

Higher National Unit specification

General information for centres

Unit title: Scottish Legal System

Unit code: F1A7 34

Unit purpose: This Unit is designed to provide students with an understanding of the institutions, individuals and the procedures involved in the Scottish Legal System. It is intended for candidates studying law; however it will allow candidates from other disciplines to understand the Scottish legal system.

On completion of the Unit the candidate should be able to:

- 1 Explain the main sources of Scots Law.
- 2 Explain the roles of legal practitioners in Scotland.
- 3 Explain the system of public prosecution in Scotland.
- 4 Apply the composition, jurisdiction and powers of the civil and criminal courts in Scotland.

Credit points and level: 1 HN credit at SCQF level 7: (8 SCQF credit points at SCQF level 7*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Access to this Unit is at the discretion of the centre. However, candidates would normally be expected to have competence in Communication at SCQF level 6. Although no prior knowledge is assumed, prior achievement of D32B 12 *Scottish Legal Framework* would be advantageous.

Core Skills: There are opportunities to develop the Core Skills of Communication and Information Technology at SCQF level 6 in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

Context for delivery: If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

Assessment: This Unit may be assessed with 3 assessment events. One assessment event may cover Outcome 1 and 2. This assessment may consist of 6 structured questions under supervised conditions. Candidates may be permitted to bring 2 sides of A4 notes to the assessment event. Outcome 3 will be assessed by an investigation that requires candidates to assemble a portfolio of evidence. Candidate's portfolios of evidence may be presented in the form of a report or presentation. Outcome 4 may be assessed using a case study or mini case studies. The questions set will ask candidates to apply their knowledge of the legal system. Candidates may bring one side of A4 notes to the assessment event.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, Knowledge and/or Skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Explain the main sources of Scots Law

Knowledge and/or Skills

- ◆ Statute Law
- ◆ Delegated legislation
- ◆ Common Law
- ◆ Judicial precedent
- ◆ European Union law

Evidence Requirements

Evidence for the knowledge and/or skills in this Outcome will be generated through sampling. Candidates will need to provide evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ Explain the role of the Westminster Parliament and the Scottish Parliament in the making of law in Scotland.
- ◆ Explain two forms of delegated legislation as sources of Scots law.
- ◆ Explain the impact of common law as a source of law.
- ◆ Explain judicial precedent.
- ◆ Explain the impact of regulations and directive as sources of Scots law.

The sample select should be three of the knowledge and/or skills items above. To ensure that candidates will not be able to foresee which items they will be questioned about, a different sample of three of the five knowledge and/or skills items is required each time the Outcome is assessed. Candidates must provide a satisfactory response to all three items.

The assessment should be conducted under supervised conditions.

Higher National Unit specification: statement of standards (cont)

Unit title: Scottish Legal System

Assessment Guidelines

Outcome 1 and 2 may be completed as one assessment event, see Outcome 2 for details.

Outcome 2

Explain the roles of legal practitioners in Scotland

Knowledge and/or Skills

- ◆ Qualification requirements for legal practitioners
- ◆ Roles of legal practitioners
- ◆ Regulation of legal practitioners

Evidence Requirements

Sampling will take place within the knowledge and/or skills items listed above. Candidates will need to provide evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ Explain the qualifications required to practice as a solicitor **or** as an advocate.
- ◆ Explain the roles of legal practitioners. Candidates will be asked to explain the role of one of the following — solicitors, solicitor-advocates or advocates.
- ◆ Explain the role of the Law Society for Scotland and/**or** the Faculty of Advocates in the regulation of the legal profession.

To ensure that candidates will not be able to foresee which items they will be questioned about, a different sample is required each time the Outcome is assessed.

The assessment should be conducted under supervised conditions.

Assessment Guidelines

The assessment for Outcomes 1 and 2 could consist of structured questions devised in such a way as to provide the student with an opportunity to demonstrate their understanding of the items listed in the knowledge and/or skills section. The structured questions may consist of six questions — three focussing on Outcome 1 and three on Outcome 2. Assessment must be carried out under supervised conditions. However, candidates may bring with them to the assessment event two sides of A4 notes. These notes should be gathered in with their responses to the assessment.

Higher National Unit specification: statement of standards (cont)

Unit title: Scottish Legal System

Outcome 3

Explain the system of public prosecution in Scotland

Knowledge and/or Skills

- ◆ How crimes are investigated:
 - Role of the police
 - Role of the procurator fiscal
 - Role of the Lord Advocate
 - Role of the Crown Office

Evidence Requirements

Candidates will need to provide evidence to demonstrate their knowledge and/or skills by showing that they can:

- Explain the role of the police in the investigation of crime.
- Explain the role of the procurator fiscal in the prosecution of crime.
- Explain the role of the Lord Advocate and the Crown Office in the public prosecution system.

Assessment Guidelines

This Outcome may be assessed by a candidate investigating the public prosecution system. A set of structured questions may provide the stimulus to start a candidate's investigation which may be collated in a portfolio of evidence. The candidate's portfolio of evidence may be presented in the form of a report or presentation. A report may require a response of approximately 1,000 words. Where a presentation is used it should be a minimum of 10 minutes length and a suitable checklist should be developed to record a candidate's presentation of evidence.

Higher National Unit specification: statement of standards (cont)

Unit title: Scottish Legal System

Outcome 4

Apply the composition, jurisdiction and powers of the civil and criminal courts in Scotland

Knowledge and/or Skills

- ◆ Role of the civil courts
- ◆ Role of the criminal courts
- ◆ Composition and jurisdiction of civil courts
- ◆ Composition and jurisdiction of criminal courts
- ◆ System of appeals in the civil and criminal courts

Evidence Requirements

Evidence in this Outcome will be generated by sampling. Candidates will need to provide evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ Apply the role of a court system.
- ◆ Explain the composition and jurisdiction of a court system.
- ◆ Apply the system of appeal in a court system.

In generating evidence for the 3 Evidence Requirements, above, candidates should focus on the role, composition, jurisdiction and appeal system of civil **or** criminal courts.

To ensure that candidates will not be able to foresee which items they will be questioned about, a different sample is required each time the Outcome is assessed.

The assessment should be conducted under supervised conditions.

Assessment Guidelines

This Outcome may be assessed as a separate assessment event using a case study or mini case studies. The questions set may ask the candidate to apply their knowledge of the legal system to the case study or mini case studies. The assessment must be conducted under supervised conditions; however candidates may bring one side of A4 notes to the assessment event. The candidate's notes may be gathered in with their response to the case study or mini case studies.

The assessment event may last for 1 hour.

Administrative Information

Unit code: F1A7 34
Unit title: Scottish Legal System
Superclass category: EC
Original date of publication: March 2007
Version: 01

History of changes:

Version	Description of change	Date

Source: SQA

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Higher National Unit specification: support notes

Unit title: Scottish Legal System

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

The purpose of the Unit is to provide candidates with knowledge of the legal system in Scotland. The Unit will be of benefit not only to law students, but also to students studying other subjects such as accounting, business studies and media.

To the ordinary person in the street, concepts such as the common law and statute law might be confusing; the differences between the civil and criminal courts are likely to be unknown; and the varying roles carried out by members of the legal profession are likely to be just as baffling.

By successfully completing this Unit all this should become clear, providing the student with either a 'stand alone' insight into the workings of the Scottish Legal System, or a basis for learning other legal Units.

Guidance on the delivery and assessment of this Unit

Delivery of this Unit would be greatly enhanced if students could be made aware of the relevance of studying law eg most newspapers and news programmes will inevitably make reference to the work of our Parliament, our courts, and of the personnel of the law, and so an understanding as to how the legal system works will help students make more sense of current affairs.

Where possible, use could also be made of copies of Acts of Parliament, byelaws and statutory instruments. Outcome 4 would be enhanced by a visit to the local courts and Outcome 2 by a talk from a local solicitor.

In the teaching and learning associated with this Unit every opportunity should be taken to enhance research skills which are important in the study of law. This could be achieved by giving students details not only of appropriate text books but also of relevant website addresses, such as the Scottish Courts Administration (Outcome 4) the Crown Office (Outcome 3) the Law Society of Scotland and the Faculty of Advocates (Outcome 2) and the Office of Public Sector Information (Outcome 1).

By such means students will be encouraged to work independent of the classroom environment. This should be to their benefit when preparing for and completing assessments, all of which it will be noted are under controlled open-book conditions. Looking further ahead, this 'independence of study' would be beneficial to all those students who aspire to go on to University to study a law degree.

Opportunities for developing Core Skills

The Unit will develop skills in accessing and evaluating complex information and ideas as candidates analyse and apply knowledge from specialist sources, including text books, journals, Internet sites, and specialist legal databases.. Checklists to support analytical evaluation of information might include criteria to check on the currency, authority and accuracy of all information accessed.

Higher National Unit specification: support notes (cont)

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Candidates will be familiar with effective and responsible use of ICT equipment and should be supported in the development of efficient systems for collating, coding and storing notes for ease of reference. Candidates should be advised on the need to present accurate written responses which are coherent, concise and use correct terminology.

Open learning

This Unit could be delivered by distance learning, however it would require a considerable degree of planning by the centre to ensure the sufficiency and authenticity of candidate evidence. Arrangements would have to be made to ensure that:

- ◆ The assessments for Outcomes 1, 2, and 4 are delivered in a supervised environment

For further information and advice, please see Assessment and Quality Assurance for Open and Distance Learning (SQA, February 2001 – Publication code A1030).

Candidates with disabilities and/or additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering alternative Outcomes for Units. Further advice can be found in the SQA document *Guidance on Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs* (www.sqa.org.uk).

General information for candidates

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The purpose of this Unit is to provide you with an understanding of the institutions, individuals and the procedures involved in the Scottish Legal System. It is intended for assist you in your study of law; however it may also allow you to understand the Scottish Legal System if you are from another subject discipline.

This Unit will focus on:

In **Outcome 1**, you will find out how much of our law is found in the common law; you will look at Acts of Parliament and why our Parliaments delegate a lot of their legislative power; how the courts make law; and the way by which our membership of the European Union affect the contract of our law.

In **Outcome 2** you will look at how legal practitioners in Scotland are split into solicitors and advocates. You will discover that there are far more solicitors than advocates and that the role of each branch of the profession varies – for instance, solicitors have far more day to day contact with clients than advocates and their work tends to be much more diverse. You will also discover how someone becomes an advocate or a solicitor, and how both are regulated by their different professional bodies.

In **Outcome 3**, you will look at the roles played by particular officials in the prosecution of crime in Scotland, specifically the roles of the police, the procurator fiscal, and the Lord Advocate.

In **Outcome 4** you will look at the Court system in Scotland including who presides over each court, what kind of case is dealt with in each court, and in the case of the criminal courts, the powers of punishment which can be imposed by the court where an accused person is found guilty?

You may be assessed on 3 assessment occasions. One assessment event covering Outcome 1 and 2 that may consist of 6 structured questions under supervised conditions. You may be permitted to bring 2 sides of A4 notes to the assessment event. Outcome 3 will be assessed by an investigation that asks you to assemble a portfolio of evidence. This Outcome will involve you using relevant resources such as newspapers, web pages and law books to look at the role of officials in the prosecution of crime. Your portfolio of evidence may be presented in the form of a report or presentation. A report may require a response of approximately 1,000 words and if a presentation is used it may be a minimum of 10 minutes length. Outcome 4 may be assessed using a case study or mini case studies. The questions set will ask you to apply your knowledge of the legal system. You may bring one side of A4 notes to the assessment event. This assessment event may last for 1 hour.