

LAW KNOWLEDGE ORGANISER:

COMPONENT 1 SECTION B

KEY WORDS AND DEFINITIONS - CIVIL LAW

Civil law	Law dealing with disputes between parties
Negotiation	An attempt to resolve a dispute, usually informal
Pre-action protocol	Acts which have to be done by the parties before court
Claim form	Sets out the problem according to the claimant
Acknowledgement of service	Defendant replies to claim form
Allocation Questionnaire	Completed to help decide which track to allocate case to
Small claims track	Up to £10000 claim
Fast track	£10-25000 claim
Multi track	Above £25000 or complex cases
County Court	Deals with more minor civil cases
High Court	Deals with more complex civil cases
Civil Procedure Rules	Sets out the rules civil cases must follow
Woolf Reforms	Reforms suggested by Lord Woolf to change civil system
Active case management	Judges manage case to ensure swift and fair conclusion
Court of Appeal	Deals with civil appeals
Supreme Court	Deals with civil final appeals
Remedies	The solution to the dispute

KEY WORDS AND DEFINITIONS - ADR AND TRIBUNALS

Alternative Dispute Resolution	Alternative way of resolving dispute to court
Negotiation	Most informal way of resolving dispute
Mediation	Mediator attempts to support parties to find resolution
Conciliation	Conciliator attempts to support parties to find resolution
Arbitration	Most formal and leads to binding decision
Scott v Avery clause	An agreement to arbitrate in case of dispute
Administrative tribunals	Tribunals where rights have potentially been infringed
Domestic tribunals	In house tribunals
Tribunal, Courts and Enforcement Act 2007	Updated the law on tribunals
Administrative Justice and Tribunals Council	The tribunals watchdog

ASSESSMENT OBJECTIVES AND SKILLS:

10 MARK QUESTIONS: Explanation of knowledge to show your understanding. Give details on the areas of law in the question and include statutes and cases where possible.

15 MARK QUESTIONS: Analysis and evaluation of an area of law. Often simply advantages and disadvantages, Use and fully explain the evaluation points in your notes to answer these questions.

KEY WORDS AND DEFINITIONS - CRIM. PROC. PROCESS

Summary offences	Least serious dealt with in Magistrates' Court
Triable either way offences	Mid serious dealt with in either court
Indictable offences	Most serious dealt with in Crown Court
Magistrates' Court	Deals with 95% of criminal offences
Crown Court	Jury hears criminal case here
Court of Appeal	Hears criminal appeals
Supreme Court	Rarely hears criminal appeals
Queen's Bench Divisional Court	Rarely hears appeals on point of law
Guilty plea procedure	Leads to sentencing
Not guilty plea procedure	Leads to trial and decision
Plea before venue	Decision on which court to hear case in

KEY WORDS AND DEFINITIONS - BAIL

Bail	Being released until the date of trial
Remanded in custody	Not being released until the date of trial
Police bail	Bail given by the police
Street bail	Bail given by the police on the street - rare
Court bail	Bail decision made by magistrates' court
1 question	Will a finding of guilty lead to prison?
1 presumption	Presumption is to release suspect
5 grounds	Help decide bail or remand
3 principles	Help guide decision makers on bail or remand
6 factors	Help decide bail or remand

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KEY WORDS AND DEFINITIONS - CROWN PROSECUTION SERVICE

Prosecution of Offences Act 1985	Statute which set up the CPS
Glidewell Report	Made recommendations on how to make CPS more efficient
Narey Report	Made recommendations on how to help CPS avoid delay
Criminal Justice Act 2003	Made many changes to criminal law procedures
Attorney General	Government minister in charge of CPS
Director of Public Prosecutions	In charge of day to day running of CPS
Designated Caseworkers	Non-lawyers deal with basic cases in Magistrates' Court
Higher Court Advocates	Solicitors allowed to speak in Crown Court
Area Business Managers	Deal with the administration of the CPS
Chief Crown Prosecutors	In charge of prosecution and decisions to prosecute
Code for Crown Prosecutors	Procedure for deciding whether to prosecute
Evidential Test	Is there enough evidence to find suspect guilty?
Public Interest Test	Is it in public interest to prosecute?
Threshold Test	Decision on whether to charge taken before all evidence gathered

KEY WORDS AND DEFINITIONS - LEGAL PROFESSION AND MAGISTRATES

Solicitor	Mainly deals with paperwork and the public
Barrister	Mainly does advocacy in court
Law degree	First stage to becoming a legal professional
Non- Law degree	First stage to becoming a legal professional
Legal Practice Course	Teaches students the skills to become a solicitor
Bar Professional Training Course	Teaches students the skills to become a barrister
Graduate Diploma in Law	Qualification for non law graduates to give them law knowledge
Training contract	Two years working in a solicitors before qualification
Pupillage	2 x 6 months working with a master
Professional Skills Course	Final step to qualify
Fusion	The potential bringing together of the legal profession into one role
Lay magistrates	Non legally qualified volunteer decision makers in Magistrates' Court
District judge (Magistrates' Court)	Paid judge working in Magistrates' Court
Local Advisory Committees	Organise application process for lay magistrates
Clerk and legal advisor	Gives legal advice to lay magistrates
'Middle class, middle aged and middle minded'	Magistrates are criticised for being too much like this

KEY WORDS AND DEFINITIONS - SENTENCING

Custody	Prison for adults or detention for young offenders
Community orders	Requirements made of guilty party
Fines	Amount of money to pay as a punishment
Absolute discharge	Guilty but released with no punishment
Conditional discharge	Guilty but released with no punishment with conditions
Retribution	Taking revenge on guilty party for what they have done
Rehabilitation	Support for guilty party to stop committing crime
Reparation	Guilty party repairs what they did wrong
Deterrence	To stop others from committing crime by giving punishments
Protection of society	To ensure public are safe from guilty parties
Aggravating factors	Factors which make the crime worse and increase sentence

KEY WORDS AND DEFINITIONS - JURIES

Criminal jury	Jury in Crown Court to decide guilt
Civil jury	Jury in High Court to decide liable and remedy
Coroner's jury	Jury to decide cause of death
Qualifications for jury service	18-70, electoral register and lived in UK for 5 years since 13
Disqualified	Not allowed to serve on jury due to previous events
Ineligible	Not allowed to serve on jury
Jury vetting	Checking jury members are allowed on the jury
Jury challenging	Challenge members of jury to check if they are allowed
Alternatives to juries	Judge only, mini jury, judge and lay assessors

KEY WORDS AND DEFINITIONS - FUNDING AND JUDGES

Access to justice	Everyone should be able to access the courts
LASPO 2012	Changed the legal funding rules for the worse
Conditional fee agreements	"No win, no fee" leads to success fee for solicitor upon win
Damages based agreements	"No win, no fee" leads to % of damages for solicitor upon win
Merits test	Should case be funded?
Means test	Does party have funds to pay themselves?
Legal Aid Agency	In charge of awarding legal funding
Duty solicitor scheme	Solicitor who represents arrested persons for free
Supreme Court Justice	Highest judges in the land
Minister for Justice	Government minister in charge of justice
Judicial Appointments Commission	Appoints judges in fair and open procedure
Secret soundings	The way judges used to be appointed secretly
Judicial independence	Judges should be independent from government