**LL4301 ELSM**

**Coursework- Group Research Exercise Assessment Brief**

**Group Research Exercise Task**

This task, builds on the materials we have covered so far in the syllabus.

The Group Research Exercise (GRE) is a group task, for which you will work in the sub-groups you have been allocated to. You will submit one bundle, as a group, for this part of the coursework. Please note that you cannot submit individual work for this part; any individual work submitted by students, as not part of a group, will receive 0 marks.

**Assessment**

**The work is part of your Coursework Portfolio, is marked (summative assessment) and the mark counts for 30% of the overall mark for the module.** The KU marking criteria are available on CANVAS.

The deadline for submission is **8th February 2018, 9am.**

The group work is assessed by way of the finished bundle submitted by each group. The actual mark awarded to each team (and therefore to each member of the team) is generated entirely by the written bundle (the questions to the task set). Each student in the group will achieve the same mark, provided full contribution is made. It is, therefore, obvious that you should work together on all questions to achieve the best bundle possible.

By participating in the group activity, all team members will have contributed by way of participation, research, thought, group discussion and feedback and all will thereby deserve to be awarded the mark awarded to the team. The GRE works on the basis that the mark awarded to a group is the same as the mark awarded to each individual member of that group.

However, this approach applies only where all members have participated fully in the work of the group. As a result, there may be circumstances in which an individual member of the group fails to be awarded the mark award to the group as a whole.

It follows that there will only be a difference in the marks obtained by individual students within one team if the teamwork breaks down and an individual student does not make the proper effort and contribution. Hopefully this will never happen. If it does, however, the consequences and mechanism for adjustment are outlined in the supporting document.

**Research Task:**

The basis for this task will be the following case:

***R. v Shivpuri* [1987] A.C. 1; [1986] 2 W.L.R. 988**

Please find and read the case and answer all of the following 5 (I-V) questions:

**I.** a) What was the *ratio decidendi* in this case?

b) In no more than 250 words, summarise the reasoning of the judges [you should not reproduce any substantial part of the judgment in order to answer this question].

**II.** a) Which was the main previous case which the court departed from in *R. v Shivpuri*?

b) In no more than 250 words, explain the considerations put forward by Lord Bridge, when examining whether the House of Lords should depart from the previous case.

c) In no more than 150 words explain the legal instrument (mechanism) employed by the judges in *R. v Shivpuri* that enabled them to depart from the previous case.

d) In no more than 250 words, explain and summarise the considerations of the judges in relation to the use of this legal instrument (mechanism) in the particular case [you should not reproduce any substantial part of the judgment in order to answer this question].

**III.** Identify the interpretation rule(s) (and aids to interpretation, if available) applied by Lord Bridge in *R. v Shivpuri* for the interpretation of the relevant provisions of the Criminal Attempts Act 1981 (maximum 300 words).

**IV.** a) Refer to **two** subsequent cases where in *R. v Shivpuri* was applied.

b) Refer to **one** subsequent case where *R v Shivpuri* was considered.

c) Refer to **one** subsequent case where *R v Shivpuri* was distinguished. On which grounds did the court justify this distinction? (maximum 200 words)

d) Locate **two** academic articles that you can find, in which in *R. v Shivpuri* is referred to and explain the reasons why you chose them (maximum 100 words for each).

You will need to provide full citations for these case and articles for question **V.**

**V.** a)Indicating the route through the court system, explain how the case reached the House of Lords.

b) Provide full citations for the cases, any legislation and the academic articles you referred to.

c) In no more than 200 words, provide a research log that explains and details how you located the sources you used in this research (this is a different log to the group journal).

**Assessment criteria**

The work will be examined according to the following criteria:

* Does the work show that the student has sufficient knowledge and  understanding of the English court system?
* Does the work indicate an understanding of the system of binding precedent?
* Does the work indicate sufficient ability of the student to read cases?
* Does the work indicate sufficient understanding of the rules of interpretation applied by judges?
* Does the work show that the student is capable of presenting arguments in  an effective and structured way?
* Does the work indicate an ability to conduct appropriate legal research?
* Is the work expressed in clear, grammatical language, using correct terminology?
* ***Plagiarism:*** Please note the University policy on plagiarism, and ensure that the work is original work that is entirely your own. Copying or allowing someone else to copy your work is cheating and you will be subject to the University disciplinary regulations.

**Submission**

The group work and individual certificates must be submitted by 9am on 9th February 2018. Submission of the bundle must be made electronically, on Canvas. Your groups will be reflected there for submission purposes. The work must be word processed, in 12pt font, Times New Roman or Ariel.

**The bundle should contain:**

i) the answers to the task set for the GRE

ii) the data protection statements\*

iii) the statement of individual contribution (SIC)\*

iv) the group logbook (journal) with details of participation and work towards completion of the GRE\*

\* see explanatory notes