

Level 4 Diploma in Paralegal Studies

Qualification Specification

This document covers the following Qualification:

TITLE	Qualification Reference Number	Operational Start Date	Last Review	Next Review
NALP Level 4 Diploma in Paralegal Studies	501/0613/2	01/07/2010	02/06/2017	31/12/2021

National Association of Licensed Paralegals

LG.02 Lincoln House
1-3 Brixton Road
London
SW9 6DE
020 7112 8034
www.nationalparalegals.co.uk

Contents

1.	Introduction.....	3
2.	Summary of the Qualifications Covered by this Specification.....	3
2.1.	NALP Level 4 Diploma in Paralegal Studies	3
2.2.	Rules of Combination and Credit Values	3
3.	Objectives of the Qualifications.....	3
4.	Entry Requirements	3
5.	Recognition of Prior Learning (RPL).....	4
6.	Progression for Learners	4
7.	Total Qualification Time	4
8.	Learning Materials and Support	6
9.	Assessment.....	6
9.1.	Assessment Methodology.....	6
9.2.	Assessment Criteria.....	6
9.3.	Marking the Assessment.....	7
9.4.	Reasonable Adjustments and Special Considerations.....	7
10.	Internal Verification and Moderation	7
11.	Award and Issuing of Results	7
12.	Units for the Qualifications	9

1. Introduction

The National Association of Licensed Paralegals (NALP) is an Awarding Organisation recognised by the Office of Qualifications and Examinations (Ofqual) to offer regulated qualifications in England and Northern Ireland respectively. We specialise in providing qualifications for persons working in or looking to work as a Paralegal.

NALP is also a training provider for NALP qualifications and also a professional association for those in the Paralegal profession.

2. Summary of the Qualifications Covered by this Specification

2.1. NALP Level 4 Diploma in Paralegal Studies

Our Level 4 Diploma in Paralegal Studies is designed to bridge the gap between an academic degree and the practical, procedural knowledge and skills necessary to be able to function effectively as a Career Paralegal.

2.2. Rules of Combination and Credit Values

All units of this qualification are mandatory in order for Learners to achieve the qualification. No credit values have been assigned to this qualification or the underlying units following the removal of this requirement in June 2016 by Ofqual.

3. Objectives of the Qualifications

The Level 4 Diploma in Paralegal Studies is designed to give Learners a sound knowledge and understanding of both the English legal System and other substantive legal areas together with Procedural law. It is the benchmark qualification that will launch a Paralegal Career and from which Learners can specialise should they decide to develop their career further.

Please note that these qualifications are specifically written with English law at their base. These qualifications are therefore best suited to those who seek to practice in the UK or abroad where the system of law is based on the English Common Law.

Learners who successfully achieve NALP Level 4 Diploma in Paralegal Studies will gain a recognised and respected professional qualification which will aid progression in their paralegal career.

4. Entry Requirements

One of the following (or equivalent) is required:

- NALP Level 3 Certificate or Diploma in Paralegal Practice;

- Two 'A' Levels;
- 'A' Level Law;
- BTEC National Diploma (NVQ/GNVQ Level 3 or above);
- CILEX Level 3 Qualifications; or
- ILSPAs Legal Secretary Diploma
- Non-UK Equivalent Qualifications. Please contact us to confirm eligibility.

Evidence of the above must be provided on request.

Mature Students Welcome (over 25) without any of the above, however, please contact us to discuss whether this is the correct level for you.

Please Note: The NALP Level 4 Diploma in Paralegal Studies is only available in English. If your first language is not English then you must be able to provide evidence that your spoken and written command of the English Language is adequate for the qualification for which you have applied.

All Learners must hold at least Affiliate Membership of NALP. One year's free Affiliate Membership is provided to all Learners, but this must be renewed for those whose studies continue beyond that period at the Learner's expense.

5. Recognition of Prior Learning (RPL)

NALP allows some exemptions for the Level 4 Diploma in Paralegal Studies up to a maximum of three units of study, for example where a Learner has attained an LLB or part of an LLB. Applications for RPL will be assessed on a case by case basis. If a Learner wishes to apply for recognition of prior learning or experience, please email:

admin@Nationalparalegals.co.uk.

6. Progression for Learners

The Level 4 Diploma in Paralegal Studies will enable Learners to progress in their paralegal careers.

7. Total Qualification Time

Guided Learning Hours (GLH) is defined by Ofqual as being "The activity of a Learner in being taught or instructed by – or otherwise participating in education or training under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training" and includes "the activity of being assessed

if the assessment takes place under the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training”.

As the average Learner studying for the NALP Level 4 Diploma in Paralegal Studies will do so entirely via distance learning, there are no Guided Learning Hours which meet Ofqual’s definition. All of the hours an average Learner will spend gaining a NALP Level 4 Diploma in Paralegal Studies will be from other, non-guided areas, such as self-study; completion of assignments for assessment purposes; and coursework.

The following table gives an indication of the Total Qualification Time (TQT) for each of the units underpinning the NALP Level 4 Diploma in Paralegal Studies. The TQT represents the total time an average Learner might spend studying for each unit, including the time they are likely to spend on the assignments for each unit.

Unit	Title	GLH	TQT
1	English Legal System	0	13
2	Law of Contract	0	13
3	Law of Tort	0	10
4	Criminal Law	0	10
5	Wills, Probate and Family Provision	0	7
6	Civil Litigation	0	12
7	Criminal Practice	0	9
8	Matrimonial and Civil Partnership Disputes	0	13
9	Conveyancing	0	14
10	Succession	0	8
	TOTAL HOURS	0	109

Considering the above, the total hours of study required by an average Learner for the Level 4 qualification is anticipated to be 109, however, it is worth noting that this is based on a Learner taking approximately 4 minutes to read and digest each page of the learning materials provided for each unit, plus the addition of 5 hours for each assignment to be completed for assessment. Please note that timings have been rounded to the nearest full hour. Learners may find that the actual time it takes them to complete the qualification to be more or less than the quoted total hours.

It should be noted that, whilst there is no official guided learning, tutorial support is usually available from the training provider. Learners should request details of what is available from their provider.

8. Learning Materials and Support

The NALP Level 4 Diploma in Paralegal Studies qualification is designed for Learners to study at their own pace on a distance-learning basis. Learners are provided with comprehensive course materials and assistance in interpreting materials either via email, phone or face to face. In addition, if they have any specific queries or concerns they are able to contact their training provider who will provide them with suitable support.

9. Assessment

9.1. Assessment Methodology

Assessment is continuous by assignment. Each unit is assessed by one written assignment for the learner to complete over a four- week period. Start dates for assignments will be set by the Centre in conjunction with the Learner's progress, or by the Learner themselves if they are doing the qualification by distance learning only.

9.2. Assessment Criteria

There are 10 units of study. Learners are required to successfully complete one written assignment per unit which are designed to assess the Learner's skills, knowledge and understanding of legal issues.

Assignments will be assessed as either Pass, Merit or Distinction:

Pass: (Descriptive): A Pass grade will be awarded if a Learner has basically but fully covered all criteria indicated. This will be reflected in a mark of between 45% and 64%.

Merit: (Explanatory): A Merit grade will be awarded if a Learner has shown a higher degree of aptitude, has demonstrated a thorough understanding of the topic and has presented his/her findings in a clear and accurate manner. This will be reflected in a mark of between 65% and 79%.

Distinction: (Showing implications): A Distinction will be awarded if the student has shown a mastery of the subject matter and has dealt with the questions in a professional manner. Attention will be given to spelling, grammar, layout and style and to the actual presentation of the assignment in addition to the content. This will be reflected in a mark of between 80% and 100%.

9.3. Marking the Assessment

All assessments are externally marked by NALP's independent examining team against a standard mark scheme. The examiners also carry out additional checks to ensure that the work submitted by the Learner is authentic and has been completed by that Learner.

If a Learner wishes to appeal against an assessment decision they should refer to our Appeals Policy which can be found on our website at:

http://www.nationalparalegals.co.uk/nalp_policies_procedures

9.4. Reasonable Adjustments and Special Considerations

All requests for reasonable adjustments must be received at the time of enrolment due to the assignment-based assessment. These will then be considered by the examination team prior to the assignments being assessed.

Requests for special considerations must be made at least 24 hours prior to the deadline for submission of assignments by the learner. If a special consideration requested is considered to be well founded, a new deadline for submission of the assignment will be set for the learner.

All requests for reasonable adjustments and special considerations will be considered in line with the NALP Reasonable Adjustments and Special Considerations Policy, a copy of which is available on the NALP website: <http://www.nalptraining.co.uk/reasonable-adjustments-and-special-considerations-policy>

10. Internal Verification and Moderation

As all assessments are marked externally by NALP's independent examining team (i.e. the Centres do not mark their Learners' papers), an Internal Verification and Moderation Policy covering all assessment results has been put into place. This aims to ensure that all assessments have been marked in line with the standard mark scheme, members of the examining team are fully-trained and that sufficient standardisation of results is undertaken.

A copy of the Internal Verification and Moderation Policy is available on the NALP website at: http://www.nationalparalegals.co.uk/nalp_policies_procedures

11. Award and Issuing of Results

Once a learner has successfully completed all units and assignments, the qualification Certificates and transcripts will be issued within three weeks of completion. If a Learner fails to successfully complete all assignments, unit certificates will be issued for the individual units they have successfully attained.

Replacement certificates can be provided by completing the relevant form and paying the fee of £25. The form is available from the website and you can pay the fee via the website also: <http://www.nationalparalegals.co.uk/replacement-certificate-application-form>.

12.Units for the Qualifications

Unit Number:	1	Unit Name:	English Legal System	
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to be able to understand how the law is used to regulate human conduct within the State; be aware of how laws are made, altered and repealed; be aware of the various ways in which disputes are resolved; and be aware of the different personnel involved in the enactment and interpretation of the law and the resolution of legal disputes.			
Learning Outcomes		Assessment Criteria		
1. Understand the Nature and Development of English Law		1.1 Demonstrate an understanding of the nature and functions of the Law	Definition of 'the law' e.g. set of rules within a state that regulate human behaviour within it / how society functions within the state and is enforceable by the state. Differs from morals.	
		1.2 Demonstrate an understanding of the concept of legal personality	An identity that is recognised by the legal system. Legal 'persons' are in two categories: natural (humans) and artificial (juristic) persons. Nationality and domicile	
		1.3 Clearly summarise the key points of the development of the Common Law and the Writ System	Outline the history: before Normans in 1066 English Law -based on customs William 1 set up a "feudal system" - King's	

		<p>Council (Curia Regis) outline the Courts: High Court in London Westminster - Local Areas Law was Common to the whole country - problems due to lack of writs and only remedy was damages (compensation) - people petitioned King on other matters</p>
	<p>1.4 Explain the development of Equity and its role in the law today and the effect of the Judicature Acts 1873-75</p>	<p>King delegated writs to Chancellor – equity developed - other remedies emerged: specific performance, rescission, injunction. Equity recognised trusts and mortgages. A conflict between common law & equity - The Earl of Oxford’s Case [1615] - held Equity prevails - common law and equity are relevant today</p> <p>Judicature Acts 1873-1875</p>
<p>2. Understand the modern-day sources of Law</p>	<p>2.1 Clearly summarise the key points of the process of creating an Act of Parliament</p>	<p>Laws made in Parliament, proposed by Cabinet (ministers and PM) or MP as private member’s bill. Bill drafted by Parliamentary Counsel. Consultation via Green/White Paper</p> <p>First House (usually Commons) stages- First Reading – Title and photocopies - Second Reading – general principles can be thrown out</p> <p>Committee Stage – specialists in subject look at Bill clause by clause - Report Stage</p>

		<p>– Chairman of select committee reports findings to House</p> <p>Third Reading – formality; only minor amendments allowed</p> <p>Other House (Lords) First and Second Readings same - Committee – no select committee as no specialists so whole house deals with it and no need to report - Third Reading – same</p> <p>Amendments to Commons. If Commons do not agree they bypass Lords after 12 months</p> <p>If everything agreed – Royal Assent</p>
	<p>2.2 Explain what is meant by delegated legislation including the types and controls</p>	<p>Definition of DL - HASAWA 1974 gives Secretary of State for Environment powers to make Statutory Instruments: e.g., COSHH</p> <p>Types: Statutory Instruments – Bylaws – made by Local Authorities and only apply to their district – Orders in Council – used in emergencies – apply to whole country – made by Privy Council and Queen.</p> <p>Controls: Parliament – Scrutiny Committee or Positive/Negative Affirmation</p>

		Judiciary – procedural/substantive ultra vires
3. Understand how judges interpret and apply the law	3.1 Explain the rules of Statutory interpretation	<p>Judges: interpret the Act of Parliament when applying the law - use rules to guide them: 3 rules: Literal rule, golden rule, mischief rule.</p> <p>Other rules of language to assist: Eiusdem generis (meaning “of the same kind”) – Presumptions -</p> <p>Other external aids: earlier statutes, dictionaries, books of authority, Human Rights Act 1998, etc. also, internal aids within the statute.</p>
	3.2 Demonstrate an understanding of the doctrine of Judicial Precedent	<p>Case law - law based on previous decided cases (also known as common law - principle of Stare Decisis (stand by decision) - Ratio decidendi - comparable with Obiter Dicta</p> <p>Court Hierarchy - important. Some courts bind themselves and others - Supreme Court: practice statement from 1966 no longer binds itself but everyone: COA: can only depart from its own decisions under 3 circumstances: Others below must follow High Court: does not need to follow its own</p>

		<p>but generally does. Others below must follow.</p> <p>Crown/Mag/County – no-one follows. Can avoid precedent by: Overruling, Reversing, Distinguishing</p> <p>Persuasive Precedents. Precedent promotes certainty, enables law to develop and grow, detailed and practical. Limits discretion of judges and cannot be applied until after the event has occurred; can be complex and inflexible.</p>
	<p>3.3 Demonstrate an awareness of the role of European Community Law</p>	<p>Joined EU in 1973. Commission, Parliament & Council. Meaning of Treaties. Explanation of regulations - directives - the state is left to implement the directive in its own way - decisions directly effective but on particular matters. European Union (Withdrawal) Act 2018 - 31 December 2020 - the repeal of the European Communities Act 1972 - how existing EU law will be converted into UK law - how new EU laws will affect UK law</p>
<p>4. Understand the composition and jurisdiction of the Civil and Criminal Courts</p>	<p>4.1 Demonstrate an understanding of the civil court structure including the jurisdiction of each court</p>	<p>County Court and its jurisdiction</p> <p>High Court and its jurisdiction</p> <p>Court of Appeal and its jurisdiction</p> <p>Supreme Court and its jurisdiction</p>

		Court of Justice of the European Union and its jurisdiction
	4.2 Demonstrate an understanding of the Criminal court structure including the jurisdiction of each court	Magistrates' Court and its jurisdiction Crown Court and its jurisdiction Court of Appeal and its jurisdiction Supreme Court and its jurisdiction Court of Justice of the European Union and its jurisdiction
	4.3 Explain the routes of Appeal	Generally follows the court hierarchy as above. Exception being in Criminal cases: appeal on point of law from Magistrates Court to either Administrative Court of the QBD or Crown Court – CoA Civil Division – Supreme Court
5. Understand the types of legal personnel	5.1 Explain the roles and types of the Judiciary	Different types of Judges and how appointed – Constitutional Reform Act 2005 – how judges can be dismissed
	5.2 Demonstrate an understanding of the differences between Barristers, Solicitors, Chartered Legal Executives and Paralegals	Solicitors/Barristers - separate professions - ways to qualify as a solicitor different to that of a barrister – operate in a different ways- eg solicitors work from high street offices in partnership with other solicitors – barristers work for themselves from chambers. Chartered Legal Executive is a regulated profession – paralegal profession

		is not – similar work - but paralegals can work for themselves – C leg Execs tend to work in law firms with solicitors. Paralegals can do all that a solicitor can do except reserved legal activities as defined by S.12 Legal Services Act 2007
6. Understand the importance of Alternative Dispute Resolution (ADR) and the options available	6.1 Explain the advantage and disadvantages of ADR	Tribunals, arbitration, conciliation, mediation are all alternative routes to settling disputes – less costly – less time consuming – less formal than going to court. Disadvantages can be that there is no precedent to be relied on especially tribunal cases as each case decided on merits and there is no funding for a party to be represented.
	6.2 Demonstrate an understanding of the concept of arbitration	'The determination of a dispute by one or more third parties (Arbitrators) rather than going to court or a tribunal' – appointed by the parties and agreed to – can be anyone if both parties agree – usually has specialist knowledge – powers of arbitrator consolidated by The Arbitration Act 1996
	6.3 Explain the difference between Mediation and Conciliation	Mediation and Conciliation mean the same – 'the voluntary settling a dispute in an amicable manner' – conciliation usually in consumer disputes where the conciliator is usually a member of a trade association – differs from arbitrator as has not the same powers. Mediation more common in family

		disputes or employment disputes. Benefits of mediation: cost, confidentiality, control (parties have increased control over the resolution), compliance, support, and mutuality
	6.4 Demonstrate an understanding of the importance of negotiation	Part of the process of arbitration, mediation and conciliation
	6.5 Demonstrate an understanding of the role of a Tribunal	Tribunals, Courts and Enforcements Act 2007 – First Tier and Upper Tier – advantages: more specialised, more informal, less costly, speedier, and more user-friendly. Disadvantages: generally no representation by solicitor or barrister as no funding available, difficult to predict outcome

Unit Number:	2	Unit Name:	Law of Contract	
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to be able to understand the type of legal rule which requires persons to compensate others as a result of harm inflicted by non-compliance of their promises; be aware of those promises which the law will uphold; and be aware of the remedies that are available for a breach of contract.			

Learning Outcomes	Assessment Criteria	
1. Understand the formation of a contract	1.1 Demonstrate an understanding of the various elements that make up a valid contract including offer and acceptance; Intention to create legal relationships; form; legality and contracts in restraint of trade; consideration; consensus ad idem and capacity	Offer - especially as differentiated from invitation to treat - acceptance in some way differentiated from counter-offer etc - presence of intention to create legal relations - Objective nature of formation - presence of valid consideration - vitiating factors' relationship with consent - - the need for a specific threat or illegitimate pressure in duress - undue influence relies on abuse of a pre-existing relationship of trust and confidence
2. Understand the vitiating factors that could render a contract void or voidable	2.1 Demonstrate an understanding of duress	Vitiating factor - renders contract voidable in equity – a person is forced into a contract by violence or threats of violence to that person or those near and dear to them, or imprisonment or threats of imprisonment of that person or those near and dear
	2.2 Explain undue influence	Vitiating factor - renders contract voidable in equity - falls short of duress - one party has power to mentally guide or subtly influence another, thereby preventing him from exercising free will
	2.3 Demonstrate an understanding of mistake and apply to a specific scenario	Vitiating factor - renders contract void, ab initio, at common law – 3 categories of mistake – non est factum, unilateral, bi-lateral

	2.4 Demonstrate an understanding misrepresentation and apply to a specific scenario	Vitiating factor - false statement of fact made by one party during negotiations inducing the other to enter into a contract – renders contract voidable in equity
3. Understand the terms of a contract	3.1 Explain the difference between express terms and implied terms	Express term – specifically incorporated into contract - Implied term – not expressly incorporated but implied by, custom, statute or the courts
	3.2 Explain what is meant by an exclusion clause and apply to a given scenario	Clause that endeavours to restrict or exclude liability in a contract – common law – privity of contract – statutory protection
	3.3 Explain the difference between Conditions, Warranties and Innominate Terms	Definition of terms – condition, warranty, innominate
4. Understand the methods by which contractual obligations may be discharged	4.1 Explain what constitutes a discharge by performance and apply to a given scenario	If parties properly perform all their obligations under the contract, then the contract will be at a natural end
	4.2 Demonstrate an understanding of discharge by Agreement and apply to a given scenario	Parties can agree to end the contract before it has been performed but Pinnel’s case may have a bearing
	4.3 Explain what constitutes a discharge by Breach and apply to a given scenario	Breaching a condition of contract can bring an end to contract

	4.4 Explain what constitutes frustration and apply to a given scenario	A contract is brought to an abrupt end by some unforeseeable cause which frustrates the contract for which neither party is responsible.
5. Understand the remedies for breach of contract	5.1 Explain the difference between common law and equitable remedies: damages; rescission; specific performance and injunction and apply to given scenarios	Natural remedy at common law is damages for loss suffered – all other remedies are equitable and at discretion of court

Unit Number:	3	Unit Name:	Law of Tort	
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to understand the rules requiring persons to have a duty of care towards other persons and to compensate others if there has been a breach of that duty of care. It will also provide awareness of which infringements constitute a tort in law and the remedies that are available for such infringements.			
Learning Outcomes		Assessment Criteria		
1. Understand the nature of liability in Tort	1.1 Demonstrate an understanding of fault based liability		Interaction between a wrong and harm compensated - role of fault in tort of negligence	

	1.2 Explain strict liability including the doctrine in Rylands-v-Fletcher	Escape of dangerous thing accumulated for non-natural use of land - relevance of third party activity and proprietor’s knowledge
	1.3 Demonstrate an understanding of the concept of vicarious liability	Relationship of employment, link between tort and relationship; relevance of disobedience.
	1.4 Demonstrate an awareness of the limitation of actions	Limitation period for action in tort of negligence
2. Understand the concept of negligence	2.1 Explain what is meant by the duty and standard of care	Proximity/foreseeability of harm, level of duty of care
	2.2 Explain when contributory negligence may apply	Apply contributory negligence as partial defence to negligence action
	2.3 Demonstrate an understanding of when a duty is breached and the factors to be taken into account and apply to a given scenario	Standard of care, foreseeability of harm and its severity, etc, objective standard.
	2.4 Explain the element of causation	Causality between the loss and tort, remoteness, etc.
3. Understand the tort of nuisance including public nuisance, private nuisance, defences and remedies	3.1 Demonstrate an understanding of the difference between public and private nuisance	Public – affects health, safety, comfort of a class of people – private – interference to individual’s use or enjoyment of land

	3.2 Explain the factors taken into account by the Court in each case	Duration, malice, utility
	3.3 Demonstrate a clear understanding of the defences available	Necessity, statutory authority, act of God
	3.4 Explain the remedies which are available	Abatement, damages, injunction
4. Understand Trespass to Land; including defences and remedies and occupiers' liability	4.1 Demonstrate an understanding of the protection afforded by the Occupiers' Liability Act 1957 and apply to a given scenario	Explain non-applicability of 1957 Act – relates to lawful visitors
	4.2 Demonstrate an understanding of the protection afforded by the Occupiers Liability Act 1984 and apply to a given scenario	Existence and extent of duty under OLA 1984 – relates to persons other than lawful visitors
5. Understand the general defences which may be available in Tort	5.1 Explain what is meant by volenti non-fit injuria	Willing consent to known risk or harm
	5.2 Explain what constitutes a mistake	General irrelevance - specific examples of mistake excusing liability

	5.3 Demonstrate an understanding of Act of God, inevitable accident, statutory authority & novus actus interveniens	When 'Act of God' is applicable, scope of exemption from liability in respect of other defences
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Unit Number:	4	Unit Name:	Criminal Law	
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to understand what constitutes a crime, the different categories of criminal offences, including murder and manslaughter and other lesser offences, the elements that are required to be present in order to convict an individual and the defences that may be available.			
Learning Outcomes		Assessment Criteria		
1. Understand the nature of Criminal Law.	1.1 Explain what constitutes a criminal offence	Definition of a crime including actus reus, mens rea		
	1.2 Demonstrate an understanding of the distinction between crimes and Tort	crime - offence against the state with punishment attached - tort is a civil wrong – offence against another person		
	1.3 Demonstrate an understanding of what is meant by the burden of proof	prosecution bears the burden to prove guilt - proof beyond a reasonable doubt		
2. Describe the classification of offences	2.1 Explain the differences between summary, indictable, hybrid and arrestable offences	summary offences - tried only in the Mag Ct - attracts lower penalties		

		indictable – most serious offences triable only County Court - hybrid offences triable either way in County Ct or Magistrates Ct
3. Analyse the elements of a crime	3.1 Demonstrate an understanding of Actus Reus	the physical part of the crime – can be a positive act or an omission
	3.2 Demonstrate an understanding of Mens Rea including basic intent and specific intent, express intent and implied intent	basic intent – proof of the mental element of a crime via intent or recklessness specific intent – a particular type of intent defined in the elements of the crime which can give rise to a defence of intoxication oblique or implied intent –where a jury can infer intent via the finding of virtual certainty
	3.3 Explain what is meant by Strict Liability	an offence which can proved by way of its actus reus only – no need to prove mens rea
4. Discuss the general defences	4.1 Be able to clearly summarise the general defences available including Automatism, mistake, insanity, duress and intoxication and apply to a given scenario	<u>Automatism</u> - means an act which is done by the muscles without any control by the mind <u>Duress</u> - a threat from another person of serious personal violence against the accused or another person <u>Insanity</u> - on a balance of probabilities defendant must prove that at the time the offence was labouring under such a defect

		<p>of reason, arising from a disease of the mind</p> <p><u>Intoxication</u> - not a defence to a crime as such but where a person is intoxicated through drink or drugs and commits a crime, the level of intoxication may be such as to prevent the defendant forming the necessary mens rea <u>Mistake</u> – if defendant acts under a mistake, it prevents them forming the mens rea of the crime - mistake is not defence as such, -relates to the absence of the elements of establishing liability</p>
<p>5. Understand the various types of homicide and the defences available to homicide</p>	<p>5.1 Explain causation in law and causation in fact</p>	<p><u>Factual causation</u> -starting point and consists of applying the 'but for' test - factual causation on its own will suffice to establish causation – may be necessary to <u>legal causation</u> - the result must be caused by a culpable act - no requirement that the act of the defendant was the only cause just a substantial and operating one - there must be no novus actus interveniens - defendant must take his victim as he finds him (thin skull rule).</p>
	<p>5.2 Demonstrate an understanding of Murder: including its definition, malice aforethought express and implied</p>	<p>Murder is the killing of a human being during the Queen’s peace which carries a mandatory (or fixed) life sentence – malice aforethought – the intention to either kill</p>

		or cause GBH with death resulting
	5.3 Demonstrate an understanding of manslaughter including voluntary manslaughter, involuntary manslaughter and recklessness	Voluntary Manslaughter - the accused has killed with malice aforethought but has done so under circumstances that the law regards as mitigating the offence. Involuntary Manslaughter - an unlawful killing where the accused has some blameworthy mental state (intention) <u>less</u> than an intention to kill or cause grievous bodily harm. Recklessness - pertains to basic intent offence – def must see risk and go on to take it
	5.4 Demonstrate a clear understanding of the various special defences to murder and apply to a given scenario	Diminished responsibility – loss of control – killing in pursuance of a suicide pact
6. Understand other types of crime including theft, robbery, burglary, and fraud	6.1 Demonstrate an understanding of the elements of theft under the Theft Act 1968	Theft - Dishonest Appropriation of Property Belonging to another with the intent to permanently
	6.2 Demonstrate an understanding of the elements of fraud	FRAUD - making false representation dishonestly knowing that the representation was or might be untrue or misleading with intent to make a gain for himself or another, to cause loss to another or to expose another to risk of loss

	<p>6.3 Demonstrate an understanding of the elements of robbery and burglary and the differences between them</p>	<p><u>Robbery</u> - when a person steals and immediately before or at the time of doing so and in order to do so uses force on any person or puts or seeks to put any person in fear of being then and there subject to force</p> <p><u>Burglary</u> - Section 9 of the 1968 Act creates two offences Section 9(1)(a) requires proof that the entry took place with the intention of:</p> <p>Stealing inflicting GBH; or committing unlawful damage. Section 9(1)(b) requires proof that after the entry took place the defendant:</p> <p>stole or attempted to steal or inflicted grievous bodily harm upon a person or attempted to do so.</p> <p><u>Difference</u> – burglary requires proof of trespass and will not necessarily entail violence whereas robbery always involves violence or the threat of it</p>

Unit Number:	5	Unit Name:	Wills, Probate and Family Provision	
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to be able to Be aware of what happens to a person’s possessions and effects on their death; be aware of those in whom such possessions and effects will vest upon such death; and understand who is entitled to such possessions and effects upon such death.			
Learning Outcomes		Assessment Criteria		
1. Understand the concept of wills; including the formalities required, capacity and how to make additions or alterations	1.1	Demonstrate an understanding of the nature of a Will	Definition of a Will – declaration of person’s intention of how his/her estate will be distributed after death	
	1.2	Demonstrate an understanding of testamentary capacity	‘Free and full intention of making a Will’ – test in Banks v Goodfellow (1870)	
	1.3	Demonstrate an understanding of the formalities for making a valid Will including attestation and apply to a given scenario	Compliance with formalities under S.9 Wills Act 1837 as amended by s.17 Administration of Justice Act (1982)	
	1.4	Demonstrate an understanding of how to make valid additions and alterations and apply to a given scenario	Alterations must be compliant with S.9 Wills Act 1837. Additions can be made to Will or made by codicil – must be attested in same way	
	1.5	Demonstrate an understanding of when informal wills will be valid	Circumstances when informal Wills are acceptable without formalities eg soldiers etc	

	1.6 Explain the methods in which a Will can be revoked and apply to a given scenario	Apply revocation rules to scenario e.g. express or implied
2. Understand the nature of legacies and devises	2.1 Demonstrate an understanding of legacies, devises, bequests and gifts and apply to a given scenario	How to identify a gift as legacy, devise or bequest and the difference between them
	2.2 Demonstrate an understanding of lapsing, abatement and ademption of gifts and apply to a given scenario	Understand when a legacy, devise or bequest may fail and the difference between, a lapsed, adeemed or abated gift
3. Understand the rules of Intestacy	3.1 Demonstrate an understanding of rules of intestate succession and apply to a given scenario	Appropriately apply rules of intestacy and identify administrators/beneficiaries.
4. Understand the basis of family provision	4.1 Demonstrate an understanding of the class of claimants and factors taken into account by the Court under the Inheritance (Provision for Family and Dependents) Act 1975	Understand the category of claimants that may make a claim on an estate under the Act and the circumstances in which they can do so and what provision may be made if any
5. Understand the grants of representation and when they apply	5.1 Demonstrate an understanding of when to apply for a Grant of Probate	Circumstances when to apply for a Grant of Probate e.g. valid Will with valid executor
	5.2 Demonstrate an understanding when a Grant of Letters of Administration will apply	Circumstances when Administration is appropriate e.g. no Will

	5.3 Explain the powers and duties of personal representatives	Executors/administrators – powers and duties in gathering assets and distributing to beneficiaries
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Unit Number:	6	Unit Name:	Civil Litigation	
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to be able to understand the general jurisdiction of the County Court and the High Court and be able to explain how to progress an action for a claim for a specified amount from inception to enforcement of Judgment in the High Court, County Court and the Small Claims Court.			
Learning Outcomes		Assessment Criteria		
1. Understand the Civil Court structure and the preliminary considerations that should be made before commencing an action		1.1 Demonstrate an understanding of the overriding objective of the Civil Procedure Rules 1998		Rule 1.1 and 1.2(2) of the CPR - 'enabling the court to deal with cases justly'
		1.2 Explain the various private and public funding arrangements available		Fee-paying client or publicly funded. CFA, DBA, LEI
		1.3 Demonstrate an understanding of the pre-action protocols		Best practice guidelines and their purpose
		1.4 Demonstrate an understanding benefits of Alternative Dispute Resolution		Routes to resolving disputes out of court. Mediation, conciliation, and arbitration

2. Know how to commence proceedings and be aware of the various routes the case may take throughout the process	2.1 Demonstrate an understanding of how to commence a Part 7 Claim	Claim form plus particulars of claim and fee sent to CCMCC
	2.2 Explain how to start proceedings including the contents of a N1 and Particulars of Claim form	Started by completing N1 Claim form in triplicate containing all details of parties and solicitors, if any, and value of claim with further details in particulars of claim, statement of truth and any fixed costs
	2.3 Demonstrate an understanding of the options available to a defendant as per the response pack including time limits and procedures	Acknowledge service, admit claim, or partially admit, offer to pay by instalments, defence and counterclaim
	2.4 Demonstrate an understanding of the difference between a default judgment and a summary judgment	Explanation of default judgment and summary judgment, timescales, procedure, and possible orders
	2.5 Demonstrate an understanding of the allocation procedure	Allocation questionnaire – form – time limits – standard directions
	2.6 Explain the differences between the three court tracks	Small claims – fast track – multi track. Each has a different
3. Have an understanding of how to prepare for Trial	3.1 Demonstrate an understanding of Disclosure and discuss the various exemptions	Exchange of documents between parties that will rely on to prove their case. Exemptions: privileged communications between client and solicitor and those that are no longer in possession

	3.2 Demonstrate an understanding of the concept of part 36 payments into Court	CPR 36 or 'Part 36' payment into court - offer of settlement made before or after proceedings commenced. It may carry cost consequences if not accepted dependent on outcome of case.
	3.3 Demonstrate an awareness of possible directions and case management tools	Directions: orders of the court that must be complied with – with time stipulations - case management tools used in multi-track cases include standard and non-standard directions, conferences, and PTRs
4. Understand the procedure before, during and after the trial including the remedies available and the right to appeal	4.1 Explain the pre-trial review and how to prepare Trial Bundles	Pre-trial review is usually one month prior to full hearing to ascertain whether all parties are on time – case summaries and skeleton arguments must be sent to court prior to PTR
	4.2 Demonstrate an awareness of trial procedure and provide an example of how you would explain this to a client in a given scenario	From opening speeches to examination, cross-examination and re-examination of parties' witnesses and closing speeches
	4.3 Demonstrate a clear understanding of the various remedies available and the rights of appeal	Common law and equitable remedies. Rights of appeal depends on type of judge presiding in first instance hearing
5. Know how costs are dealt with	4.1 Demonstrate an understanding of how costs are dealt with following the trial	Inter-partes costs - solicitor and own client costs etc

6. Know the various enforcement options available post trial	5.1 Be able to provide an analysis of the various orders available for enforcement and apply to a given scenario	Enforcement of judgments: warrant of execution, charging order, third part debt order, attachment of earnings, bankruptcy etc:
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Unit Number: 7	Unit Name: Criminal Practice	
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to be able to understand the role of the courts and the prosecution in respect of an alleged breach of the criminal law; be aware of the process of a summary trial and a trial on Indictment; understand the role and the powers of the Police, Magistrates and the jury in criminal proceedings; and understand sentencing alternatives and the philosophies behind them.	
Learning Outcomes	Assessment Criteria	
1. Understand the three principle methods of commencing a prosecution	1.1 Demonstrate an understanding of the circumstances where arrest can be made without warrant and charge	All offences are arrestable if there is reasonable suspicion of committing or having committed an offence
	1.2 Demonstrate an understanding of the laying of an information and issuing of a summons	Information is laid before magistrates or clerk alleging offence committed – magistrates issue summons requiring accused to attend to answer allegation
	1.3 Demonstrate an understanding of the issuing of a written charge and requisition	Principal method of commencing a prosecution- issuing written charge and requisition under SS29—30 Criminal Justice Act 2003 - empowers public prosecutor to

		issue written charge to person being prosecuted to attend court and answer charge
2. Understand what occurs after arrest	2.1 Demonstrate an understanding of the Police powers of search	Codes of practice under PACE 1984 - police powers to search accused and premises
	2.2 Demonstrate an understanding of what rights the Police have in respect of interrogation of a suspect	s.56-58 PACE – treatment of suspects during detention and interrogation
	2.3 Explain the 4 check number identification procedures under Code D of the Police and Criminal Evidence Act (PACE) 1984	S.66 PACE
	2.4 Explain the rights relating to fingerprinting	Must have consent unless certain circumstances present – S.61 PACE
	2.5 Demonstrate an understanding of Police Bail at the police station	Police Bail under ss.37-38 and ss 41-44 of PACE
3. Understand who can prosecute in a criminal case	3.1 Demonstrate a clear understanding of The Crown Prosecution Service (CPS) and how the decision is made to prosecute	Crown Prosecution Service (CPS) – independent body – makes charging decisions (except minor offences) using tests from Code for Crown Prosecutors
	3.2 Demonstrate an understanding of the powers of the CPS to charge by virtue of The Criminal Justice Act 2003 (aka 'statutory charging')	Statutory charging is where CPS determine whether a person is to be charged in all indictable only, either way, or summary offences, subject to certain exceptions

	3.3 Demonstrate an awareness of other prosecutors	Local authorities, HMRC, Health & Safety, Post Office, RSPCA.
4. Public funding in Criminal Proceedings	4.1 Explain the levels of funding available in a criminal case	Magistrates – public funding scheme – means tested - interests of justice test
5. Understand the process at the proceedings stage of a case	5.1 Demonstrate an understanding of the Magistrates’ Court process	From opening speeches to decision of court – stages 1-10
	5.2 Demonstrate an understanding of the trial on indictment	From empanelling jury to judge’s summary and jury’s decision - stages 1-10
6. Understand what happens at the end of the Court Proceedings	6.1 Demonstrate an understanding of the sentencing options on conviction	In magistrates court options 1-6 - in Crown Court options 1-7
	6.2 Demonstrate an awareness of right to Appeal from the Magistrates’ Court and the Crown Court	From Magistrates court to Crown court on conviction/sentence or dispute on facts – can appeal by way of case stated on point of law to Administrative Court of QBD of High Court

Unit Number:	8	Unit Name:	Matrimonial and Civil Partnership Disputes	
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to be able to understand what constitutes a valid marriage and a civil partnership, understand the role of the Courts in matrimonial and civil partnership disputes; be able to explain the grounds upon which a marriage and civil partnership can be dissolved; and be able			

	to explain how to process an undefended divorce and civil partnership from inception through to Decree Absolute.	
Learning Outcomes	Assessment Criteria	
1. Understand what constitutes valid, void and voidable marriages and civil partnerships	1.1 Explain the meaning of marriage and civil partnership	Definition of the meaning of marriage and civil partnership
	1.2 Demonstrate an understanding of when a marriage may be deemed void	Six criteria making marriage void ab initio
	1.3 Explain the circumstances when a marriage may be annulled and what makes it voidable	Annulment if marriage invalid or defective. Voidable for one of six reasons
	1.4 Explain the requirements for a valid civil partnership	Must have capacity and have gone through required formalities
	1.5 Explain the circumstances when a civil partnership can be annulled and what makes it voidable	Annulled/voidable if no capacity or formalities not followed – five reasons
2. Understand the divorce process	2.1 Explain the grounds for divorce and provide an analysis of the facts that can be relied upon using cited cases for illustration and apply to a given scenario	S.1(2) Matrimonial Causes Act 1973 – only one ground for divorce – must prove 1 of 5 facts
	2.2 Demonstrate a clear understanding of how divorce proceedings will commence and apply to a given scenario	Petition – marriage certificate – reconciliation certificate – fee all filed at Divorce County Court - If children

		involved then must send a statement of arrangements for children
	2.3 Demonstrate an understanding of the procedure for making various applications in matrimonial and civil partnership proceedings	Papers lodged at court – served on respondent – acknowledgment must be filed by respondent
3. Understand the protection available against domestic violence and the procedure for obtaining the same	3.1 Demonstrate an understanding of the procedure available in the Magistrates' Court for the protection against domestic violence	Magistrates Court has power to make an order for the personal protection of spouse where he/she subject to violence – can make order requiring violent partner to leave the home - grant an Injunction prohibiting the partner from returning within a certain radius of the home
	3.2 Demonstrate an understanding of the concept of a Non-Molestation Order and an Occupation Order	Non-molestation order to stop partner harassing or assaulting – occupation order to make partner leave or keep out of home
4. Demonstrate an understanding of the financial remedies available and the procedure for obtaining them	4.1 Explain when an application for financial remedies can be made	After decree nisi - financial Remedies and Orders Relating to Children - defined as orders which court may make which are ancillary to the main relief sought by the petition and which are of a financial or property_nature
	4.2 Demonstrate an understanding of when to start proceedings for financial remedies	Could be in the petition or after decree nisi

	4.3 Explain the procedure from filing the application to conclusion including the First Appointment, Financial Dispute Resolution (FDR) appointment and the hearing.	Application made Form 'A' – first appointment fixed 12-16 weeks ahead – at hearing district judge gives directions referring application to FDR
	4.4 Be able to clearly summarise the various orders available	Periodical payments - Lump sum orders – property adjustments orders

Unit Number:	9	Unit Name:	Conveyancing	
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to enable them to understand the different ways in which the legal estate in land can be held and explain the legal procedure by which a legal estate is transferred from one person to another and the safeguards that are incorporated into such a transaction			
Learning Outcomes		Assessment Criteria		
1. Understand what information to obtain when taking instructions and why it is required		1.1 Explain what should be included in a Client care letter and apply this to a given scenario	Responsibilities of both parties – complaints procedure- money laundering information – data protection - costs	
		1.2 Demonstrate an understanding of what is meant by the Law Society Conveyancing Protocol	Sets out the general obligations of the buyers and sellers and the preferred practice.	

2. Understand how to draft the Contract of sale	2.1 Demonstrate an understanding of the format and content of official copy entries	Format and content of office copy entries from HM Land Registry
	2.2 Be able to clearly summarise the different grades of Title	Possessory – good leasehold – title absolute
	2.3 Demonstrate an understanding of estates and interests in land	Estates and interests in land can be legal or equitable – difference between the two
	2.4 Understand the conditions and format of the Contract for Sale	Format of a contract and general conditions of sale
3. Understand how to obtain searches and the concept of enquiries on title	3.1 Demonstrate a clear understanding of the various types of Searches and the contents of these	Pre-contract searches – general and more specific dependent on location of property – reasons for such
	3.2 Demonstrate an understanding of the types of enquiries on title that may need to be raised	Pre-contract enquiries and post exchange – requisitions on title deal with any outstanding title issues and procedural matters
4. Understand the process which should be followed when the transaction involves a mortgage	4.1 Demonstrate an understanding of the process involved when acting for a purchaser and a lender	Processes and stages involved in acting for a buyer and lender at the same time
	4.2 Explain the procedure involved in redeeming a mortgage on a sale of a property	Request mortgage redemption statement from lender – pay lender – form DS1 or END

	4.3 Demonstrate an understanding of the effect of the mortgage deed	Content of mortgage deed and requirements on borrower to comply – remedies available to lender if non-compliant
5. Understand the different options available for Co-Ownership	5.1 Explain the differences between Joint Tenants and Tenants in Common	Joint tenants – own as one - rights of survivorship. Tenants in common ownership in shares
6. Understand the different processes involved in unregistered property transactions and leasehold property transactions.	6.1 Demonstrate an understanding of an unregistered property transaction	Registered means title evidenced by being on HM Land Registry – unregistered – title proved by title deeds going back at least 15 years
	6.2 Demonstrate an understanding of a leasehold property transaction	Licence to assign – deed of assignment or grant of new lease
7. Understand the meaning of exchange of contracts and the procedures to be followed	7.1 Explain the Law Society Formulas for exchange of contracts	Law Society formula A, B or C
	7.2 Demonstrate a clear understanding of how to exchange contracts	Physical exchange or through post or on phone if chain of transactions
8. Understand what Pre-Completion procedures should be put into place following exchange	8.1 Provide an analysis of the appropriate pre-completion searches depending upon the type of transaction and apply to a given scenario	Registered land pre-completion searches – unregistered land pre-completion searches
9. Understand what is involved in the completion process	9.1 Demonstrate an understanding of the completion process	Completion statement given to both parties – each solicitor sends a cash account to

		their clients - the seller moves out and buyer pays final balance and moves in
	9.2 Demonstrate an understanding of what the process will be if completion is delayed	Compensation payable for delayed completion – usually referred to in the contract
10. Have an understanding of the Post Completion procedures relating to mortgages, Stamp Duty Land Tax (SDLT) and registration	10.1 Explain how to discharge the mortgage and the various methods accepted by the Land Registry	As soon as possible after completion mortgage is discharged out of proceeds of sale – vacating receipt – form DS1 – END1
	10.2 Explain the application for registration for both a registered and unregistered title	Must be registered at HM Land registry for title to pass by sending transfer/conveyance and proof of mortgage discharge and new mortgage
	10.3 Demonstrate an understanding of the procedure for submitting the appropriate SDLT form and the time limits applicable	Complete SDLT form and send to HMRC with payment – receipt by way of certificate of payment

Unit Number:	10	Unit Name:	Succession	
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to be able to explain the procedure for winding up the Estate of a person who leaves a Will and be able to explain the procedure for winding up the Estate of a person who dies without leaving a will.			

Learning Outcomes	Assessment Criteria	
<p>1. Understand the formalities for making a Will</p>	<p>1.1 Explain the formalities for making a will</p>	<p>S.9 Wills Act 1837 as amended by S.12 Administration of Justice Act 1982</p>
	<p>1.2 Demonstrate an understanding of what constitutes capacity and intention under sections 9 and 15 of The Wills Act 1837</p>	<p>S.9 – No Will is valid unless in writing - signed by t/or or at his/her direction – 2 independent witness present: S.15 no gift is valid to a witness or spouse of witness</p>
	<p>1.3 Demonstrate an understanding of the methods of altering a Will</p>	<p>Alterations must be initialled by t/or and witnessed: Will can be added to at the end provided it is signed and witnessed in the same way - could add codicil</p>
	<p>1.4 Explain when Informal Wills will be valid under section 11 of Wills Act 1837</p>	<p>Relates to privileged/informal Wills of armed services personnel – formalities dispensed with</p>
<p>2. Understand the nature of gifts in a will including devises and legacies and when these may fail</p>	<p>2.1 Explain the various devises and legacies which can be made and apply these to a given scenario</p>	<p>Legacies: specific, general, demonstrative. Devise: specific or residuary</p>
	<p>2.2 Demonstrate an understanding of when a gift may fail</p>	<p>Gifts may lapse, abate or adeem - ambiguous</p>
<p>3. Understand how a Will may be revoked</p>	<p>3.1 Demonstrate an understanding of how revocation can be implied or expressed and the various methods of revocation</p>	<p>Express – usually by a clause in a new Will: Implied – new Will/codicil, marriage or re-marriage, destruction, divorce.</p>

	3.2 Demonstrate an understanding of how a Will may be revoked or rectified	Revoked as above - rectified if t/or's intention not adequately expressed due to clerical error or misunderstanding of intention
4. Understand the rules of intestacy where a deceased died without a valid Will	4.1 Explain the current Intestacy rules and apply to a given scenario	Application of intestacy rules under s.46 AEA 1925 to given scenario
	4.2 Demonstrate an understanding of what happens on a partial intestacy	Will exists but doesn't dispose of all deceased's estate – the part that is not disposed falls into intestacy and distributed according to intestacy rules
5. Understand the Procedure in administering an estate	5.1 Demonstrate a clear understanding of the different types of Grants of Representation	Grant of Probate - Grant of Letters of Administration - Grant of Letters of Administration with the Will annexed
	5.2 Demonstrate an understanding of when a Grant of Probate is applicable	Existence of a valid Will with Executor appointed who will take on the role
	5.3 Demonstrate an understanding of when Letters of Administration will apply	When there is no valid Will in existence
6. Understand when Inheritance Tax is payable and the procedures for submitting the appropriate tax forms	6.1 Demonstrate an understanding of Inheritance Tax Forms IHT205 and IHT400 and when these are applicable	IHT205 – range of applicability IHT400 – range of applicability
	6.2 Demonstrate an understanding of the procedure to be followed for submitting the tax forms	Completed form and tax, if any, sent directly to HMRC

<p>7. Have an understanding of the circumstances when probate can become contentious</p>	<p>7.1 Explain the use of caveats and apply to a given scenario</p>	<p>Used to prevent a Grant without notification to caveator – apply to scenario</p>
	<p>7.2 Demonstrate an understanding of the circumstances where a claim can be made against the estate under Inheritance (Provision for Family and Dependents) Act 1975</p>	<p>Claim can be made by any person in the statutory list under Inheritance (Provision for Family and Dependents) Act 1975</p>