

My Revision Notes: OCR A Level Law

Exam Practice Answers

Chapter 1 The legal system

1 Discuss the advantages of using tribunals as a way of dealing with a civil dispute. [15 marks]

Tribunals were established to deal with specific areas of law generally concerning social and welfare legislation, e.g. employment rights. This means they are staffed by experts in these particular areas of law. They are an informal hearing of fact, in most cases heard in private, which makes them attractive in employment law for both parties' sake. They are heard by a panel of three – in most cases consisting of a tribunal judge and two lay persons with expertise in the area in dispute; neither they nor the chairperson wears court dress. This lack of formality allows the parties to relax and present their case with confidence.

Tribunals are generally cheaper, and in many cases quicker, than going to court, saving the parties both time and money. The final hearing is usually completed within one day. Legal representation is not essential. Tribunals do not charge a fee and each party usually pays their own legal costs, rather than the losing party paying all the costs of both parties. Some legal aid is available, usually for human rights issues concerning immigration or mental health issues.

Most tribunals give reasons for their decisions. This allows the parties and the public to understand why a particular decision has been reached. But, because tribunals do not operate strict rules of judicial precedent and the strict rules of evidence, they have a greater degree of flexibility than the civil courts in their decision-making.

Finally, tribunals take a huge workload out of the courts, generating space in a very congested system.

2 Explain conciliation as a form of alternative dispute resolution. [10 marks]

Conciliation is a form of mediation, where a third party is active in raising ideas for compromise. This means the conciliator can intervene in the negotiations in order to suggest terms of settlement as well as comment

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Wolfgang Guggemos



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