

Induction Exercise

- Answer all Questions
- Answer all questions on the sheets provided.
- Do not add extra sheets;
- The space provides guidance to the length of answer required.
- You can complete this exercise electronically by saving this file, opening your saved file and filling in the boxes. NOTE YOU CANNOT FILL IT IN ON THE WEB. Alternatively you can print out this document and fill in manually.
- In addition to a useful learning and research experience, the exercise is a requirement of the Postgraduate Diploma in Law.
- The result does not count towards your final grade.
- However, you must obtain a pass in order to proceed.

OBJECTIVES

By completing Task 1 you should:

- a) Become aware of some of the most important ways that English law is divided up or classified.
- b) Appreciate that some legal phrases have more than one meaning.

READINGS

How to Study Law A Bradney et al. [3rd Edition] Ch.2.

Learning Legal Rules J A Holland & J S Webb [4th Edition] pp.7-9.

English Legal System, C. Elliot & F. Quinn, 4th Edition, Longman

Introduction to Legal Method, Farrar & Dugdale, 3rd Edition

It is important to appreciate that English law can be divided up into a variety of different categories. To have some understanding of these categories at this stage in your legal studies will help considerably. This is particularly true because the names provided can be very confusing, largely as a result of some names being used more than once, thereby having different meanings in different contexts. Macleod, for example, highlights the fact that the phrase *common law* has, in different contexts, three distinct and separate meanings.

Reflections

In task 1 a number of ways of dividing up or categorising English Law have been identified. There are, however, other ways by which it can, and is, divided, including the way it is split up into subjects on degree courses such as this Law School, e.g. Contract, Tort, Criminal Law, Family Law, Property Law, etc. One point of confusion in seeking to understand the way law is categorised is that some phrases have more than one meaning, so that a phrase has different meanings in different contexts. The most obvious examples of this are the phrases COMMON LAW and CIVIL LAW.

TASK 1 : YOU ARE REQUIRED TO ANSWER THE FOLLOWING QUESTIONS:-

- A What is the meaning of 'common law' when contrasted with statute law? See Holland & Webb, p7 & 8

B *LAW & EQUITY*. When looking at historical sources of English law, common law and equity are regarded as the two most important of these sources. In respect of this distinction answer the following questions:

- a) What problems existed in respect of common law in the 14th century, that lead to the emergence of equity? (Read Elliot and Quinn, pp 78 – 82)

▶

- (b) What was the relationship between common law and equity from the 14th century to the 19th century and what was the significance of the Judicature Acts 1873-5? (Read Elliot and Quinn, pp 78 – 82)

▶

- (c) Which current remedies in English law are common law and which are equitable? What is the importance of this distinction? (Read Elliot and Quinn, pp 78 – 82)

▶

C What is the meaning of *common law* compared to *civil law*? (See Holland & Webb, pp 8-10)

▶

D Does the phrase *civil law* have any other meanings? (See Holland and Webb, pp 8-10)

▶

E What is the difference between *public law* and *private law*? (See Farrar & Dugdale, pp 38-44)

▶

TASK 2 House of Lords

a. What name is given to the judges who sit in this court?

▶

b. How are these judges selected/appointed?

▶

c. How many judges normally sit in the House of Lords to a hear a case?

▶

d. What is the relationship of this court to the House of Lords as the second chamber of Parliament?

▶

TASK 3 Court of Appeal

a. This court consists of two divisions. Name them.

▶

b. What are the functions of the Lord Chief Justice and the Master of the Rolls?

LCJ ▶
MR ▶

How are these Judges selected/appointed?

▶

- c. "The English legal system is in the fortunate, though perhaps unnecessary, position of having a two-tiered system of appeals." (Berlins and Dyer) On pp. 27-29 of *The Law Machine*, Berlins and Dyer outline many arguments on this issue. Set out these arguments and then indicate what are your own views on the issue.

▶

TASK 4 The High Court

- a. What is the name given to the judges in this court?

▶

- b. "This is the most complex of the courts to understand." (Holland and Webb *Learning Legal Rules*) Name the three divisions of the High Court.

▶

- c. In reality, the divisions function as separate courts. Explain the jurisdiction of one named division of the High Court.

▶

- d. Where does the High Court sit?

▶

TASK 5 The Crown Court

- a. It is in the Crown Court that the jury plays its most important role in the English Legal System. What is the function of the jury and what are the functions of the judge in the Crown Court?

▶

- b. What is meant by "Judicial Immunity" and what is the rationale for it?

▶

TASK 6. Magistrates' Courts

- a. In magistrates' courts, there are no judges. Magistrates perform the judicial role. Distinguish between lay and stipendiary magistrates.

▶

- b. How are lay magistrates appointed and trained?

▶

- c. How are stipendiary magistrates appointed?

▶

- d. Approximately how many cases are heard annually in magistrates' courts and what percentage is this of the total number of criminal cases dealt with by the courts? What is your opinion of the Magistrates' Court?

▶

TASK 7 County Court

- a. What is the relationship between the County Court and the High Court in terms of financial limits in jurisdiction?

▶

- b. Which judges sit in the County Court.

▶

TASK 8 Case Study

Using the case citator, find the full reference and any alternative references for the case of Jeffrey v Black

▶

You will find below a summary of the facts of the case of **Jeffrey v Black**. Read the questions, and identify how you would locate the primary sources necessary to answer each of them. Then test the accuracy of your answers in the law library.

Outline of the facts

Black was having a drink in a pub which was known to be frequented by drug dealers and users. He had not eaten that day and, being short of cash, he stole a sandwich from the bar while the barman was not looking. Unfortunately, the pub was under surveillance by two plain-clothes police officers, who observed Black's actions. They arrested Black for theft and took him to the police station. Without Black's permission, the officers went to his home and searched it. They found a quantity of drugs. Black was charged with being in possession of prohibited drugs.

Two main issues are raised here:

- (a) the legality of the search of Black's home;
- (b) the admissibility of the drugs as evidence at his trial.

How would you identify in which, if any, cases Jeffrey v Black has been:

- (a) applied;▶
- (b) distinguished;▶
- (c) followed;▶
- (d) overruled? ▶

Where would you look for the full text of the provisions of the Police and Criminal Evidence Act which cover: (a) the legality of searches of premises; and (b) the admissibility of evidence unlawfully obtained?

▶

Where would you locate cases decided on the relevant provisions of the Police and Criminal Evidence Act?

▶

How would you find out whether the relevant provisions of the Police and Criminal Evidence Act are still in force?

▶

How would you locate articles written on:

- (a) the legality of searches;▶
- (b) the admissibility of evidence illegally obtained?▶

Where would you find a statement of the current legal position on each of these issues?

▶

▶

TASK 9 Locating and summarising cases.

Give the full reference (citation) for the case of Barry v Davies and give a brief summary of the case in no more than 200 words

▶

TASK 10 Locating Statutes

Using the Legislation (formerly Statute) citators locate the Criminal Justice and Public Order Act 1994 and state the following

- i The Chapter Number

- ii When did the Act receive Royal Assent?

- iii Any commencement order(s) which were made to bring the Act in whole or in part into force.

- iv State any references to sections which have been judicially considered and the name(s) of the relevant cases with a citation and a reference to any particular court.

TASK 11 Locating Academic Articles

Locate the Index to Legal Periodicals (this is also available electronically) and find the full reference and name of the article on Unfair Terms (exclusion clauses) written by Susan Bright and Christopher Bright.

TASK 12 Case Heading

Using Lawtel (www.lawtel.co.uk) locate the case of Stevenson v Rogers 1999 and print off the three page summary and attach to your assignment. Write out below the full citation using the case citator.

TASK 13 Law Commission

Using the Internet locate the home page of the Law Commission <http://www.open.gov.uk/lawcomm/misc/lurhmpage.htm> and give the full title for the Consultation Document proposing reforms in Land Law (Law Comm No 271) and print off the first page : "Forward".

TASK 14 Civil Procedure

When dealing with a Civil Action what Rules govern the procedure

and what is meant by the following

- a) Small Claims

- b) Fast Track

- c) Multi-track

TASK 15 Police Powers

State which legislation deals with police powers when dealing with an arrest without a warrant and the precise section

▶

TASK 16 Crime

When dealing with a criminal offence what is meant by the phrase “Offences Triable Either Way” and name such an offence

▶

TASK 17 European Law.

Which courts have jurisdiction over European Union Law?
▶

Where do the judges come from and how are they selected?
▶

Which courts have jurisdiction over European Human Rights Convention laws?
▶

Where do the judges come from and how are they selected?
▶

Task 18 Judicial Review

Which English court exercises judicial review functions?
▶

What rules apply to judicial review procedures?
▶

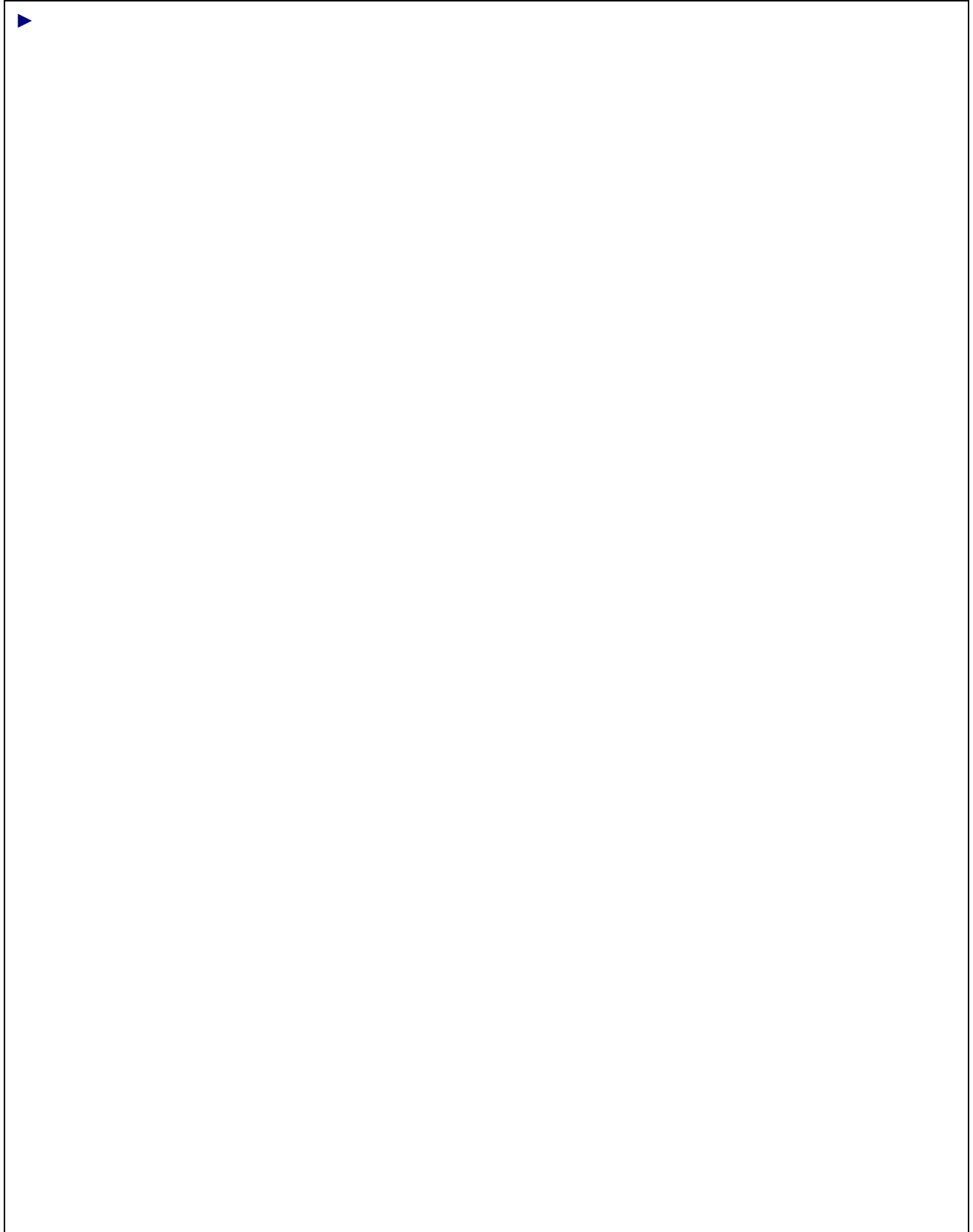
Task 19 Precedent

In relation to the judgement of a court explain the meaning of the following

Binding precedent	▶
Ratio Decidendi	▶
Obiter Dictum	▶
Distinguished	▶
Applied	▶
Over ruled	▶

Task 20

Draft a diagram of the hierarchical (superior and inferior) relationship of the courts with brief notes at each stage, demonstrating whether or not a court is bound by a previous court and or bound by its own decision. You must then copy this on to an OHP and be prepared to give a short presentation, if selected as part of a group, on judicial precedent.



UNIVERSITY OF GLAMORGAN
LEARNING RESOURCES CENTRE

Names
Names
Course

LEGAL RESEARCH/SKILLS CPE LAW LIBRARY EXERCISE

General Instructions

1. You may work in small groups if you wish.
2. Use the LRC handouts to help you i.e. the Plan of the Law Collection, How to find Cases/Law Reports and How to find a Statute.
3. To avoid having to queue to use some of the texts, why not answer the questions in random order

By the end of the exercise you should be able to:

- Find out what legal abbreviations stand for
- Read a legal citation/reference
- Find a report of a case/journal article in the Library
- Find a citation to a case when you only know its name
- Find a copy of an Act of Parliament in the Library
- Use the Online Catalogue to find out what books are in stock in the Library and the Class Number they are shelved at
- Find out where to look for definitions of legal phrases

Lists of legal abbreviations and their meanings are contained in the following works, among others:

	<u>Class Number</u>
Current Law Case Citator	LAW CAT.4 CUR
The Digest Vol 1	LAW CAT.4 ENG
Concise Law Dictionary by P.G. Osborn	LAW CAT.1 340.03 OSB
Index to Legal Citations and Abbreviations	LAW CAT.1 340.03 RAI

1. Using any one of the above write down the full titles of the following:

W.L.R. ►

N.L.J. ►

All E.R. ►

M.L.R. ►

L.Q.R. ►

2. Give the names of the parties at each of the following case references

[1968] 3 W.L.R. 833 ►

[1976] A.C. 443 ►

[1901] 1 K.B. 668 ►

[1980] 1 All E.R. 556 ►

[1981] Crim. LR 334 ►

3. Given only the name of a case you need to use a law citator or an index to find a citation/reference to it before you can find a report of the case in the Library.

Use the Current Law Case Citators 1947-76, 1977-88, 1989-95, 1996-97, 1998-2001, which list in alphabetical order by names of parties all reported and some unreported cases published since 1947 and earlier cases cited (quoted in court) since 1947. The case citators can be found in CAT.4 of the Law Collection.

If the date of the case is before 1865 you are most likely to find a copy of it in a series of law reports known as the English Reports found in CAT.5 of the Law Collection. First use the two Index Volumes, Vol. 177 and Vol. 178 to find out in which volume of the English Reports the case has been reprinted.

Give one citation/reference only for each of the following cases:

Broome v Cassell & Co ►

Chandler v D.P.P. ►

Gouriet v Union of Post Office Workers ▶

R v Bloxham ▶

Payne v Cave (1789) ▶

4. Look up the following references and give the title and author/s of each article.

(1976) 92 L.Q.R. 108

Author/s ▶

Title ▶

(1977) P.L. 128

Author/s ▶

Title ▶

5. Find a copy of the Unfair Contract Terms Act 1977

(a) On which day does it come into force?

▶

(b) Give the section number of the Act in which this information is printed

▶

6. Using the Library's online catalogue (OPAC) answer the following questions:

(a) What is the date of the latest edition held in the Glyntaff library of the textbook:
Textbook on Criminal Law by M J Allen, and what is the edition?

Date ▶

Edition ▶

(b) At what shelfmark/class number would you find the textbook Textbook on Criminal Law by M J Allen shelved?

▶

(c) Is there a copy of the 8th edition of English Legal System by Walker and Walker in the Glyntaff Short Loan collection?

▶

(d) Give the titles of two books on family law which are in stock in the Glyntaff library.

▶

▶

7. CAT.8 of the Law Collection includes Law Commission Reports, Law Commission Working Papers and Command Papers.

Command papers are documents which are presented to Parliament 'by command of Her Majesty' usually by the Minister responsible. Command papers are often statements of government policy on a topic which may indicate the broad lines of future legislation - they are often referred to as 'White Papers'.

Command papers are each given an individual number and are prefaced by an abbreviation for the word 'Command' eg C, Cd, Cmd, Cmnd, Cm. The numbers run on continuously from one session of Parliament to another.

- (a) Give the title of Law Commission Report No. 151

▶

- (b) Give the title of Cmnd 5909

▶

8. Give the definition of each of the following phrases.

Mens Rea	▶
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Ultra Vires	▶
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Obiter Dictum	▶
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9. Using the [Current Law Case Citators](#) give details of the Current Law Yearbook volume in which the following case is digested (ie summarised) - what was the name of the judge?
Sinclair v Sutcliffe

Yearbook	▶
Paragraph No	▶
Judge	▶

10. Using [Westlaw UK](#) and searching in the **Legal Journals Index** database give details of one article on unfair contract terms.
(You can access [Westlaw UK](#) from the FINDit gateway on the LRC web site. Select the Databases and Datasets option.

Author	▶
Title of Article	▶
Journal abbreviation	▶
Journal Title	▶

Year	▶
Volume No.	▶
Part No	▶
Pages Author	▶