

### Unit 3



<b>Title:</b>	<b>Criminal Law</b>
<b>Level:</b>	<b>6</b>
<b>Credit Value:</b>	<b>15</b>

<b>Learning outcomes</b>	<b>Assessment criteria</b>	<b>Knowledge, understanding and skills</b>
<b>The learner will:</b>	<b>The learner can:</b>	
<b>1 Understand the fundamental requirements of criminal liability</b>	<p><b>1.1</b> Analyse the general nature of the actus reus</p> <p><b>1.2</b> Analyse the rules of causation</p> <p><b>1.3</b> Analyse the status of omissions</p>	<p><b>1.1</b> Features to include: conduct (including voluntariness, ie, <i>R v Larsonneur (1933)</i>, <i>Winzar v Chief Constable of Kent (1983)</i>; relevant circumstances; prohibited consequences; requirement to coincide with mens rea</p> <p><b>1.2</b> Factual causation; legal causation: situations (for example, in the context of the non-fatal offences or homicide) where the consequence is rendered more serious by the victim's own behaviour or by the act of a third party; approaches to establishing rules of causation: mens rea approach; policy approach; relevant case law to include: <i>R v White (1910)</i>, <i>R v Jordan (1956)</i>, <i>R v Cheshire (1991)</i>, <i>R v Blaue (1975)</i>, <i>R v Roberts (1971)</i>, <i>R v Pagett (1983)</i>, <i>R v Kennedy (no 2) (2007)</i></p> <p><b>1.3</b> Circumstances in which an omission gives rise to liability; validity of the act/omission distinction; rationale for restricting liability for omissions; relevant case law to include: <i>R v Pittwood (1902)</i>, <i>R v Instan (1977)</i>, <i>R v Miller</i></p>

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	<p><b>1.4</b> Analyse the meaning of intention</p> <p><b>1.5</b> Analyse the meaning of recklessness</p> <p><b>1.6</b> Analyse the meaning of negligence as a requirement for criminal liability</p> <p><b>1.7</b> Analyse the factors for determining an offence of strict liability</p> <p><b>1.8</b> Analyse the meaning of complicity</p>	<p><i>(1983), Airedale NHS Trust v Bland (1993) Stone &amp; Dobinson 1977</i></p> <p><b>1.4</b> s8 Criminal Justice Act 1967; direct intention; oblique intention: definitional interpretation; evidential interpretation; implications of each interpretation; concept of transferred malice; relevant case law to include: <i>R v Steane (1947), Chandler v DPP (1964), R v Nedrick (1986), R v Woollin (1999), Re A (conjoined twins) (2000), R v Matthews and Alleyne (2003)</i></p> <p><b>1.5</b> Significance of G and R in the development of the meaning of recklessness; evaluation of the requirement of a subjective meaning of recklessness; relevant case law to include: <i>R v Cunningham (1957), R v Caldwell (1982), R v G and R (2004)</i></p> <p><b>1.6</b> Circumstances in which negligence gives rise to criminal liability; evaluation of negligence as a basis of criminal liability; relevant case law to include: <i>Elliott v C (1983), R v Adomako (1994)</i></p> <p><b>1.7</b> Presumption of mens rea; reference to <i>Gammon</i> guidelines; provision of statutory defence; nature of sanction; critical evaluation of strict liability; relevant case law to include: <i>Sweet v Parsley (1970), Gammon v A-G of Hong Kong (1985), R v Blake (1997), B v DPP (2000), R v K (2001)</i></p> <p><b>1.8</b> s8 Accessories and Abettors Act 1861; the actus reus and mens rea requirements of aiding, abetting, counselling and procuring; requirements for liability for participation in a</p>
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	<p><b>1.9</b> Apply the law on criminal liability to a given situation</p> <p><b>1.10</b> Critically evaluate a given issue or situation to identify probable legal implications</p>	<p>joint enterprise; analysis of the rules governing liability where there is a departure from the joint enterprise; requirements for an effective withdrawal; the extent to which a principal and a secondary party may incur different liability; the theoretical basis of accessorial liability; relevant case law to include: <i>R v Clarkson (1971)</i>, <i>A-G's Ref (No 1 of 1975) (1975)</i>, <i>R v Becerra and Cooper (1975)</i>, <i>DPP for Northern Ireland v Maxwell (1979)</i>, <i>R v Calhaem (1985)</i>, <i>DPP v K and B (1997)</i>, <i>R v Powell and Daniels (1997)</i>, <i>R v English (1997)</i>, <i>R v Uddin (1998)</i>, <i>R v Gilmour (2000)</i> <i>R v Rahman (2007)</i></p> <p><b>1.9</b> Application of the law to a complex scenario</p> <p><b>1.10</b> A reasoned opinion of likely legal implications, including remedies and defences, where appropriate</p>
<p><b>2 Understand the requirements for liability for non-fatal offences</b></p>	<p><b>2.1</b> Analyse the actus reus and mens rea requirements of assault</p> <p><b>2.2</b> Analyse the actus reus and mens rea requirements of battery</p> <p><b>2.3</b> Analyse the actus reus and mens rea requirements of actual bodily harm</p>	<p><b>2.1</b> s39 Criminal Justice Act 1988: nature and meaning of the offence requirements; significance of 'immediacy'; relevant case law to include: <i>Tuberville v Savage (1669)</i>, <i>Smith v Superintendent of Woking Police Station (1983)</i>, <i>R v Venna (1975)</i>, <i>R v Constanza (1997)</i>, <i>R v Ireland (1998)</i></p> <p><b>2.2</b> s39 Criminal Justice Act 1988: nature and meaning of the offence requirements; relevant case law to include: <i>Fagan v MPC (1969)</i>, <i>Collins v Wilcock (1984)</i>, <i>DPP v K (1990)</i>, <i>Haystead v Chief Constable of Derbyshire (2000)</i></p> <p><b>2.3</b> s47 Offences Against the Person Act 1861: meaning of "assault", "occasioning", "actual</p>

	<p><b>2.4</b> Analyse the actus reus and mens rea requirements of grievous bodily harm/wounding</p> <p><b>2.5</b> Analyse the actus reus and mens rea requirements of grievous bodily harm with intent/wounding with intent</p> <p><b>2.6</b> Analyse the requirements for the defence of consent</p> <p><b>2.7</b> Apply the law on liability for non-fatal offences to a given situation</p> <p><b>2.8</b> Critically evaluate a given issue or situation to predict probable legal implications</p>	<p>bodily harm” and the extent to which this includes psychological harm; nature and meaning of the mens rea requirement; relevant case law to include: <i>R v Ireland (1998)</i>, <i>R v Chan-Fook (1994)</i>, <i>R v Savage, DPP v Parmenter (1992)</i>, <i>R v Roberts (1972)</i></p> <p><b>2.4</b> s20 Offences Against the Person Act 1861: meaning of “maliciously”, “wound”, “inflict”, “grievous bodily harm” and the extent to which this includes psychological harm; relevant case law to include: <i>JJC v Eisenhower (1984)</i>, <i>DPP v Smith (1961)</i>, <i>R v Burstow (1998)</i>, <i>R v Mowatt (1967)</i>, <i>R v Savage (1992)</i>, <i>DPP v Parmenter (1992)</i>, <i>R v Dica (2004)</i></p> <p><b>2.5</b> Grievous bodily harm with intent/wounding with intent: s18 Offences Against the Person Act 1861: meaning of “with intent..”; relevant case law to include: <i>R v Purcell (1986)</i></p> <p><b>2.6</b> Requirements: validity (genuineness) of consent; extent of harm permitted; criticism of the defence; role of policy in setting limits to the defence; relevant case law to include: <i>R v Richardson (1999)</i>, <i>R v Tabassum (2000)</i>, <i>A-G’s Reference (No 6 of 1980) (1981)</i>, <i>R v Brown (1993)</i>, <i>R v Wilson (1996)</i>, <i>R v Dica (2004)</i></p> <p><b>2.7</b> Application of the law to a complex scenario</p> <p><b>2.8</b> A reasoned opinion of likely legal implications, including remedies and defences, where appropriate</p>
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<p><b>3 Understand the requirements for liability for homicide</b></p>	<p><b>3.1</b> Analyse the actus reus requirements of homicide</p> <p><b>3.2</b> Analyse the mens rea requirements of murder</p> <p><b>3.3</b> Analyse the requirements of involuntary manslaughter</p> <p><b>3.4</b> Analyse the requirements of defences to</p>	<p><b>3.1</b> Requirements common to all forms of homicide: unlawful killing of a human being; concept of “killing” (= causing death) to include factual causation and legal causation; effect of Law Reform (Year and a Day Rule) Act 1996; relevant case law to include: <i>R v White (1910)</i>, <i>R v Smith (1959)</i>, <i>R v Cheshire (1991)</i>, <i>R v Blaue (1975)</i>, <i>R v Corbett (1983)</i>, <i>R v Dear (1996)</i>, <i>A-G’s Reference (No 3 of 1994) (1996)</i>, <i>R v Kennedy (no 2) (2007)</i></p> <p><b>3.2</b> Intention to kill/cause serious injury; analysis of the meaning of intention; relevant case law to include: <i>R v Moloney (1985)</i>, <i>R v Hancock (1986)</i>, <i>R v Shankland (1986)</i>, <i>R v Nedrick (1986)</i>, <i>R v Woollin (1999)</i>, <i>R v Matthews and Alleyne (2003)</i></p> <p><b>3.3</b> Reckless manslaughter including the restricted circumstances in which it applies; constructive manslaughter including the meaning of ‘unlawful act’, ‘dangerous’ and the mens rea requirement; gross negligence manslaughter including the meaning of ‘gross negligence’ and the mens rea requirement; the rules governing liability for involuntary manslaughter; criticisms of the rules; proposals for reform; relevant case law to include: <i>R v Franklin (1883)</i>, <i>Andrews v DPP (1937)</i>, <i>R v Lowe (1973)</i>, <i>R v Church (1966)</i>, <i>R v Dawson (1985)</i>, <i>R v Goodfellow (1986)</i>, <i>R v Lamb (1967)</i>, <i>A-G’s Reference (no 3 of 1994) (1998)</i>, <i>R v Bateman (1925)</i>, <i>R v Adomako (1994)</i>, <i>A-G’s Reference (No 2 of 1999) (2000)</i>, <i>R v Misra (2005)</i></p> <p><b>3.4</b> Diminished responsibility: s2 Homicide Act</p>
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	<p>murder</p> <p><b>3.5</b> Apply the law on liability for homicide to a given situation</p> <p><b>3.6</b> Critically evaluate a given issue or situation to predict probable legal consequences</p>	<p>1957: as amended by s 52 Coroners and Justice Act 2007 meaning of the statutory provisions denoting the criteria for the defence; the relationship between diminished responsibility and other criminal law defences based on lack of mental responsibility: eg, the defences of insanity and automatism; relevant case law to include: <i>R v Byrne (1960)</i>, <i>R v Tandy (1988)</i>, <i>R v Dietschmann (2003)</i> and developing case law</p> <p>Loss of control: s 54-56 Coroners and Justice Act 2007: meaning of loss of control, qualifying trigger; outline of development of objective test in s 54(1) (c) relevant case law to include: <i>R v Doughty (1986)</i>, <i>R v Duffy (1949)</i>, <i>DPP v Camplin (1978)</i>, <i>R v Humphreys (1995)</i>, <i>Luc Thiet Thuan v R (1997)</i>, <i>R v Smith (2001)</i>, <i>A-G for Jersey v Holley (2005)</i>, <i>R v James (2006)</i>, <i>R v Karimi (2006)</i></p> <p><b>3.5</b> Application of the law to a complex scenario</p> <p><b>3.6</b> A reasoned opinion of likely legal implications, including remedies and defences, where appropriate</p>
<p><b>4 Understand the requirements for liability for offences against property</b></p>	<p><b>4.1</b> Analyse the actus reus and mens rea requirements of theft</p>	<p><b>4.1</b> actus reus: s1 Theft Act 1968: meaning and analysis of “appropriation” (s3) including criticism of how the meaning has developed; “property” (s4); “belonging to another” (s5); relevant case law to include: <i>Lawrence v MPC (1972)</i>, <i>R v Morris (1984)</i>, <i>R v Gomez (1993)</i>, <i>R v Hinks (2000)</i>, <i>R v Atakpu (1993)</i>, <i>R v Abrahams (1993)</i>, <i>R v Kelly (1998)</i>, <i>R v Turner (1971)</i>, <i>R v Hall (1973)</i>, <i>A-G’s Reference (no 1 of 1983) (1985)</i></p>

	<p><b>4.2</b> Analyse the actus reus and mens rea requirements of burglary</p> <p><b>4.3</b> Analyse the actus reus and mens rea requirements of fraud</p> <p><b>4.4</b> Analyse the actus reus and mens rea requirements of obtaining services dishonestly</p> <p><b>4.5</b> Analyse the actus reus and mens rea requirements of criminal damage</p>	<p>mens rea: meaning of “dishonestly” including defences (s2), role and criticisms of the <i>Ghosh</i> test and the significance of ‘dishonesty’ as a result of judicial development of the meaning of ‘appropriation’; meaning of “intention of permanently depriving” (s6); relevant case law to include: <i>R v Ghosh (1982)</i>, <i>R v Feely</i>, <i>R v Coffey (1987)</i>, <i>R v Lloyd (1985)</i>, <i>DPP v Lavender (1994)</i></p> <p><b>4.2</b> ss9, 10 Theft Act 1968: meaning of the requirements under s9(1)(a) and s9(1)(b); analysis of the extent to which the different requirements are justified; meaning of “aggravated burglary” (s10); relevant case law to include: <i>R v Collins (1973)</i>, <i>R v Jones and Smith (1976)</i>, <i>B and S v Leathley (1979)</i>, <i>R v Walkington (1979)</i>, <i>A-G’s Reference (nos 1 and 2 of 1979) (1980)</i>, <i>R v O’Leary (1986)</i>, <i>R v Stones (1989)</i></p> <p><b>4.3</b> s1 Fraud Act 2006: meaning of the requirements for fraud by false representation (s2), fraud by failing to disclose information (s3), fraud by abuse of position (s4); relevant case law (as it develops)</p> <p><b>4.4</b> s11 Fraud Act 2006: meaning of the requirements; changes brought by the Act including an understanding of the relationship between fraud and theft; relevant case law (as it develops)</p> <p><b>4.5</b> s1 Criminal Damage Act 1971: meaning of the requirements for the basic offence (s1(1)) and the aggravated offence (1(2));</p>
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	<p><b>4.6</b> Apply the law on liability for offences against property to a given situation</p> <p><b>4.7</b> Critically evaluate a given issue or situation to identify probable legal implications</p>	<p>meaning of “arson” (s1(3)); analysis of the meaning of “damage” and “lawful excuse” (s5); relevant case law to include: <i>Morphitis v Salmon (1990)</i>, <i>Hardman v Chief Constable of Avon and Somerset (1986)</i>, <i>R v G and R (2004)</i>, <i>Jaggard v Dickinson (1981)</i>, <i>R v Hill (1989)</i>, <i>R v Hall (1989)</i>, <i>R v Steer (1988)</i>, <i>R v Webster (1995)</i>, <i>R v Warwick (1995)</i></p> <p><b>4.6</b> Application of law to a complex scenario</p> <p><b>4.7</b> A reasoned opinion of likely legal implications, including remedies and defences, where appropriate</p>
<p><b>5 Understand the requirements for liability for inchoate offences</b></p>	<p><b>5.1</b> Analyse the actus reus and mens rea requirements of attempt</p> <p><b>5.2</b> Analyse the actus reus and mens rea requirements of conspiracy</p>	<p><b>5.1</b> s1 Criminal Attempts Act 1981: meaning of the statutory provisions denoting the requirements; effect of impossibility; analysis of the rules governing liability for attempt: the theoretical basis of liability; meaning of “more than merely preparatory”; relevant case law to include: <i>R v Gullefer (1990)</i>, <i>R v Jones (1990)</i>, <i>R v Geddes (1996)</i>, <i>A-G’s Reference (no 1 of 1992) (1993)</i>, <i>R v Pearman (1984)</i>, <i>R v Khan (1990)</i>, <i>A-G’s Reference (no 3 of 1992) (1994)</i>, <i>R v Shivpuri (1986)</i></p> <p><b>5.2</b> s1 Criminal Law Act 1977: meaning of the requirements for ‘statutory’ conspiracy; common law conspiracy: meaning and requirements of conspiracy to defraud and conspiracy to corrupt public morals; analysis of the rules governing liability for conspiracy: the theoretical basis of liability; scope of the rules including relationship to offences under the Fraud Act 2006; relevant case law to include: <i>R v Anderson (1986)</i>, <i>R v Siracusa</i></p>

	<p><b>5.3</b> Apply the law on liability for inchoate offences to a given situation</p> <p><b>5.4</b> Critically evaluate a given issue or situation to identify probable legal implications</p>	<p><i>(1989), Yip Chiu-Cheung v R (1994), R v Saik (2006), Scott v Metropolitan Police Commissioner (1975), Wai Yu-tsang v R (1992), Shaw v DPP (1962)</i> (Candidates are not expected to know the rules relating to incitement/encouraging/assisting offenders under SCA 2007)</p> <p><b>5.3</b> Application of the law to a complex scenario</p> <p><b>5.4</b> A reasoned opinion of likely legal implications, including remedies and defences, where appropriate</p>
<p><b>6 Understand the requirements of the general defences</b></p>	<p><b>6.1</b> Analyse the requirements of the defence of insanity</p> <p><b>6.2</b> Analyse the requirements of the defence of automatism</p> <p><b>6.3</b> Analyse the requirements of the defence of duress</p>	<p><b>6.1</b> <i>M'Naghten's Case (1843)</i>: criteria for the defence including meaning of "disease of the mind"; burden of proof; criticism of the criteria for the defence; analysis of the relationship between insanity and (non-insane) automatism; comparison with diminished responsibility; relevant case law to include: <i>R v Clarke (1972), R v Kemp (1957), Bratty v A-G for Northern Ireland (1963), R v Sullivan (1984), R v Burgess (1991)</i></p> <p><b>6.2</b> Criteria for the defence of (non-insane) automatism; criticism of the criteria for the defence; analysis of the relationship between automatism and insanity; relevant case law to include: <i>Broome v Perkins (1987), R v Quick (1973), R v Hennessey (1989), R v Bailey (1983)</i></p> <p><b>6.3</b> Requirements of duress by threats, duress of circumstances/necessity; analysis of the development and scope of the forms of the</p>

	<p><b>6.4</b> Analyse the requirements of the defence of intoxication</p> <p><b>6.5</b> Analyse the requirements of the defence of mistake</p> <p><b>6.6</b> Analyse the requirements of the defence based on public or private defence</p>	<p>defence; relevant case law to include: <i>R v Graham (1982)</i>, <i>R v Hudson and Taylor (1971)</i>, <i>R v Howe (1987)</i>, <i>R v Gotts (1992)</i>, <i>R v Bowen (1996)</i>, <i>R v Abdul-Hussain (1999)</i>, <i>R v Hasan (2005)</i>, <i>R v Martin (1989)</i>, <i>Re A (conjoined twins) (2001)</i>, <i>R v Shayler (2001)</i>;</p> <p><b>6.4</b> Meaning of intoxication; voluntary intoxication; involuntary intoxication; classification of offences according to whether specific intent or basic intent; relevance of classification to liability; analysis of the significance of fault and the role of policy; effect of intoxication on the operation of other defences; relevant case law to include: <i>DPP v Majewski (1977)</i>, <i>R v Heard (2007)</i>, <i>R v Lipman (1970)</i>, <i>R v Hardie, A-G for Northern Ireland v Gallagher (1963)</i>, <i>R v Kingston (1995)</i>, <i>R v O'Grady (1987)</i>, <i>Jaggard v Dickinson (1981)</i>;</p> <p><b>6.5</b> Meaning of requirement of honest mistake of fact; analysis of the extent to which the defence interacts with other defences (such as intoxication, self-defence); relevant case law to include: <i>DPP v Morgan (1976)</i>, <i>B v DPP (2000)</i></p> <p><b>6.6</b> s3 Criminal Law Act 1967 circumstances; private defence; response to actual or perceived threat; significance of s76 Criminal Justice and Immigration Act 2008 in relation to honest belief and factors determining reasonable force; analysis of the criteria for the defence; relevant case law to include: <i>R v Mclnnes (1971)</i>, <i>A-G for Northern Ireland's Reference (no 1 of 1975) (1977)</i>; <i>R v</i></p>
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	<p><b>6.7</b> Apply the law on general defences to a given situation</p> <p><b>6.8</b> Critically evaluate a given issue or situation to identify probable legal implications</p>	<p><i>Gladstone Williams (1984), Beckford v R (1988), R v Owino (1995), R v Clegg (1995), R v Martin (2001)</i></p> <p><b>6.7</b> Application of the law on general defences to a complex scenario</p> <p><b>6.8</b> A reasoned opinion of likely legal implications, including remedies and defences, where appropriate</p>
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<b>Additional information about the unit</b>	
Unit aim(s)	To accredit a broad and detailed understanding of Criminal Law
Unit expiry date	31 March 2015
Details of the relationship between the unit and relevant national occupational standards (if appropriate)	This unit may provide relevant underpinning knowledge and understanding towards units of the Legal Advice standards; specifically, Unit 31 Criminal Law Advice and Casework
Details of the relationship between the unit and other standards or curricula (if appropriate)	Na
Assessment requirements specified by a sector or regulatory body (if appropriate)	Na
Endorsement of the unit by a sector or other appropriate body (if required)	Na
Location of the unit within the subject/sector classification	15.5 Law and Legal Services
Name of the organisation submitting the unit	ILEX (Institute of Legal Executives)
Availability for use	Available to all Awarding Bodies to award credit (shared)
Availability for delivery	1 September 2009

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