

Pearson BTEC Level 3 Nationals Certificate, Extended Certificate

May 2019

Paper Reference **20170K**

Applied Law

Unit 3: Applying the Law

Part A

You do not need any other materials.

Instructions

- **Part A** contains material for the completion of the preparatory work for the Set Task in **Part B**.
- **Part A** is given to learners two weeks before **Part B** is scheduled. Learners are advised to spend no more than 6 hours on **Part A**.
- **Part A** must be given to learners on the date specified by Pearson so that learners can prepare in the way specified.
- **Part A** is specific to each series and this material must only be issued to learners who have been entered to take the task in that series.
- **Part B** materials for the Set Task must only be issued to learners on the date specified by Pearson.

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Instructions to Teachers/Tutors

This paper must be read in conjunction with information on conduct for the task in the unit specification and the *BTEC Nationals Instructions for Conducting External Assessments (ICEA)* document. For further details please see the Pearson website.

This Set Task has a preparatory period. **Part A** sets out how learners should prepare for the completion of the task under supervised conditions.

Learners should undertake independent research on the **Part A** Set Task Information given in this booklet.

Learners are advised to spend no more than 6 hours undertaking **Part A**.

Centres must issue this booklet at the appropriate time and advise learners of the timetabled sessions during which they can prepare. It is expected that scheduled lessons or other timetabled slots will be used for some or all of the preparation.

Learners may prepare summary notes on the cases. Learners may take up to two sides of A4 notes into the supervised assessment period (**Part B**). Learner notes must only contain details of legal principles and authorities, such as case law and statute law. Learners' notes must also comply with the guidelines stated in the Administrative Support Guide for this unit.

Teachers/tutors cannot give any guidance or feedback to learners in the preparation of assessment notes, which must be completed independently by the learner.

The **Part B** supervised assessment will take place in a timetabled slot on a date specified by Pearson.

Refer carefully to the instructions in this booklet and the *Instructions for Conducting External Assessments (ICEA)* document to ensure that the preparatory period is conducted correctly so that learners have completed their preparation validly and independently.

Learner notes will be retained securely by the centre after the **Part B** supervised assessment and may be requested by Pearson if there is suspected malpractice.

Instructions for Learners

Read the Set Task Brief and Set Task Information carefully.

This contains **Part A** of the information you need to prepare for the Set Task in **Part B**.

In **Part B** you will be given detailed information. Use this **Part A** booklet to prepare by relating your learning to the specific information given.

You must work independently and must not share your work with other learners.

Your teacher/tutor may give you guidance on when you can complete the preparation.

Your teacher/tutor cannot give you guidance or feedback on the preparation of your assessment notes.

Set Task Brief

You must research the law relating to the extracts in the **Part A** Set Task Information.

You need to know about the different types of fatal offence (murder, voluntary manslaughter and involuntary manslaughter) and police powers.

You need to know about the law relating to offences against property and any general defences that may be raised.

In **Part B** you will need to apply your research to the new information provided.

Using this **Part A** booklet, you may prepare short notes to refer to when completing the Set Task in **Part B**, for example on specific cases. Your notes may be up to two sides of A4. Your notes must only contain details of legal principles and authorities, such as case law and statute law.

You should spend no more than six hours on this research.

Part A Set Task Information

Article 1 – Homicide

Woman Detained in Connection With Death of Her Housemate

Zahraa Malik has been detained by the police after an incident at her house. It has been alleged that Zahraa assaulted her housemate, Tina Ashby, at the top of the stairs. Tina fell down the stairs, suffering multiple injuries. She later died in hospital.

Article 2 - Offences against Property

Shirevale Resident Held in Police Custody for Taking Trainers

Joel Markham has been questioned by police after an incident at Shirevale Shopping Centre. It is alleged that he took a pair of expensive trainers from a sports shop. On leaving the store Joel assaulted the security guard who tried to prevent him from leaving.

Pearson BTEC Level 3 Nationals Certificate, Extended Certificate

Monday 13 May 2019

Supervised hours: 2 hours

Paper Reference **20170K**

Applied Law

Unit 3: Applying the Law

Part B

You do not need any other materials.

Instructions

- **Part B** contains material for the completion of the Set Task under supervised conditions.
- **Part B** should be undertaken by learners in 2 hours on the date specified by Pearson.
- **Part B** is specific to each series and this material must only be issued to learners who have been entered to undertake the task in that series.
- **Part B** should be kept securely until the start of the supervised assessment period.

Information

- The total mark for this Set Task is 72.

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Instructions to Teachers/Tutors and/or Invigilators

This paper must be read in conjunction with the information on conduct for the task in the unit specification and in the *BTEC Nationals Instructions for Conducting External Assessments (ICEA)* document. For further details please see the Pearson website.

The **Part B** Set Task is undertaken under supervision in a single session of 2 hours on the timetabled date.

The **Part B** Set Task requires learners to apply research. Learners should bring in notes as defined in **Part A**. The teacher/tutor and/or invigilator needs to ensure that notes comply with the requirements set out in the Administrative Support Guide for this unit.

Learners will need to complete the activities for the **Part B** Set Task using a computer.

The **Part B** Set Task is undertaken in a single session of 2 hours in a timetabled period. In order to enable learners to have access to computer resources, a period of one day is provided for centres to timetable the assessment.

Centres should schedule all learners in the same session if possible and must release **Part B** to individual learners only for their scheduled session.

Learners' work must be completed independently and authenticated before being submitted to Pearson by the teacher/tutor and/or invigilator.

Learners must not bring anything into the supervised environment or take anything out of it without your knowledge and approval.

Centres are responsible for putting in place appropriate checks to ensure that only permitted material is introduced into the supervised environment.

Maintaining security

- During supervised assessment periods, the assessment areas must be accessible only to individual learners and to named members of staff.
- Learners can access their work only under supervision.
- Any work that learners produce under supervision must be kept securely.
- Any materials being used by learners must be collected in at the end and retained by the centre.
- Learner notes related to **Part A** must be checked to ensure length and contents comply with the requirements. Learner notes will be retained securely by the centre after **Part B** has been undertaken and may be requested by Pearson if there is suspected malpractice.

Outcomes for submission

Learners will need to submit three documents on completion of the supervised assessment period:

- a report for Activity 1
- a report for Activity 2
- a completed Declaration of Authenticity.

Instructions for Learners

Read the activities **and** the Set Task Information carefully.

You have a total of 2 hours in this session to complete the task.

You should use the notes you prepared during **Part A** to complete this Set Task.

Your notes must be your own work and will be retained by your centre until results are issued.

You will complete this Set Task under supervision and your work will be kept securely at all times.

You must work independently throughout the supervised assessment period and must not share your work with other learners.

You should complete **both** activities.

Outcomes for submission

You will need to submit three documents on completion of the supervised assessment period:

- a report for Activity 1
- a report for Activity 2
- a completed Declaration of Authenticity.

Your work must be word processed in size 12-point font.

Your prepared notes do not need to be submitted with the final outcomes to Pearson.

Set Task

You should complete **both** activities.

Using the information provided in the **Set Task Information** and your notes from **Part A**, complete the following activities.

Activity 1: Homicide

Refer to your notes for the preparatory work completed in **Part A** and the new information provided in **Activity 1 – Homicide Case Facts** of the Set Task Information.

You are shadowing a barrister who has been instructed to defend the case of Zahraa Malik. Zahraa's housemate died after an incident in the house they shared. The barrister has given you the facts of the case and would like you to identify what offence Zahraa may have committed and whether the exercise of the police powers was lawful.

Produce a report for the barrister on the given case that:

- shows your understanding of the law relevant to homicide and the exercise of police powers
- shows how the law relating to homicide and the exercise of police powers apply to this case
- establishes the likely outcomes of the case.

(Total for Activity 1 = 36 marks)

Activity 2: Offences against Property

Refer to your notes for the preparatory work completed in **Part A** and the new information provided in **Activity 2 – Offences against Property Case Facts** of the Set Task Information.

The barrister has also been instructed to defend the case of Joel Markham after his arrest at Shirevale Shopping Centre. It has been alleged that he took a pair of trainers from a shop and attacked a security guard. You have been given the facts of the case and the barrister would like you to produce a report for the file, deciding what offence Joel may have committed and what defence he may potentially raise.

Produce a report for the case file that:

- shows your understanding of the law relating to the relevant property offences and any possible defence that might be raised
- shows how the law relating to offences against property and any possible defence would apply to this case
- establishes the likely outcomes of the case.

(Total for Activity 2 = 36 marks)

TOTAL FOR PAPER = 72 MARKS

Set Task Information

Activity 1 – Homicide Case Facts

Zahraa was arrested at her house after the death of her housemate, Tina. Zahraa's solicitor has been given the following information:

- Zahraa and Tina had been arguing that night. Tina wanted to leave the house to get away from the argument. Zahraa followed her to the stairs where they continued arguing
- Zahraa states that Tina made a comment about her boyfriend, James. This made Zahraa angry and she slapped Tina across the face. Tina's foot slipped off the top stair and she fell down the stairs suffering multiple injuries
- When Tina was being taken to hospital by ambulance she fell off the stretcher because the paramedic had not secured it properly
- At the hospital she was not seen by a doctor straight away. When the doctor saw her, he did not order the scans she needed. Tina died of an undiagnosed internal injury a few hours later.

During the interview with her solicitor, Zahraa has alleged that she was treated badly by the police after her arrest. Zahraa has stated that:

- When she got to the police station she told the custody officer that she was feeling ill but the officer did nothing about it
- She was detained for 72 hours
- Fingerprints and a blood sample were taken from her by force.

Activity 2 – Offences against Property Case Facts

Joel has been charged in connection with an incident at Shirevale Shopping Centre last week.

Police investigations established the following facts:

- The security guard's witness statement confirmed that Joel was acting suspiciously in the shop. He was seen putting on a pair of trainers and took the price tags off them
- Joel then ran out of the shop and the security guard chased him
- The security guard quickly caught up with Joel but Joel pushed him forcefully out of the way and ran off.

Client interview records from the case file state that:

- Joel claims he did not know what he was doing
- On the morning of the incident Joel had been boxing and someone had punched his head several times, leaving him in a confused state.



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