

3.1 What's the point of law?

Why do people obey the Law?

- Might have strong religious or moral views.
- Afraid of going to prison.
- The shame it would bring on them and their family.
- Afraid of damaging their reputation.

Why do people break laws?

- Peer pressure.
- For fun.
- Greed.
- Through need e.g. stealing food because they have no money to buy any.
- To support an addiction e.g.

Why do laws change?

- Scientific and technological developments. E.g. internet, and cloning.
- Our changing values e.g. same sex marriage and gender reassignment.
- Some laws might be outdated and not relevant anymore.

3.2 What is law?

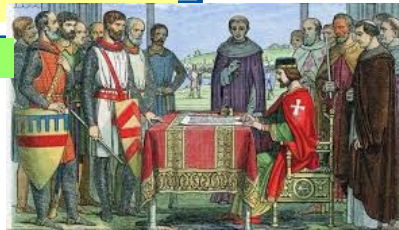
Magna Carta 1215

Law protects our rights and freedoms. In the UK our lives are ruled by laws. In other societies, peoples lives might be under the control of kings, presidents etc.

The law in the UK also applies to the law makers this is known as the **rule of law**.

There are some principles that affect the way in which laws are applied.

- **Innocent till proved guilty.** Anyone who is brought to court is said to be innocent till proved guilty. This means that the court must present evidence to prove that a person is guilty without reasonable doubt.
- **Equality before the law.** The law applies to everyone equally, whatever their gender, ethnicity, religion, age or disability.
- **Access to justice.** Everyone has the right to use the legal system whether they have been charged with an offence or have been hurt in some way. Today, in the UK, the cost might limit access to the legal system.



legal right	A right protected by law.
case law or precedent	Once a decision has been made in a court it becomes law in all future cases containing the same material facts and it must be followed by all other lower courts.
rule of law	A country is governed by law and all residents must obey the law so no one is above the law.

What are legal rights?

A legal right is a right protected by law. There are different legal rights depending on your age. From the age of 10, a person becomes legally responsible for their action if they commit a crime. When a person reaches 13, they can legally get a job. At 16, a person can leave school, work full-time and join the army but they can't vote in an election or buy fireworks until they are 18 years of age.



3.2 Where do our laws come from?

The main source of law in the UK is legislation. This includes all laws passed by **Parliament**..

There is also **Common Law** which is based on the decisions of judges in a court.

Whilst we are still part of the EU, we also have **European Union Law**. This means that all UK Law must conform to EU Law.

There are different systems of justice in the United Kingdom; England and Wales are governed by the same legal system and Laws passed by UK Parliament.

Northern Ireland has a similar system to England and Wales,

However, Scotland has its own system of Laws and courts and its own parliament.

civil law	This covers disputes between individuals or groups. Civil law cases are often about rights.
county court	A local court that has limited powers in civil cases.
criminal law	This deals with offences such as murder and drug dealing. These cases are between the Crown Prosecution Service (acting for all citizens) and the offender.
crown court	Courts held in towns in England and Wales where judges hear criminal cases.
High Court	The court where judges hear cases on serious crimes.
judge	A person who decides questions of law in a court.
jury	A group of 12 people who decide if someone is guilty in a court of law.
magistrates' court	A court held before two or more public officers dealing with minor crimes.
small claims court	A local court , which hears civil cases involving small amounts of money.
sue	To make a claim against someone or something.
barrister	A lawyer who represents and speaks for their clients in court.
judiciary	All the judges in a country.
probation officer	Someone who writes court reports on offenders and supervises them in a community.
solicitor	A lawyer who gives legal advice and may speak for their clients in court.

3.3 What is the difference between a criminal and civil law?

Civil law covers disputes between individuals or groups. Civil Law cases are often about rights

Criminal law deals with offences such as murder and drug dealing. These are between the Crown Prosecution Service (Acting for all Citizens) and the Offender.



3.4 What are the different types of court?

- A **County Court** is a local court that has limited powers in civil cases
- **Crown Courts** are held in towns in England and Wales where judges hear criminal cases. More serious offences are dealt with in crown courts before a judge and jury
- A **High Court** is where judges hear cases on all serious crimes. Any civil case involving more than £50,000 or more is also heard in the High Court.
- A **Magistrates Court** is a court held before two or more public officers dealing with minor crimes. 95% of all criminal trials start here. They have limited sentencing powers but can give out up to 6 months prison sentence, community services and fines etc.
- A **small claims court** is a local court, which hears civil cases involving small amounts of money of less than £10,000. about 90,000 cases a year are heard in these courts.

Why is it important to respect other people?

Any community in which people do not have respect for each other will have problems. Whether it is a school, workplace or club, a lack of respect will cause friction and may result in the law being broken.



3.5 Mitigating and aggravating factors.

Mitigating factors are the reasons why an offender might be given a lighter sentence. For example :

- A woman stole food from a supermarket because she had no money to buy food for herself and children
- If this was the offenders first offence.
- If the defendant pleads guilty and shows genuine remorse.

Aggravating factors are the reasons why an offender might receive a harsher sentence. For example :

- A repeat offender.
- They were under the influence of drugs or alcohol.
- They had been extremely violent to a vulnerable member of society.

mitigating factors	Reasons why an offender might be given a lighter sentence.
recorder	A barrister or solicitor of at least 10 year's experience, who acts as a part-time judge in a crown court.
mediator	Acting as a go between, between people in dispute in order to resolve the problem.
ombudsman	An official who is appointed to Investigate individual's complaints against a company or organisation.
tribunals	These are set up to resolve certain types of dispute, such as employment issues.
community sentence	A sentence which allows people to continue to live in the community under certain conditions.
discharge	Not being sentenced for a minor crime: it can be conditional.
restorative justice	A system of criminal justice which aims to rehabilitate offenders through meeting and talking to victims and the community.
youth court	A court that deals with young offenders.
youth justice system	The part of the justice system that deals with young people.
young offenders	Offenders between the ages of 10-17
Office for National Statistics	The organisation that collects data about what is happening in the UK.
reoffend	To commit a crime more than once.

3.6 Solving civil disputes.

There are other ways around solving disputes without going to court such as:

- Tribunals
- Ombudsman
- Mediation.

These methods are often chosen as they are.

- Cheaper than going to court.
- Less stressful.
- Quicker than going to court.
- Less time off work.

3.7 What sort of sentence?

What's the purpose of punishment?



- ◆ To punish the offender
- ◆ To protect the public
- ◆ To change the offenders behaviour.
- ◆ To reduce crime in the future.
- ◆ To ensure that the offender does something to make up for their crime.

Different judges have different views on which is most important.

Sentences for young offenders


Discharge— either absolute or with conditions

Under 10—a local child curfew will be imposed, which means the offender must be at home between 9p.m. and 6a.m. Unless with an adult. They will be referred to the Youth Offending Team

Youth rehabilitation orders— The young offender commits to rehabilitation for up to three years. The conditions can include a curfew, unpaid work, drug rehabilitation and education

Custodial sentence—a young offender aged from 12 to 17 years may receive a Detention and Training Order lasting between 4 months and 2 years.

For the most serious offences— the young offender receives long term detention of up to 14 years, and for murder can be sentenced to 'detention during her majesty's pleasure', which means a minimum of 12 years.



Referral orders— The young offender attend a youth offender panel to agree a contract for three months or up to a year. The young offender agrees to abide by certain rules to avoid more serious punishment. This may involve restorative justice.

Fines— if under 16, parents pay the fines

3.8 Young people and the justice system.

Youth Court.

A youth court differs from adult courts:

- ◆ There's no jury.
- ◆ The public is not allowed in.
- ◆ A parent or guardian must be there.
- ◆ Offenders are called by their first name.

You are criminally responsible from the age of 10.

3.9 Why do people reoffend?

Once people have been in trouble with the police, they are much more likely to reoffend, particularly if they have been to prison.

70% of under 18s leaving prison reoffend in a year.
58% of people on short sentences reoffend in a year.



Here are some of the reasons people reoffend:

- They often lose contact with their families
- They generally have poor education or mental health problems and therefore have difficulty fitting back into everyday life.
- People on short sentences get less help to put their lives back on track because they don't have enough time get help to get off drugs, alcohol.
- They can't get a job because of their criminal record so can't make money legally.
- In prison they have shelter, food, they don't have to deal with bills and looking after themselves.

3.9 How does the Government try to reduce the risk of reoffending?

Any person who is serving a custodial sentence, will be given the chance to keep in touch with their families. This might give a person a sense of hope that they can change their behaviour to be with their families and avoid another custodial sentence.

- **Training and education programmes** can be offered to help offenders learn new skills and trades so that they can find work, this will help people not to reoffend.
- There are also **rehabilitation programmes** that people can take part in whilst they are in prison. Since many prisoners suffer from drink and drug problems, it is important to give them proper support to help them cope with change and try to get back on their feet.



Neighbourhood Watch	A scheme in which members of the community take responsibility for keeping an eye on each other's property to prevent crime.
rehabilitation programmes	Programmes which help people to overcome problems so they can avoid committing crimes in future.

3.10 How can we reduce crime in your community?

- ◆ Some communities have a **neighbourhood watch** which is a community group working together to prevent crime and protect each other from crime in their area.
- ◆ Most of the deterrent for crime comes from **regenerating areas** that are deprived or run down.
- ◆ By improving the community through **better lighting** to reduce crime at night.
- ◆ **Youth groups** can distract young people with engaging activities that give young people a new focus and keeps them off the streets.
- ◆ **The laws** in place are there to deter people from committing crimes. Most citizens follow these laws.
- ◆ **CCTV cameras**– help discourage people from committing crimes for fear of being caught on camera.
- ◆ **Support for children who have suffered abuse and neglect**, as there is a strong link between this and the child committing crimes in the future.
- ◆ **Rehabilitation**– by helping people with their addictions people won't have to steal to feed their drug habit or lose their temper and hurt someone because they are drunk and can't control their temper.
- ◆ **Education**– by schools informing pupils on the dangers of certain behaviours and the consequences they may make

3.11 How can people take part in the legal system?

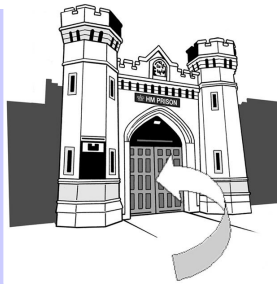
Many people in the UK take part in the running of the legal system. Their involvement might be voluntary, compulsory, paid or unpaid, whatever the job, they are supporting their community.

- ◆ A person can take part in **Jury service**, if a person is called upon for jury service then they must attend this usually at a court close to their home. You must not discuss the trial with anyone or research the crime on the internet, this is to prevent your decision being influenced by anything other than the facts.
- ◆ A person can also become a **Magistrate**, this is where a person sits with another two magistrates, hearing court cases in their community. They decide whether a person is innocent or guilty, as well as passing a sentence if they find them guilty.
- ◆ A person can also get directly involved in their community by becoming a **special constable**. Special constables are trained volunteers who support their local police. They must complete a minimum of 4 hours a week. Once their training is completed, they have the same powers as a regular police officer and wear a similar uniform.

3.11 What are your rights on arrest?

If you are arrested, you will read a statement by the police which tells you your rights and what you have been arrested for. You will then be taken to the police station and put in a cell. Regardless of the crime a person has committed, they still have certain rights. For example,

- You must be told the reason for your arrest
- Given the opportunity to tell someone about your arrest,
- Obtain free legal advice from a solicitor,
- Access to regular breaks, food and the toilet.
- Offered medical help if you are feeling ill.



arrested	A person who is arrested is held against their will because they are suspected of committing a crime.
special constable	A volunteer police officer.

3.11 Your Legal Responsibilities as a Juror



By serving on a jury you are fulfilling a very important public service. This means you have some important legal responsibilities.

As a juror you have taken a **legal oath** or **affirmation** to try the defendant based **only** on the evidence you hear in court.

If you do not follow the rules you may be in **contempt of court** and committing a **criminal offence**.

This is because these rules about what you can and cannot do as a juror are **orders of the court** and also part of the **criminal law**. You can be prosecuted for breaking these rules, and if you are found guilty the maximum sentence is two years in **prison** a **fine** or both.

The rules

-It is illegal to look for any information at all about your case on the internet, news or anywhere else.



-You can only discuss the case with the other 11 jurors and only when you are all together and there's no risk of being over heard.

-You can not discuss the case with family and friends or post anything about it on social media sites.

-After the trial you can discuss the trial with others but not what was said or done by you and the rest of the jury.