



Hailsham Community College - Secondary

Law Curriculum



Week	Specification content and skills	Activity	Notes
Year 13 Week 7	<ul style="list-style-type: none"> Delegated Legislation 	<ul style="list-style-type: none"> Explain and give examples of the types of delegated legislation: orders in council, statutory instruments and bylaws. List and explain the parliamentary and judicial controls on delegated legislation. Explain the reasons for having delegated legislation. State the advantages and disadvantages of delegated legislation 	
8	<ul style="list-style-type: none"> Law-making: the European Union 	<ul style="list-style-type: none"> Explain the functions of the institutions of the EU: the Council, the Commission, the Parliament and the Court of Justice. Explain the different sources of EU Law: treaties, regulations and directives. Explain the impact of EU Law on the law of England and Wales. 	
9	<ul style="list-style-type: none"> The Judiciary 	<ul style="list-style-type: none"> The role of the judges in contract law. The independence of the judiciary. 	
10	<ul style="list-style-type: none"> Access to Justice and funding in civil law (contract) 	<ul style="list-style-type: none"> Understanding of the alternative sources of legal advice. Private funding including insurance and conditional fee arrangements. Basic understanding of public funding: civil state funding for contract law. 	
11	<ul style="list-style-type: none"> Law and society – balancing conflicting interests 	<ul style="list-style-type: none"> Explain how the law attempts to balance the conflicting interests of both parties. 	
12	<ul style="list-style-type: none"> Law and justice 	<ul style="list-style-type: none"> Examine law and justice with reference to contract law 	
13	<ul style="list-style-type: none"> Law and morality 	<ul style="list-style-type: none"> Examine law and morality with reference to contract law 	

Law Scheme of Work

Paper 2 - Tort

Week	Topic and Content	Activities	Notes
23	<p><u>Nature of law</u></p> <ul style="list-style-type: none"> • Civil and criminal law • Outline the court system • Legal rules and other norms of behaviour • Sources of law • Rule of law 	<ul style="list-style-type: none"> • Explain the differences between civil and criminal law • Construct diagrams of the civil and criminal court structures • Compare the difference between legal and social norms • Identify the different sources of law • Explain and analyse the concept of the rule of law 	<ul style="list-style-type: none"> • Identify the civil and criminal dimensions across the specification • Construct a chart comparing civil and criminal law • Give examples of each type of law source • Consider how you can tell the difference between a rule of law and a rule of a board game <p>If Tort is not the first paper taught some of this may simply need revision from Paper 1</p>
24	<p><u>Parliamentary Law making</u></p> <ul style="list-style-type: none"> • Green and White Papers • Formal legislative process • Influences on parliament • Doctrine of parliamentary supremacy and limitations on it • Advantages and disadvantages of influences on parliamentary law making. 	<ul style="list-style-type: none"> • Explain the difference between green and White Papers with examples. • Describe the passage of a Bill through parliament. • Explain the key influences on parliamentary law making with advantages and disadvantages. • Explain what is meant by parliamentary supremacy and the factors that can limit it. 	<ul style="list-style-type: none"> • Give examples of the effectiveness of different influences on Parliament. • Consider whether, formally, Parliament or the Government is the more powerful.
25	<p><u>Law reform – Law Commission</u></p>	<ul style="list-style-type: none"> • What is the Law Commission? • Identify the different aspects of the Commission’s work. 	<ul style="list-style-type: none"> • Give examples of Law Commission papers and their impact in reforming different aspects of criminal and civil law.

	<ul style="list-style-type: none"> • The work of the Law Commission: reform, codification, consolidation and repeal. • Advantages and disadvantages of reform through the Law Commission. 	<ul style="list-style-type: none"> • Evaluate the effectiveness of the Commission in reforming the law 	
26	<p><u>Civil dispute resolution</u></p> <ul style="list-style-type: none"> • Basic understanding of civil courts, including the Track System and the appeal system. • Outline of the tribunal structure and the role of tribunals. • The roles of mediation and negotiation. 	<ul style="list-style-type: none"> • Identify the different civil courts and their respective trial and appellate functions. • Describe the functions of tribunals, mediation and negotiation. 	<ul style="list-style-type: none"> • .
27	<p><u>The Judiciary</u></p> <ul style="list-style-type: none"> • Types of judge • The role of judges in civil courts 	<ul style="list-style-type: none"> • Outline the different ranks of the judiciary and explain their respective functions. • Analyse the need for judicial immunity and how it can be successfully achieved 	<ul style="list-style-type: none"> • Be prepared to explain the importance of an independent judiciary. • The role of the judge in civil courts (including tribunals)
28	<p><u>Access to Justice and Funding in civil law</u></p> <ul style="list-style-type: none"> • How civil cases can be funded: private funding and civil state funding 	<ul style="list-style-type: none"> • Basic understanding of alternative sources of legal advice: help lines, CAB, law centres and Tus. • Private funding: own resources, insurance and conditional fee arrangements. • Basic understanding of public funding: civil state funding 	<ul style="list-style-type: none"> •

29	<p><u>Law and Morality</u></p> <ul style="list-style-type: none"> • Definition of morality (diversity of views in a pluralist society) • The relationship between law and morality and its importance. • Enforcement of moral values by the legal system. 	<ul style="list-style-type: none"> • Analyse the competing theories as to whether the law should enforce morality. • Explain and illustrate the extent to which the law does enforce morality. 	<ul style="list-style-type: none"> • Give examples of subjects where there is a moral dimension and where people hold a range of views. • Be prepared to use a wide range of examples from across the specification.
30	<p><u>Law and Fault</u></p> <ul style="list-style-type: none"> • Fault in civil law 	<ul style="list-style-type: none"> • Explain the different types of fault used in civil law • Analyse the reasons for the use of fault 	<ul style="list-style-type: none"> • Link the topic to fault in negligence. • Be prepared to use a wide range of examples from across the specification.
31	<p><u>Negligence – injury and damage to property:</u></p> <ul style="list-style-type: none"> • The Neighbour principle and the Caparo 3-part test. • Theory of tort law – public policy factors governing the imposition of a duty of care. 	<ul style="list-style-type: none"> • Identify the tests for imposing a duty of care. • Explain the 3 stages of the Caparo test. • Analyse the public policy factors involved in imposing a duty of care. 	<ul style="list-style-type: none"> • Consider the question of what activities might be discouraged by the imposition of a duty of care (sporting events or theatre productions). • Think of everyday examples of when a duty of care exists.
32	<p><u>Negligence – injury and damage to property</u></p> <ul style="list-style-type: none"> • Breach of duty – the objective standard of care. • Theory of tort law – factors governing the objective standard of care. 	<ul style="list-style-type: none"> • Explain the nature of the objective standard of care. • Identify risk factors governing the behaviour of the reasonable person. • Analyse the factors setting the standard of care. 	<ul style="list-style-type: none"> • Be careful to note what the objective standard means when judging the behaviour of the def. • Draw up a table of the different factors governing breach and illustrate each with case examples and real-life examples.

133	<p><u>Negligence – injury and damage to property</u></p> <ul style="list-style-type: none"> • Causation in fact. • Causation in law (remoteness of damage) 	<ul style="list-style-type: none"> • Identify the test for causation in fact. • Explain and illustrate the test for causation in law. 	<ul style="list-style-type: none"> • Consider scenarios where damage need not be wholly reasonably foreseeable. • Construct a step-by-step framework for answering negligence problems and practise applying it to past papers.
34	<p><u>Defences to an action in negligence:</u></p> <ul style="list-style-type: none"> • Contributory negligence. • Consent (volenti non fit injuria) 	<ul style="list-style-type: none"> • Identify the requirements for each defence. • Explain the consequences for the parties if the defence is successful. 	<ul style="list-style-type: none"> • Note that contributory negligence exists when a claimant either contributes to the cause of an accident or the level of his injuries. • Even if a defence is clearly relevant to a scenario problem, be careful to establish the primary liability first: a defence cannot exist by itself; it must be a defence to something.
35	<p><u>Remedies available to an action in negligence:</u></p> <ul style="list-style-type: none"> • Compensatory damages for personal injury, damage to property and economic loss. • Principle of mitigation of loss. 	<ul style="list-style-type: none"> • Identify the principles governing compensatory damages. • Explain and illustrate the principle of mitigation. 	<ul style="list-style-type: none"> • Establish the difference between special and general damages. • Have a look at some past exam questions and try to identify what damages a court might award.
36	<p><u>Negligence – psychiatric injury:</u></p> <ul style="list-style-type: none"> • Liability for psychiatric injury sustained by primary and secondary victims. • Theory of tort law – policy factors governing the imposition of liability for psychiatric injury. 	<ul style="list-style-type: none"> • Describe a primary and secondary victim. • Identify the requirements necessary in each case to establish liability. • Analyse policy reasons governing the extent of recovery for psychiatric injury. 	<ul style="list-style-type: none"> • Given the advances in psychiatric medicine, discuss whether there is still a need for the rules on psychiatric injury to remain as restrictive as they are. • Note that the claimant must still establish breach of duty and causation and that the defendant may still have a defence
37	<p><u>Negligence – economic loss</u></p>	<ul style="list-style-type: none"> • Explain the difference between negligent acts and negligent misstatements. 	<ul style="list-style-type: none"> • Discuss the extent to which ‘floodgates’ play a role in limiting liability; for instance, by

	<ul style="list-style-type: none"> • Liability for economic loss caused by negligent acts and negligent misstatements. • Theory of tort law – policy factors governing the imposition of liability for economic loss. 	<ul style="list-style-type: none"> • Identify the requirements necessary to establish liability for economic loss. • Analyse policy reasons governing the extent of recovery for economic loss. 	<p>looking at a newspaper financial column giving advice on pensions and shares.</p> <ul style="list-style-type: none"> • Note that the claimant must still establish breach of duty and causation and that the defendant may have a defence.
Year 13 Week 1	<p><u>Occupiers' Liability Act 1957</u></p> <ul style="list-style-type: none"> • Liability in respect of lawful visitors. 	<ul style="list-style-type: none"> • Define a lawful visitor. • Explain the nature of the duty owed to a lawful visitor and when that duty is breached. 	<ul style="list-style-type: none"> • Give examples from ordinary life where members of the public are protected by the OLA 1957. • Note the contents of any warning sign: is the sign excluding liability or discharging the duty?
2	<p><u>Occupiers' Liability Act 1984</u></p> <ul style="list-style-type: none"> • Liability in respect of trespassers 	<ul style="list-style-type: none"> • Define a trespasser. • Explain the nature of the duty owed to a trespasser and when that duty is breached 	<ul style="list-style-type: none"> • Using case law, consider the treatment of children in terms of whether they are trespassers at all, whether they are owed a duty under the OLA 1984 and when an occupier might have breached that duty. • Note that the duty set out in the OLA 1984 is not automatic; the claimant must establish that a duty is owed before the question of breach can be discussed.
3	<p><u>Private Nuisance</u></p> <ul style="list-style-type: none"> • Parties to an action for negligence. • Factors governing an unlawful interference. 	<ul style="list-style-type: none"> • Identify the rules governing claimants and defendants. • Examine the factors governing an unlawful interference. 	<ul style="list-style-type: none"> • The standard of nuisance is variable – what is lawful in one circumstance may be unlawful in another.

			<ul style="list-style-type: none"> Look at some past exam questions and identify from the facts of the scenarios, how and why nuisance might be present.
4	<p><u>Private Nuisance:</u></p> <ul style="list-style-type: none"> Defences to an action for nuisance. Remedies of damages and injunctions. Theory of tort law – factors governing the grant of an injunction. 	<ul style="list-style-type: none"> Identify and illustrate the defences to an action in nuisance. Examine when the remedies of damages and an injunction may be available. 	<ul style="list-style-type: none"> Think of examples, perhaps drawn from the local media, of everyday activities which may amount to a nuisance. Link with the material on the legal system’s role in balancing conflicting interests.
5	<p><u>The rule in Rylands v Fletcher</u></p> <ul style="list-style-type: none"> Elements required to establish liability. Defences and remedies available. 	<ul style="list-style-type: none"> Identify the elements required to establish liability under the ‘rule’. Explain the defences and remedies. 	<ul style="list-style-type: none"> Consider the extent to which the ‘rule’ has any practical application today. Is the ‘rule’ likely to be relevant to issues such as ‘fracking’ or the storage of nuclear waste from power stations?
6	<p><u>Vicarious Liability</u></p> <ul style="list-style-type: none"> An employer’s liability for the actions of an employee during the course of employment. Other areas of vicarious liability. Theory of tort law – nature and purpose of vicarious liability. 	<ul style="list-style-type: none"> Identify the tests as to when a worker is an employee. Explain when an employee is acting in the course of employment. Identify other relationships where vicarious liability may exist. Analyse the policy reasons for imposing a strict liability on an employer. 	<ul style="list-style-type: none"> Draw up a table of relationships which are similar to employment relationships and which might attract vicarious liability (e.g liability of a prison for negligence by a prisoner during a work activity). It is unlikely that an examiner can expect too much detail on the tests as to who is an employee, as this is a tort paper and not an employment law paper.