



Law - AS Level

British Legal System



Exam Content

The subject content of the AS is divided into two units:

Understanding Legal Structures and Processes
and

Understanding Legal Reasoning, Methods and
Personnel.

Why choose Law?

Introduction to Law



Different types of law

Criminal
Civil



Public
Private

Criminal / Public

Criminal law is probably the most widely known, such as murder, robbery, rape, assault etc.

Criminal law closely involves the state. It is the state through the police force that investigates crime and arrests offenders. Another arm of the state - the Crown Prosecution Service (CPS) - then decides whether to prosecute the offender in criminal courts.

If convicted, then yet another arm of the state will deal with the punishment given to the offender: either the Prison Service or the Probation Service (unless a fine is imposed)



Criminal / Public

Other branches of **public law** are constitutional law and public international law.

Constitutional law deals with the powers of the government, how laws are made by Parliament, what powers are given to the civil service or to the Scottish Parliament or the Welsh Assembly.

Public international law governs relationships between different states and is regulated by international treaties.

Civil / Private

Civil law is concerned mostly with disputes between individuals or corporate bodies. Cases must be proved on the balance of probabilities (more than a 50 per cent probability that the defendant is liable).



Examples of Work

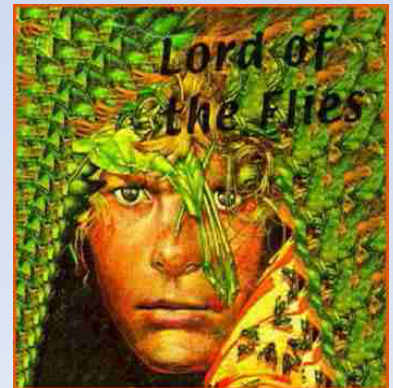
- The following slides give you examples of questions and topics that will be discussed..

Questions

1. Why do we need laws?
2. What are the 2 branches of public law that were mentioned?
3. Give 2 examples of the law's involvement with sport.

Lord of the flies

"Roger gathered a handful of stones and began to throw them. Yet there was a space round Henry, perhaps six yards in diameter, into which he dare not throw. Here, invisible yet strong, was the taboo of the old life. Round the squatting child was the protection of parents and school and policemen and the law."



Lord of the flies

Discussion Point:

What does this quotation show you about how law affects the world around us?

The Unwritten Constitution

Britain does not have a written constitution - this is unusual.

Just because it is not written does not mean we don't have one. If a country has rules about who holds the power to govern, what they can and cannot do with that power, and how that power is to be passed on or transferred, it has a constitution.

In our constitution it is established that the Government is formed by the political part which wins a general election, and that power is transferred from that party when they lose an election.

The separation of powers

This principle was developed by the 18th century French philosopher Montesquieu, and claimed that all state power can be divided into three types: executive, legislative and judicial.

The executive = Government, police

Legislative = Parliament

Judicial = Judges

Role of the Lord Chancellor

The Lord Chancellor has had many roles in the past, including:

Legislature - Speaker of the House of Lords

Executive - Government Minister

Judiciary - Judge in the House of Lords and Privy Council. President of the Supreme Court and President of the Chancery Division of the High Court.

Role of the Lord Chancellor

Since the passing of the Constitutional Reform Act 2005, four major changes to the role of the Lord Chancellor have been made. As a result he or she no longer:

- Sits as a judge
- Heads the judiciary
- Takes a central role in the judicial appointment process; or
- Automatically becomes the Speaker of the House of Lords.

He or she remains as the head of a Government department (now called the Ministry of Justice), but his or her powers and links to the judges have been removed to satisfy the principle of the separation of powers.

Current Lord Chancellor

