

## Introduction to the English Legal System

Complete on the sheet or on paper- Activity 1 - What do you think we mean by 'the law'?

### Definition

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Activity 2 - Can you add to this after listening to the lecturer's definition of 'the law'?

[https://www.youtube.com/watch?v=1\\_ecJOUHICY](https://www.youtube.com/watch?v=1_ecJOUHICY)

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### Activity 3 - Civil/Criminal Law Terms

Please complete the table below highlighting the differences between civil and criminal law (we will add relevant cases).

ELS	Civil Law/Cases	Criminal Law/Cases
Purpose of the Law		
Legal name for the individual starting the case		
Main courts dealing with/hearing the case		
Standard of proof required		
Person(s) making the decision		
Legal name(s) of the decision		
Powers of the court		

## Activity 4 – Further civil v criminal terminology

Which of these legal terms refer to criminal law, civil law or both?

Circle the criminal terminology in one colour and civil terminology in a different colour. \*Star any terms that apply to both criminal and civil law or use a third colour.

Prosecuted

Punishment

Liability

Fine

Compensation

Sentence

Sued

Private law

Claimant

Public law

Defendant

Guilty

<b>Activity 5 - Complete the following table with the correct civil v criminal terms</b>		
	<b>Criminal Law</b>	<b>Civil Law</b>
Public or private?		
Which courts?		
The defendant is.....		
The outcome of the case is...the defendant is .....		
If responsible the punishment/remedy is		
Examples		
Burden of proof (who has to prove wrongdoing)		
Standard of proof		
Cases are written as:		
Example of a case:		

## The differences between civil and criminal law

Below are two cases, one criminal and one civil. Read the facts and the decision of each before discussing the main issues that arise in both cases:

### Activity 6 – a civil case

#### ***Donoghue v Stevenson (1932)***

Mrs Donoghue went to a café in Paisley with her friend to discuss her upcoming wedding arrangements. The friend bought Donoghue a bottle of ginger beer made by Stevenson’s drinks company. Donoghue drank some of the ginger beer not knowing that there was a dead snail inside the opaque bottle. When she saw the snail, she sued Stevenson for negligence claiming that she was entitled to compensation. Donoghue had been bought the drink by a friend and therefore, she could not make a claim under contract law.

Verdict: FOR THE CLAIMANT

The House of Lords held: Stevenson had been negligent and he owed a duty of care to Donoghue who was the ultimate consumer of their product.

Lord Atkin said:

*‘The rule that you are to love your neighbour becomes in law: You must not injure your neighbour, and the lawyers’ question: Who is my neighbour? receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who then, in law, is my neighbour? The answer seems to be persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.’*

1. What are the important facts of this case?

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2. Who won the case?.....

3. What did the claimant want from the defendant?.....

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4. What law comes from this case?.....

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5. How does this law affect you?

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## Activity 7 – a criminal case

### *R v Dudley & Stephens (1884)*

**Facts:** Four sailors were sailing a yacht from Southampton to Australia to deliver it to its new owner. The yacht capsized and sank during a storm and the four man crew took to a small lifeboat. They had two tins of turnips but no water. They survived on the turnips and by eating a turtle they caught but after 15 days at sea Parker (the cabin boy) was ill from drinking sea water. The other three crew members discussed drawing lots to decide who should be sacrificed and eaten by the others according to the Customs of the Sea (shipwrecked sailors would do this if they were stranded days from land). One of the crew members (Brooks) refused to be involved so Dudley and Stephens killed the unconscious cabin boy, Parker. All three eat him and then were rescued by a passing boat after 24 days at sea.

When they reached Cornwall all three were arrested for murder. The charges were dropped against Brooks so he could give evidence for the prosecution. Dudley and Stephens argued that there was no case to answer due to the established Custom of the Sea. This was rejected and the Home Secretary and Attorney General decided to prosecute the defendants for murder. They argued that they had to kill Parker under the law of necessity.

**Held:** The defendants were found guilty of murder. The court was not convinced that it was necessary to kill Parker to save themselves. The defendants avoided the death penalty but were granted a pardon and sentenced to six years imprisonment.

1. What are the important facts of this case?

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2. What defence did they raise?

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3. What was the verdict?.....

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4. What law comes from this case?

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5. What would your decision have been?

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**Activity 8: State whether the criminal law, civil law or both would deal with the following situations:**

1. James has an argument with John and punches him in the face and breaks his nose.

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2. Sarah plays her music very loud into the night. Her neighbours want to get her to stop.

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3. Simon buys a DVD player from a shop. When he plugs it in he receives an electric shock.

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4. Victoria takes a bottle of wine from the supermarket and does not pay for it.

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5. Natalie is late for work. She drives over the speed limit and knocks a cyclist off their bike.

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**Activity 8 See PP for instructions**

News story	Link to the law



