing – The aims of sentencing.

Powers of the Courts – The different types of sentences available to the courts including a selection of custodial sentences, community sentences, fines and other miscellaneous sentences.

Advantages and disadvantages of each type of sentence.

Linking sentences to aims of sentencing, and a study of the effectiveness of different types of sentence by looking at re-offending rates and other criteria such as cost.

Week 12

The Judiciary – selection and appointment, training, role, social background and tenure. A critical evaluation of the present selection process and how it is evolving.

A discussion of the theory of the separation of powers and how this relates to the independence of the judiciary. Discussion of whether the judiciary are truly independent?

Week 13 - 14

The Legal Profession

Comparisons between solicitors and barristers.

Barristers – training, work, regulation and how complaints are dealt with.

Solicitors – training, work, regulation and how complaints are dealt with.

Week 15 - 16

Civil Courts – Jurisdiction of the County Court and High court at first instance including the track system. The routes of appeal and the appellate courts.

An evaluation of the track system and the use of the courts.

Alternatives to the Courts (Alternative dispute resolution), an explanation of arbitration, conciliation and mediation (negotiation may also be explained here).

A consideration of the advantages and disadvantages of ADR (alternative dispute resolution) in comparison with the courts.

Weeks 17 - 18

Provision of Legal Services – The importance of access to justice.

Legal advice available e.g. Citizens Advice Bureaux, Law Centres etc.

The Legal Service Commission, The Community Legal Service and how civil cases may be funded including the priorities for funding and problems with funding civil cases. Conditional fees – how do they work? Do they provide access to justice?

The Criminal Defence Service – the duty solicitor scheme at the police station – a discussion of the implications of reducing the availability of this scheme in 2004.

Advice and assistance and representation including the means and merits tests.

Problems with criminal funding.
