



THE INSTITUTE OF LEGAL SECRETARIES AND PAs

Single Subject Legal Advanced Courses Syllabus

Syllabus



Overview

ILSPA's Single Subject Legal courses are suitable for people who would like to specialise in one particular area of law. We offer a range of subjects which can be studied online at home by distance learning. It is possible to start our courses at any time of year and learners can study at their own pace. There are no examinations as learners are assessed by way of coursework. All the course material is accessed online through our website.

Our Advanced Diploma courses are suitable for people who would like to gain an in-depth understanding of one area of law and acquire some paralegal skills. Ideally, the learner should already be working within the area of law or have gained a legal qualification so that he or she has some existing knowledge of law.

Subjects include:

- Civil Litigation
- Land Law and Conveyancing Practice
- Wills, Probate and Administration Practice
- Family Law and Practice
- Corporate & Commercial Law
- Criminal Law and Procedure

Please note: People who take our Civil Litigation, Land Law and Conveyancing, Wills and Probate and Family Law courses should already be familiar with producing legal forms and documents in these areas. Our Criminal Law and Corporate & Commercial Law courses are exceptions to this.

Civil Litigation

Through studying this course the learner will understand:

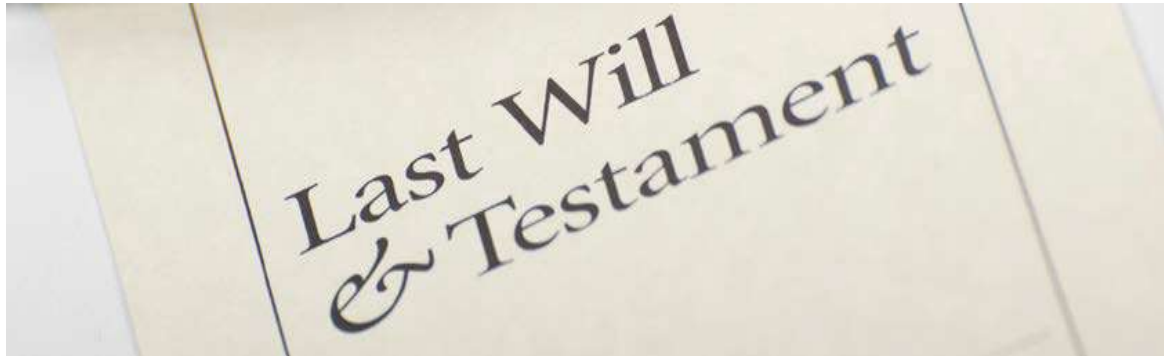
- The general jurisdiction of the County Court and the High Court and the procedure for both private and State funding
- The matters to be considered when advising a Client in respect of a proposed Claim
- The steps needed to be taken before a Claim is issued and the reason for Pre-action Protocols
- The differences between a Claim for a specified amount and a Claim for an unspecified amount
- How to draft a letter of Claim and the Particulars of Claim
- The procedural steps from inception to Judgment in respect of both a Claim for a specified amount and a Claim for an unspecified amount where the Defendant makes no response to any of the process
- The procedural steps from inception to Judgment in respect of both a Claim for a specified amount and a Claim for an unspecified amount where the Defendant files a Defence and explain the burden of proof in a civil trial
- The different methods of service of a Claim Form
- The different reasons for making an Application for Summary Judgment and the procedural steps in respect thereof
- The procedural steps from inception to Judgment in respect of a Claim allocated to the Small Claims Track where the Defendant files a Defence
- How to represent your Client before a District Judge or High Court Master on an Interim Application or on a Small Claims Track Hearing
- The different types of tracks that operate in respect of a Claim and the difference between them
- The different types of Statements of Case and the function of each
- The importance of Disclosure and Case Management and how they both operate
- The advantage of a payment into Court and how it affects the question of costs
- The different ways in which a Judgment can be enforced
- How to advise a Client in a litigation case

Land Law and Conveyancing

Through studying this course the learner will understand:

- The differences between the fee simple and the term of years absolute
- The difference between freehold, leasehold and commonhold estates
- The difference between legal estates and interests and equitable estates and interests
- The reforms of the 1925 property legislation and the effect of the Land Registration Act 2002
- The differences between registered land and unregistered land
- The system of land registration, the types of estates capable of registration and the classes of title that can be registered at HM Land Registry
- A possessory title and how it can arise
- How a loan can be secured by way of Mortgage/Charge, when a Lenders' Power of Sale arises and when it can be exercised
- How third-party rights can be safeguarded in a registered land transaction
- How third-party rights can be safeguarded in an unregistered land transaction
- The importance of the Land Registry Act 2002
- The effect of the Law of Property (Miscellaneous Provisions) Act 1989
- The ways in which property can be held in co-ownership in law and in equity
- The nature of a restrictive covenant and an easement and how they can arise
- The procedural steps in both a registered and an unregistered Conveyancing transaction:
 1. prior to exchange of contracts
 2. on exchange of contracts
 3. from exchange of contracts to completion
 4. on completion
 5. post completion
- The differences between all the pre-contract and the post-contract Searches and enquiries that might be raised on behalf of a Purchaser and/or a Mortgagee
- How to assist a Client with the sale of their property.





Wills, Probate and Administration

Through studying this course the learner will understand:

- The requirements for a valid Will and how a Will can be amended, added to or revoked
- How to take instructions for the drafting of a Will, including ascertaining the extent of the Testator's estate and the Testator's wishes as to burial or other disposal of their body; gifts, bequests, legacies and devises, residue, appointment of Executors, Trustees and Guardians and administrative provisions
- How bequests can fail or partially fail by way of abatement, ademption, lapse, contingency, divorce, uncertainty or disclaimer
- The provisions of the Inheritance (Provision of Family and Dependents) Act 1975
- The procedure for bringing a Claim under the Act and the orders that can be made by the Court, with their effect
- The difference between Testacy and Intestacy
- The Order of entitlement (inheritance) of the relations and descendants of an Intestate where there is a surviving spouse and where there is no surviving spouse
- The nature of a Partial Intestacy
- The nature of a Grant of Probate and the procedure for obtaining such a Grant
- An Affidavit of Plight and Condition and an Affidavit of Due Execution
- The different types of Grants of Probate and obtaining a Grant in simple form and in solemn form
- The nature of a Grant of Letters of Administration and the procedure for obtaining such a Grant
- The duties and powers of Personal Representatives
- The purpose of an Oath for Executors and an Oath for Administrators
- The process whereby an estate is administered and distributed
- How to advise a Client about the advantages of making a Will

Family Law and Practice

Through studying this course the learner will understand:

- The requisite capacity for a valid marriage and Civil Partnership
- The formalities required for a valid marriage and Civil Partnership
- The jurisdiction of the County Court and High Court with regard to matrimonial and Civil Partnership disputes
- The jurisdiction of the Magistrates Court in relation to matrimonial and Civil Partnership disputes and understand the types of action that can be brought there, including injunctions
- The grounds upon which a marriage and Civil Partnership may be void/voidable
- The grounds upon which a divorce or dissolution of a Civil Partnership may be obtained and the facts necessary to support such grounds
- The procedure for an undefended divorce or dissolution of a Civil Partnership from the preparation of the Petition to the granting of the Decree Absolute both in there being no children of the union and there being children of the union
- The contents of a Petition for Divorce and Dissolution of a CP and the Affidavit in Support thereof based upon the different facts to be proven
- A Petition for Divorce and an Affidavit in Support
- The procedure for ancillary relief and explain the different orders that may be granted by the Courts in relation to any ancillary relief that may be required, including orders relating to children
- An Application for the Decree Nisi to be made Absolute
- The difference between fault and no-fault divorce
- How to assist a Client in divorce proceedings





Corporate and Commercial Law

Through studying this course the learner will understand:

- The different types of business organisations, i.e. sole traders, partnerships, unincorporated associations and incorporated companies/corporations
- The differences between public and private companies and between sole traders and partnerships
- The incorporation procedure of a new company by registration at Companies House, the re-registration of a private company as a public company, the re-registration of a public company as a private company and the registration of branches or 'Places of Business' of foreign companies in the UK
- The contents of the Memorandum and Articles of Association
- The concept of share capital, public offers for shares; types of capital; maintenance; issue and acquisition of shares; dividends; types of shares; application and allotment; share certificates and transfer of shares
- How companies can borrow money and the ways in which loans are secured, i.e. by debentures and other forms of security
- The nature and necessity of the registration of charges, floating charges and debentures
- The nature of the powers and duties of Directors and the Company Secretary and how they can be appointed and removed
- The reasons for Directors and shareholders meetings – Annual General Meetings; Extraordinary General Meetings
- How meetings are convened and conducted and the difference between ordinary resolutions, special resolutions and extraordinary resolutions
- The importance of Companies Registry and the various registers which must be maintained; the annual return; accounts and the Directors' report
- How a company can grow by way of reconstructions, mergers and takeovers, and the basic procedures involved
- How companies are taxed
- Liquidation, administration and receivership; and voluntary and compulsory liquidation and the procedures involved

Criminal Law and Procedure

Part 1: Criminal Law

Through studying this part of the course the learner will understand:

- The nature of crime, the difference between crimes and torts and how to classify crimes between summary, indictable, hybrid and arrestable offences
- What is meant by the burden of proof in crime
- The elements of a crime – Actus Reus and Mens Rea (including express intent and implied intent and recklessness)
- The differences between Strict Liability crimes and those requiring intent
- The general defences of mistake, automatism, insanity, intoxication, duress (including duress of circumstances) and necessity, and how to compare the relative importance of each
- What is meant by the crime of homicide and how to distinguish between lawful and unlawful homicide
- The differences between causation in fact and causation in law
- The meaning of the crime of murder and what constitutes malice aforethought in respect thereof
- The differences between murder and manslaughter
- The meaning of voluntary manslaughter and the special defences of diminished responsibility, suicide pact, provocation and infanticide
- The meaning of involuntary manslaughter
- The crime of theft and the differences between theft, fraud, obtaining by deception, burglary and robbery
- The differences between the sentences that can be imposed for murder and manslaughter

Criminal Law and Procedure

Part 2: Criminal Procedures

Through studying this course the learner will understand:

- The role of the Crown Prosecution Service in criminal proceedings
- The standards of proof in a criminal trial compared with that in a civil trial
- The Police powers of arrest and the operation of the main provisions of PACE
- The concept of bail and the criteria of the court in deciding upon bail
- The availability of legal aid in connection with criminal proceedings and the criteria upon which it is granted
- The jurisdiction of the Magistrates Court, Crown Court and Court of Appeal (Criminal Division)
- The procedure on a summary trial for a summary offence from the laying of the information through to sentence where (a) the accused intends to plead guilty or (b) the accused intends to plead not guilty

Syllabus

- The difference in procedure where the offence is a hybrid offence
- The procedure for the transfer of indictable offenders from the Magistrates Court to the Crown Court for trial
- Each stage of the procedure on a trial on indictment from arraignment through to sentence and evaluate the relative importance of each stage
- The differences between the trial of an adult and the trial of a young person
- The function in a criminal trial of:
 1. the Judge
 2. the Jury
- How a Jury is selected and who is eligible and not eligible to sit on a Jury
- The different types of sentences that can be passed by a trial Judge and the relative purpose of each



Coursework

There are no examinations for the Single Subject Legal Advanced courses. The learner is assessed through coursework which consists of a multiple-choice achievement test and an assignment.

The multiple-choice test and assignment give the learner the ability to show his or her understanding of the subject studied. The assignments will be in the form of essay questions or direct questions. We provide a helpful guide for writing assignments within the coursework.

Course Results

The learner is given a percentage for his or her achievement test and assignment. An average percentage is taken from these results and the following grades are awarded for the overall result:

Pass: 80% to 89%

Merit: 90% to 94%

Distinction: 95% to 100%

Upon passing the course, the learner will be awarded an Advanced Diploma Certificate in his or her area of study. If the learner fails any part of the course, he or she will be given the opportunity to redo it once.

Help and Support

We provide the learner with all the help that that he or she needs to complete the course. Our Course Assessor and the ILSPA team will be happy to answer any queries the learner has by telephone or email.

If you have any queries about our syllabus, please telephone us on 0207 1009210 or email us at info@institutelegalsecretaries.com.