

**UNIVERSITY OF GLAMORGAN
LAW SCHOOL**

ASSESSED COURSEWORK

ACADEMIC YEAR: **2006-2007**

SCHEME: LLB

MODULE TITLE: Introduction to Constitutional and
Administrative Law

MODULE CODE: LI2S09

LEVEL: 2

PLEASE READ CAREFULLY:

Submission deadline and penalty for late submission

You are required to hand in **2 copies** of your work (and an electronic copy if your work is to be subjected to the JISC Plagiarism detection test) to the Law School Receptionist **by NO LATER THAN 5.30 p.m. on 12th December 2006**. (Please be considerate in doing this: the Receptionist has to take a lunch break). You should attach to the top copy of your work a *completed Anonymous Coursework Cover Form* (that form must be **signed, dated and timed** by the Law School Receptionist).

Late submission – meaning submission at any time after 5.30 p.m. on the due date - will attract a mark of zero, unless you have been granted an amended coursework submission deadline via the mitigating circumstances procedure; or mitigating circumstances are subsequently submitted and accepted. This procedure **MUST** be adhered to: your tutor is **NOT** authorised to grant any extension.

- This coursework contributes 40% of the total marks available for this module. **Page 3** contains the criteria by which this work will be assessed and the key skills being assessed. **Pages 4-7** contain the question(s) and special instructions.
- **Format of your work**: if you type your work, please use Arial font, pitch size 12 and spacing of 1.5. Please note: if your work is to be subjected to the JISC Plagiarism detection test, then your work **MUST** be word processed.
- One copy of your work will be returned to you with your provisional grade and the tutor's comments added; the second copy is for the External Examiner.
- **Word limit**: you must complete the assignment in a *maximum* of 2400 **words**. Footnotes and bibliography are not included in the word count. Please do not abuse footnotes: they are not to be used for 'hiding' text that should be in the main body of your work. You should state the word-count on your work – please note that checks will be carried out.
- **Penalties for excessive word-counts**: please note that the word-limit specified for this coursework is a maximum. You **will** be penalised by 5 marks for every 250 words exceeding the maximum limit.
- This coursework is to be completed **individually/by groupwork** [staff: delete accordingly].

Please bear in mind the following criteria by which your work will be assessed. Those criteria applicable to this coursework are ticked.

Assessment criterion	Applicable to this CW (✓)
STRUCTURE Discussion relevant to topic Depth of coverage relevant to topic	✓
ARGUMENT Accuracy of presentation of law Accuracy of presentation of evidence Application of law to facts Development of argument Critical analysis Critical evaluation Relationship of conclusion to argument	✓
ORIGINALITY Originality and creativity of thought	
STYLE Fluency of writing Ability to write	
PRESENTATION Legibility	✓
MECHANICS Grammar Spelling	✓
SOURCES Range of sources used <i>NB You must make proper use of foot/endnotes and compile a clear bibliography</i>	✓

Key skills being assessed in this assessment	(where applicable)
Managing and Developing Self	✓
Working with and relating to others	
Communication and Literacy	✓
Managing tasks and solving problems	✓
Numeracy	
Computing and IT Skills	

Plagiarism Warning

Plagiarism is a form of deception. You must not engage in plagiarism when completing your coursework. It is deliberately or carelessly passing off another's written or oral work as yours. **If you engage in it, or allow others to copy your work, your work (and theirs) will attract a mark of zero pending investigation. If the allegation of plagiarism is subsequently confirmed under the University's procedures for dealing with unfair practices in assessments, it will go on your record and will be disclosed to those specifically requesting such information to be given in references for students (note that both the Law Society and the Bar Council specifically request such information).**

Plagiarism includes copying the words (spoken or written), ideas or research results of another without acknowledging this person or organisation as the source.

Acknowledging (crediting) a source requires an entry in your bibliography. It also requires proper annotation (use of a footnote) giving the author, title of the work (book, article or other item), title of journal (if applicable), date and page number(s) at which the reader can find what you're referring to. If you use the exact words (spoken or written), you must use quotation marks. **Please note this applies to both electronic and paper sources.** Please be aware, when citing online sources, that citing the web address alone is insufficient: cite the name of the site, the name of the item to which you're referring (if available) and the author (if available).

Please refer to the current edition of your student handbook for further guidance.

**The Assignment Question starts on the
next page.**

**CANDIDATES SHOULD ANSWER
EITHER PART A
OR PART B**

But not both

PART A

Detective Constables Richard and Judy are engaged in investigating a burglary at Spreadsheets, a firm of accountants. Amongst other things, a large number of accountancy text books were stolen. A member of staff at Spreadsheets suggests that Agatha, a former secretary/employee who left under a cloud of suspicion several months earlier might be involved. Agatha now works for Ledger Accountants as a secretary. Richard and Judy question Agatha at the offices of Ledger Accountants, search the offices and investigate the contents of Agatha's handbag.

Having been told that she will only be kept a few minutes, Agatha agrees to accompany Richard and Judy to the police station. On the way to the police station, Richard, Judy and Agatha drive past the house where Agatha lives with her boyfriend Chris. Agatha asks if she can pick up some belongings from the house. Richard and Judy agree and then accompany Agatha to the house where they see a shelf full of accountancy text books which they conclude have been stolen from Spreadsheets. Agatha explains to them that the books belong to her boyfriend Chris who is an accountancy student. Richard and Judy do not believe her and take the books to the police station, where Agatha is held for questioning for forty eight hours.

Whilst Agatha is being held in custody, Richard and Judy return to, and park a short way from, Agatha's house and wait for Chris to return to the house. As Chris approaches the house they note that he is carrying a plastic bag which appears to contain books. They decide to question him and intercept him at the front door of the house. They inform him that they suspect that he might be in possession of stolen goods and search the bag which they then discover contains accountancy text books. They also search the pockets of his jacket, discovering a small packet of cannabis. Richard and Judy inform him that he has to accompany them to the police station and seize both the cannabis and the bag of text books. They then take Chris to the police station where he is subsequently charged with possession of a class C drug. Agatha is eventually released without charge.

With reference to the Police and Criminal Evidence Act 1984 (as amended) advise Agatha and Chris as to the legality of action taken by Richard and Judy.

Your answers should be fully supported by relevant case law.

PART B

Pursuant to the Health Act 2006, the Welsh Assembly introduces legislation to prohibit “**smoking in all enclosed places to which the public have access**” anywhere in Wales. The offence carries a £2,500 fixed penalty fine.

Two friends, Bev and Kev are incensed by the scope of the prohibition. They decide to form “**The Smoking Alliance Cymry**” (SAC). Kev set up a web site for SAC. Three days before the ban was due to come into force, Bev and Kev decided to stage a protest march through Cardiff City Centre on day one of the prohibition, followed by a protest rally in front of the Welsh Assembly building. The protest rally was announced on the SAC web site. The web-site contained a poster advertising the event and invited readers to print the poster out and publicise the event.

On the appointed day several hundred people responded to the advert and gathered at the pre-arranged meeting place in the City Centre. A heavy police presence was evident. As Bev and Kev started to marshal the crowd together for the march Bev was approached by PC Correct, who asked her who she was. She told him “**I am Bev, he is Kev, we are SAC**”. Bev was promptly informed that she was “**Nicked**.” Bev put up a short struggle but gave up and was taken into custody and taken to the Central Police Station. After three hours Bev was charged with resisting arrest and breaching s11 Public Order Act 1986. Bev was then released.

In the meantime Kev was ordered by PC Correct to tell the crowd to disperse. Using a megaphone he announced to the crowd that the police had ordered him to cancel the march. He thanked them for their support and asked them to disperse. However, Charlie, the leader of another protest group calling themselves “**Smokers4Justice**”, using a loudhailer, invited the crowd to march to the Welsh Assembly and stage a “**Smoke In.**”

PC Correct then said to Kev “**You planned all this, but don’t imagine we are going to let you get away with it.**” PC Correct then searched Kev, found a packet of cigarettes in his pocket and said to him “**If you think you can smoke in the Assembly you have another thing coming. You can come with me. You won’t be needing these [i.e. the cigarettes] any more.**” Kev was then taken to the police station where he was held for three hours before being released without charge. He has not had his cigarettes returned to him.

Charlie led the crowd in a frantic rush towards the Assembly Building barging and pushing passers by out of the way. Fred, an old age pensioner, was so frightened that he suffered a fit. He received paramedic treatment before being admitted to hospital for over-night for supervision.

Massed ranks of police blocked entry to the building, so Charlie stood on a low wall and started to address the crowd. PC Correct ordered Charlie to disperse the crowd and arrested him when he refused to do so.

A group of SAC supporters gathered at the home of Bev later that day to have a smoke and discuss the day's events. The police entered the house, announced that since a public meeting was being held in an enclosed place everyone who was smoking was guilty of an offence. Bev and Kev, who were smoking at the time were re-arrested. The police then searched the property and seized printed material that urged smokers to ignore the smoking prohibition.

Advise Bev, Kev and Charlie respectively in respect of issues arising out of the above scenario.

Your answers should be fully supported by relevant case law.