

**UNIVERSITY OF CUMBRIA**

**COURSEWORK REASSESSMENT REQUIREMENT**

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| **Module Code:** LAW4110 |
| **Module Title: Persuasive Presentation and Court Skills** |
| **Tutor: Lucy Fuggle** |
| **Title of the item of work:**  **Assessment 1: Skeleton Argument** |
| **Wordage: 1500** |
| **Scenario**  Mrs Little lives in a small idyllic cottage on the edge of Nevermore National Park. She has lived in the same cottage her whole life. The area was, until recently, peaceful and its occupants were few. Mrs Little is now in her seventies and recently widowed. Unfortunately, this has caused her to suffer anxiety and insomnia. Mrs Little is, however, pragmatic and is seeking help from friends and family.  Last year, a parcel of land adjacent to Mrs Little’s property was bought and developed by Outdoor Fun Ltd, an outdoor pursuits business. Outdoor Fun Ltd is the trading name of a business operated by Robert Ross (a sole trader).  Outdoor Fun Ltd offers clay pigeon shooting events, off road vehicle ‘experiences’ and motorised Segway parties. The number of people visiting the area (and accordingly the amount of traffic) has dramatically increased. The local economy has been boosted by all the visitors and many jobs have been created.  However, the noise of traffic (particularly the noise of the off-road vehicles) is disturbing the tranquillity of the area for Mrs Little. Also the repeated sound of gun shots between the hours of 9am and 8pm is causing her to feel increasingly anxious.  Mrs Little has sought a valuation from the estate agents with a view to selling her house and moving away from the area. The estate agent says that the property is less desirable now that Outdoor Fun Ltd are situated in such close proximity. Accordingly, her house has dropped in value.  **Claim**  Mrs Little takes legal action against Robert Ross trading as Outdoor Fun Ltd. She claims in private nuisance and seeks damages for the reduction in value of her property. Robert Ross defends the claim in full.  At trial, Judge Walters decides as follows:   1. Mrs Little’s claim should fail as    1. she is the only person to have been affected negatively by Outdoor Fun Ltd’s activities.    2. the activities which she alleges are causing her a nuisance are those which you would expect to find in the countryside.    3. someone who was not suffering from nerves would not be bothered by the sound of gunshot / off road motor vehicles. 2. Mrs Little should pay Outdoor Fun Ltd’s legal costs in full.   **Appeal**  You are instructed by Mrs Little to appeal Judge Walters’ decision on the basis it has been reached ‘per incuriam’.  **Written Assessment**  You will be acting as senior Counsel for the Appeallant, Mrs Little and will have to prepare a skeleton argument to support her grounds for appeal. The Skeleton Argument must be in prescribed format and not exceed 1,500 words.  **Assessment Criteria**    There are 5 broad categories of criteria:  **Knowledge** – of the relevant law  **Understanding & Application** – of how the law is applied to facts or has any practical or policy implications  **Analysis & Evaluation** – consideration of alternatives, detailed meanings and strengths and weaknesses of relevant law, practice, policy etc.  **Research** – finding and using an appropriate range of relevant sources  **Structure & Presentation** – logical structure, clear language and presentation as required by the assessment format    These criteria will be used within modules to aid discussion about assessment and feedback and to act as a general guide. They are indicative and are not intended as a comprehensive list of every feature that could be in an assessment. They will often overlap but are presented separately for clarity. Please note that the mark you are awarded reflects the tutor’s overall impression based on these criteria. While you may receive a high mark there may be areas of weakness. Equally, you may receive a low mark but there could still be strengths in your work. You should take note of the feedback, build on your strengths and learn from and minimise your weaknesses.  **SUBMISSION DATE AS PER STUDENT PORTAL**  To be submitted by 4pm on 11th August 2023 via email to Turnitin via the Blackboard site. |