

# Portfolio of evidence

Law



Portfolio of Evidence by The module has introduced us to Law and morality, and sought to distinguish the two; that which has the force of law and that which operates out of ethics that are inherent in society (welch 1987) . The module further has addressed us to the various arms of rules; civil and criminal rules. Further, the module addresses the various forms of civil rules, that is, torts and contract. In essence, the module has inculcated in us several skills and knowledge that has helped us to address the question. Consequently, the module introduces one to the core principles of law. To begin with, one learns how to distinguish a legal rule from a civil rule. Legal rules have the force of law and breaching them, the injured party would be entitled to an action against the person who breaches the rule, either in criminal or civil courts. Social rules on the other hand evolve out of association of people within the society, and, though breaking a social rule cannot land one in court, it harms the morals of society. Therefore, the module helps us to classify a rule to be either moral or legal, and thus, one knows whether there is a legal remedy or not. For example, when Alex took 3 teaspoonful of sugar contrary to his wife's instructions, it amounted to a social rule; breaking the rule might harm his relationship and health, but no one would take a legal action against him. However, if when he sped past pelican crossing despite the light indicating that he does stop, it amounted to a breach of a legal rule; in this case contrary to section 25(5) of the Road Traffic Regulation Act, 1984. Therefore, the module gives one knowledge to know when there is a breach of a civil rule, and social rule, through looking whether the rule that has been broken has a force of law or not. Moreover, it is clear that some social rule can also be a legal rule. Therefore, despite the repercussions one may face from the society, one can also be sued in a court

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of law. For example, dropping litter is both a social wrong as one harms the society, and a criminal wrong; contravening section 87 of the Environmental Protection Act. It is an individual who pursues an action in civil rules, while it is the crown prosecutes the person who breach of criminal rules. Secondly, one gets the knowledge of the various forms of civil rules; for example contract and tort. Civil rules guide the relationship between individuals. Some of these rules arise implicitly, out of one's conduct, while others arise out of the duty of care that we owe the society. For example, every road user owes the society a duty of care to drive at a reasonable competent standard. On the other hand, when peter and the taxi driver agreed on the destination, a contract arose and breach of any of the explicit terms such as the taxi driver taking Peter to his aunties' entitles the other person to a course of action, for example, damages. Therefore, through this module, one learns how to distinguish various forms of civil wrongs. For example, for a contract, one looks whether there is an agreement, whether explicit or implicit. To add, it is also evident that a rule can be both civil and criminal, and therefore, the person breaching the rule can be sued in civil and criminal court. For example, when the taxi driver took money out of the wallet of Peter; this can amount to a civil action for conversion in trespass as well as a criminal case for the offence Robbery contrary to section 8 of the Theft Act, 1968. Therefore one learns that, despite the fact that the crown has opened a criminal case, the injured person can also pursue a case in civil courts. This knowledge has helped one to approach the question not limiting the scope to either criminal rule or civil rule when it is evident that a rule has been broken, but to approach the scenario with the knowledge that it can be both. To add, the module has inculcated the knowledge that the age of

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responsibility in criminal cases is 10. Therefore, Peter who is 10, can be sued for breach of the criminal law, for example, when Peter took the orange from June's house, he breached a criminal rule and can be sued for the criminal offence of burglary contrary to section 9 of the Theft Act, 1968. However, there is no age limit of civil responsibility, and Max could therefore, face civil actions for the various civil wrongs he committed, like trespass and battery. One also learns the differences between differences between a civil and a criminal wrong. A civil wrong is a wrong against the state and, it is the state that prosecutes on behalf of the society. The balance of proof in a criminal case is beyond the reasonable doubt, whereas in civil cases, the balance of proof has to be on a balance of probability (Ormerod 2009). Therefore, criminal courts have a higher threshold of the required evidence as compared to the civil cases. Moreover, one learns that from the breach of a legal rule, one can be faced with more than one charge; for the breach of a single rule. For example driving too fast predisposes one to charges for breach of section 89(1) of the Road Traffic Regulation Act, 1984. Moreover, it could also amount to the offence of Dangerous Driving contrary to section 2 of the Road Traffic Act, 1988. Moreover, the module has highlighted that specific courts have the power to prosecute certain crimes. For instance, an offence contrary to section 89(1) of the Road Traffic Regulation Act is triable in the magistrates' court only, while criminal offences take place at the Crown's court or magistrates' court depending on the seriousness of the offence, while the Supreme Court of the United Kingdom is the highest appellate court of the United Kingdom. Therefore, it is clear that cases are heard in different courts depending on their powers. Finally, most offences acts considered trivial can raise a series of actions,

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both in civil courts and criminal court. For instance, Max's simple act of picking an orange predisposes him to actions both in tort for conversion and criminal law for burglary and theft. In conclusion, the module has been an important tool to the understanding of the basics of the law its and application to real life. References Ormerod, D. (2009), Smith and Hogan Criminal Law: Cases and Materials. Oxford University Press. Welch, D. (1987). Law and morality. Fortress press.