



The
Royal
Courts
of
Justice

Legal Systems
Tutor Kireene David



CONTENT



Aims and Learning Objectives.



Introductions.



How will these lessons run?



Content released every week?



Today's lesson.



Activities.



Summary.



Thank you, any questions?

AIMS & LEARNING OBJECTIVES

Outline

- Outline the nature of law in England and Wales

Outline

- Outline the nature of primary and secondary legislation

Outline

- Outline the role of case law

Outline

- Outline the significance of international law in England and Wales

Outline

- Outline the significance of the European Convention on Human Rights

Outline

- Outline the significance of European Union law

Explain

- Explain how law is classified, and

Explain

- Explain the nature of a legal person.
-

INTRODUCTION'S

- Who are you?
- What are your career aspirations?





HOW WILL THESE SESSIONS RUN?



2-4pm on Wednesday.



Digital content will be released 4pm every Wednesday.



Digital content must be listened to before attending the lesson.

TODAY'S LESSON

- What is law?
- The English and Welsh legal system.
- Case law.
- Parliament.
- European Convention on Human Rights.



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WHAT IS LAW?

- How would you define law?
 - Set of rules to be followed by society.
 - Driving laws, criminal law, civil law.
 - Not everything that is followed is law.
 - One example is university student code of conduct.
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ACTIVITY 1

- Review the following news story in the Guardian (<https://www.theguardian.com/uk-news/2021/jan/09/covid-derbyshire-police-to-review-lockdown-fines-after-walkers-given-200-penalties>)
- Do you think that the regulations should have spelled out in more detail whether or not Jessica Allen and Eliza Moore were in breach of the rules, or should this have been dealt with in guidance to the police?



WHERE DOES OUR LAW COME FROM?

- Law comes from Legislation.
- Two types:
- Primary and Secondary legislation.



PRIMARY LEGISLATION

- Created by parliament.
- Also known as an act of Parliament.
- Key examples include;
- Public Health (Control of Disease Act) 1984



SECONDARY LEGISLATION

- Created by government ministers.
- Also known as subordinate/ delegated legislation.



CASE LAW

- Created by judges.
- Precedent.
- And Airedale NHS Trust v
Bland [1993]



INTERNATIONAL LAW



ACTIVITY 2

- Go to the FAQs page of the Convention on the Rights of Persons with Disabilities at
 - <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>
 - Identify two specific rights under the Convention.
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THE EUROPEAN CONVENTION ON HUMAN RIGHTS

- Incorporated into Uk law through the Human Rights 1998.
- Concerns individuals' human rights.

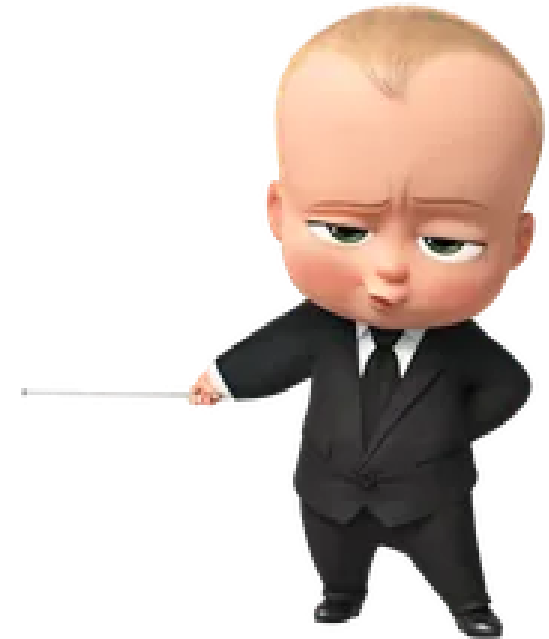
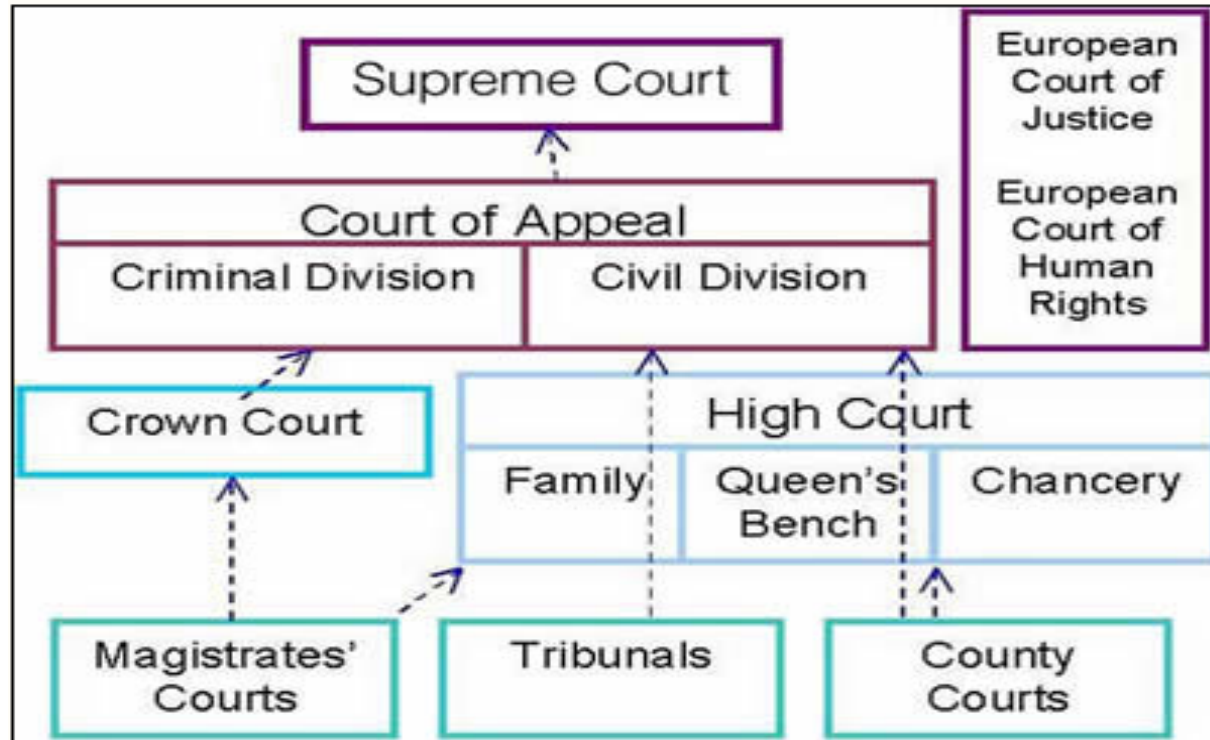
ACTIVITY 3



Download the Teaching Resources “The European Convention on Human Rights - Rights and freedoms in practice” (2013) at <https://edoc.coe.int/en/educational-tools/5327-teaching-resources-the-european-convention-on-human-rights-rights-and-freedoms-in-practice.html>.



Review page 2. Can you explain what a “Convention” is?



WHO IS IN CHARGE?

THE EUROPEAN UNION

- Uk joined in 1973.
- EU law was enforced on other countries who are part of the EU.
- The Uk left in 2019.





CLASSIFYING THE LAW

WHAT IS THE DIFFERENCE BETWEEN PRIVATE AND PUBLIC LAW?

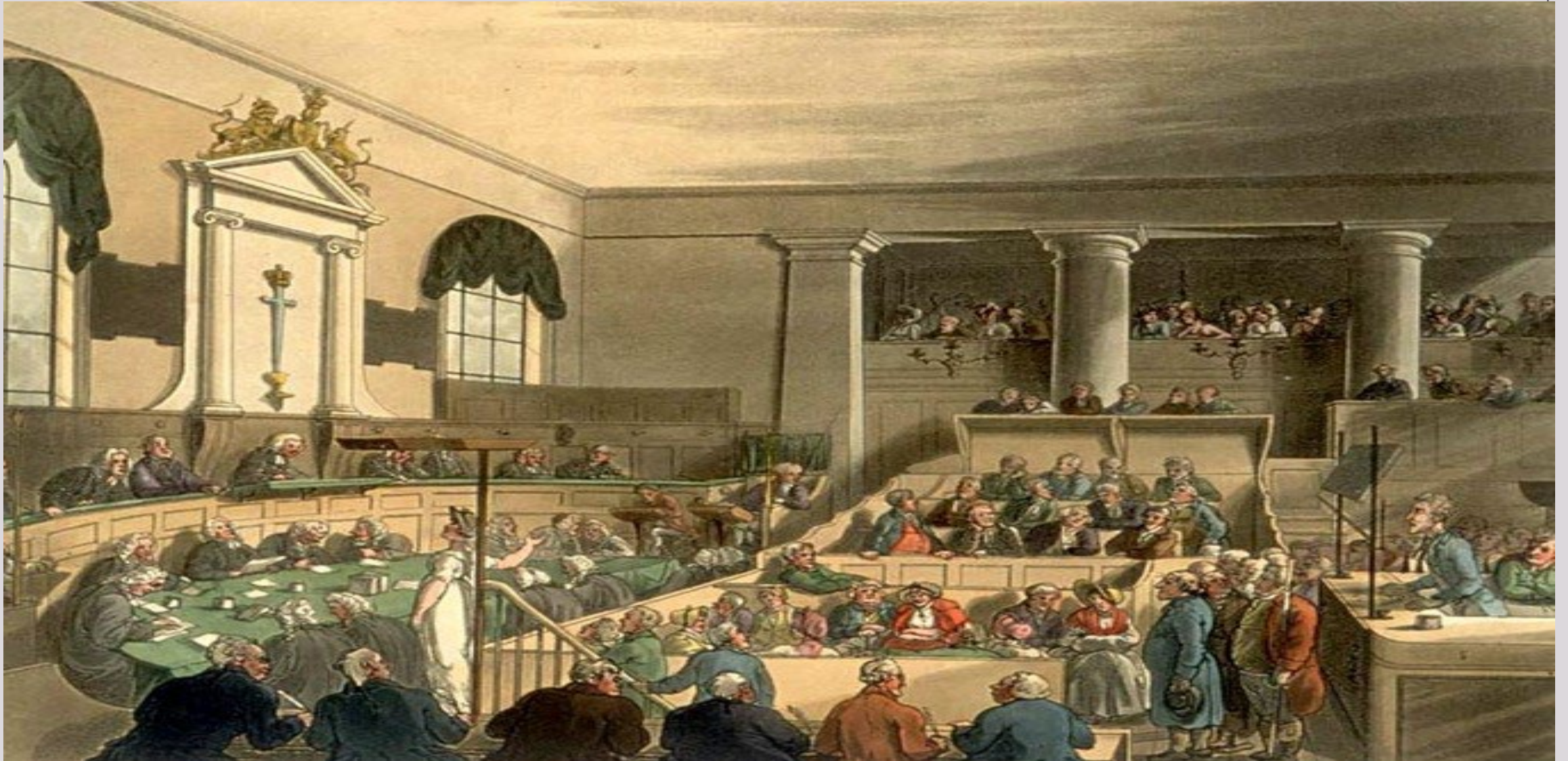
- Public law – Between state and person.
- Private law- between two private people.



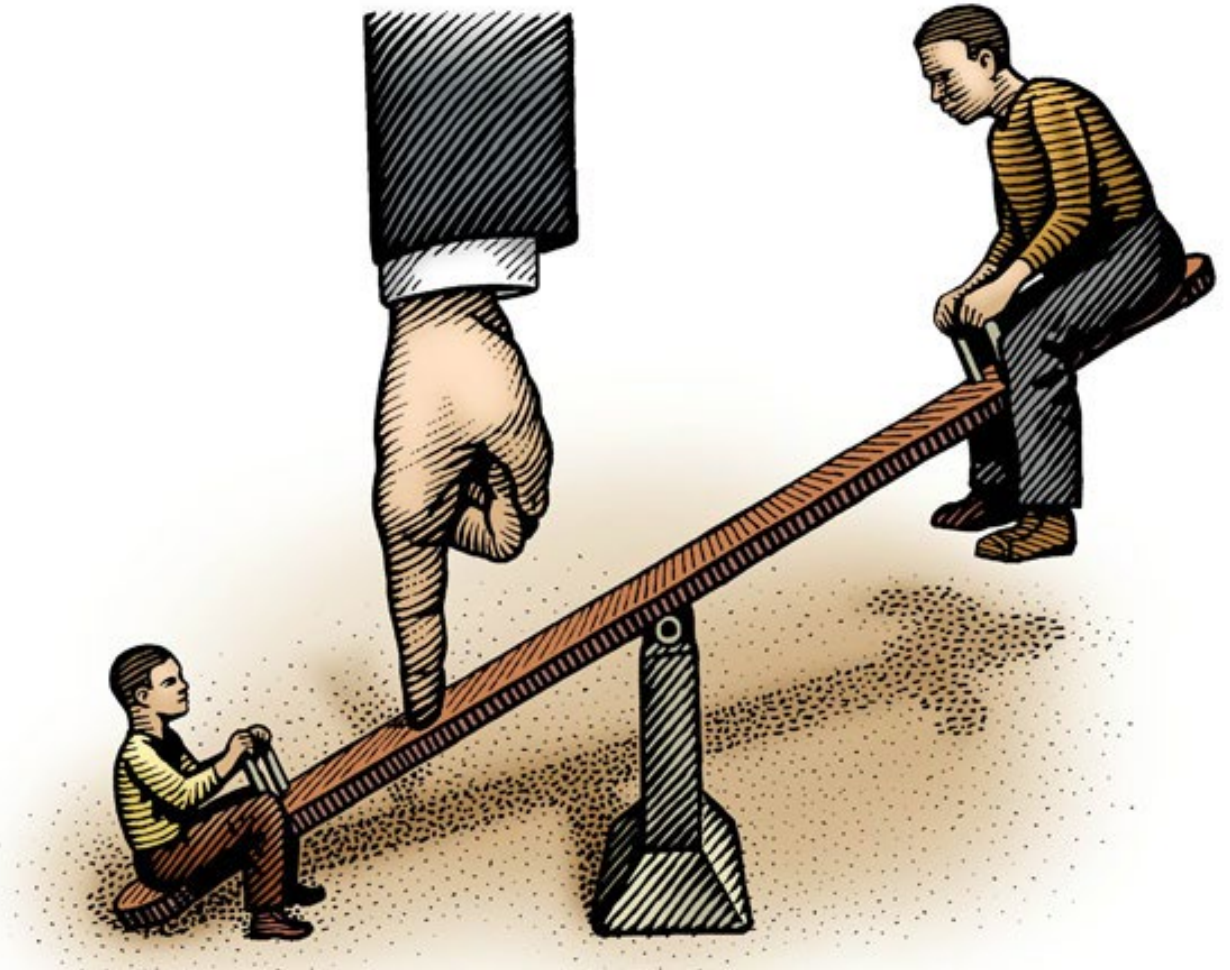
CRIMINAL LAW V CIVIL LAW

Criminal	Civil
Brought by CPS	Brought by 'wronged' individual
Burden of proof on prosecution	Burden of proof on other party
Standard of proof = weight of evidence	Standard of proof = balance of probabilities
Remedy will be ranging from a fine to prison	Remedy is damages

COMMON LAW AND EQUITY



COMMON LAW & EQUITY



EQUITABLE MAXIMS

- (1) 'Equity will not assist a volunteer.' A person cannot use equity to get something for nothing.
- (2) "He who comes to equity must come with clean hands." A person must show they have acted honourably.
- (3) "He who seeks equity must do equity." A person must show that they have acted fairly.
- (4) "Delay defeats equity." A person seeking equitable remedies who delays are likely to be unsuccessful.
- (5) "Equity looks to the intent not the form." The courts focus on the underlying intentions of a written document.
- (6) "Equity will not suffer (permit) a wrong to be without a remedy." The courts will be prepared to create novel legal solutions (remedies) where they are needed to achieve justice.
- (7) "Equity acts in personam." Claims founded on equitable principles are directed against a specific person. As well applying to individuals, this includes "legal persons" such as companies.



(8) “Equity follows the law.” “The law” means the common law. Equitable principles will only be used if the common rules or legislation do not take account of a relevant and important fact.

(9) “Equality is equity.” Equitable principles will be applied to benefit individuals in the same legal position equally. property owned by several people, the co-owners are assumed to own equal shares unless there is other evidence.

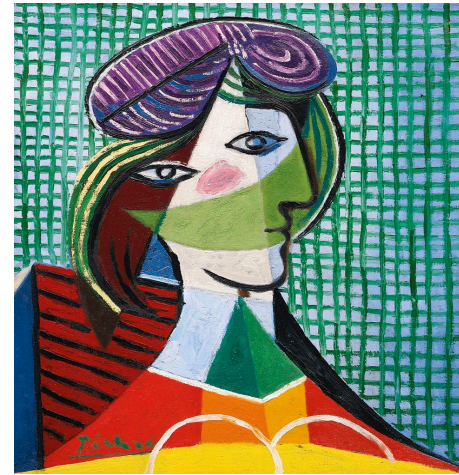
(10) “Equity sees as done that which ought to be done.” Specific Performance. This remedy requires a person who has contracted to sell land to transfer the land in accordance with the contract.



EQUITABLE REMEDIES



INJUNCTION



RESCISSION



SPECIFIC PERFORMANCE



RECTIFICATION

LEGAL PERSONS



SUMMARY

- Content is released before the lesson.
 - Primary and Secondary
 - Case law
 - International law
 - The European Union.
 - Common law and equity
 - Equitable maxims & remedies
 - Legal Persons
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