

Unit 3



<b>Title:</b>	<b>Criminal Law</b>
<b>Level:</b>	<b>3</b>
<b>Credit Value:</b>	<b>7</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 principles of criminal liability</b>	<p><b>1.1</b> Define actus reus</p> <p><b>1.2</b> Explain the nature of an actus reus</p> <p><b>1.3</b> Define mens rea</p> <p><b>1.4</b> Identify principal types of mens rea</p> <p><b>1.5</b> Explain the meaning and significance of transferred malice</p> <p><b>1.6</b> Explain the requirement for actus reus and mens rea to coincide</p> <p><b>1.7</b> Apply the fundamental features of actus reus and mens rea to a given situation</p>	<p><b>1.1</b> Appropriate definition</p> <p><b>1.2</b> Features to include: conduct, consequences, circumstances, status of omissions; egs, <i>Pittwood (1902)</i>, <i>Stone and Dobinson (1977)</i>, voluntariness</p> <p><b>1.3</b> Appropriate definition</p> <p><b>1.4</b> Examples from substantive offences can include: intention, recklessness, gross negligence, dishonesty</p> <p><b>1.5</b> Circumstances in which intention can (and cannot) be transferred from the intended target to the actual target; egs, <i>Latimer (1886)</i>, <i>Pembliton (1874)</i></p> <p><b>1.6</b> Both elements of the offence to be present at the same time; concept of ‘continuing’ act; eg, <i>Thabo Meli (1954)</i></p> <p><b>1.7</b> Application to take place in the context of substantive offences; eg the concept of an “omission” or “transferred malice” might be applied in the context of homicide</p>

<p><b>2 Understand the requirements for liability for criminal damage</b></p>	<p><b>2.1</b> Define the offence of basic criminal damage</p> <p><b>2.2</b> Explain the actus reus and mens rea requirements of basic criminal damage</p> <p><b>2.3</b> Apply the requirements of the offence of basic criminal damage to a given situation</p> <p><b>2.4</b> Define the offence of aggravated criminal damage</p> <p><b>2.5</b> Explain the actus reus and mens rea requirements of aggravated criminal damage</p> <p><b>2.6</b> Apply the requirements of the offence of aggravated criminal damage to a given situation</p> <p><b>2.7</b> Explain the requirements of the defence of lawful excuse</p> <p><b>2.8</b> Apply the requirements of the defence of lawful excuse to a given situation</p> <p><b>2.9</b> Explain the meaning of arson</p>	<p><b>2.1</b> s1(1) Criminal Damage Act 1971</p> <p><b>2.2</b> Meaning of statutory provisions denoting the actus reus and mens rea elements of the offence, including the meaning of “damage” as developed by case law; egs, <i>Morphitis v Salmon (1990)</i>, <i>Hardman v Chief Constable (1986)</i></p> <p><b>2.3</b> Application of the requirements to a scenario</p> <p><b>2.4</b> s1(2) Criminal Damage Act 1971</p> <p><b>2.5</b> Meaning of statutory provisions denoting the actus reus and mens rea, with particular reference to “any property” and the additional element of mens rea; eg, <i>Webster, Warwick (1995)</i></p> <p><b>2.6</b> Application of the requirements to a scenario</p> <p><b>2.7</b> s5 Criminal Damage Act 1971: belief in consent; belief in other property in need of protection; eg, <i>Hill, Hall (1989)</i></p> <p><b>2.8</b> Application of the requirements to a scenario</p> <p><b>2.9</b> s1(3) Criminal Damage Act 1971; <i>Hunt (1977)</i></p>
<p><b>3 Understand the requirements for liability for homicide</b></p>	<p><b>3.1</b> Explain the actus reus requirements of homicide</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 (‘but for’); eg, <i>White (1910)</i>, and legal causation (‘operating’ and</p>

	<p><b>3.2</b> Apply the actus reus requirements of homicide to a given situation</p> <p><b>3.3</b> Define murder</p> <p><b>3.4</b> Explain the mens rea requirement of murder</p> <p><b>3.5</b> Apply the mens rea requirement of murder to a given situation</p> <p><b>3.6</b> Explain the requirements of the defence of diminished responsibility</p> <p><b>3.7</b> Apply the requirements of the defence of diminished responsibility to a given situation</p> <p><b>3.8</b> Explain the requirements of the defence of provocation</p> <p><b>3.9</b> Apply the requirements of the defence of provocation to a given situation</p> <p><b>3.10</b> Explain the effect of the statutory defences on liability</p> <p><b>3.11</b> Explain the requirements of involuntary</p>	<p>'substantial cause'; 'thin skull' rule); eg, <i>Cheshire (1991)</i>, <i>Blaue (1975)</i></p> <p><b>3.2</b> Application of the requirements to a scenario</p> <p><b>3.3</b> Actus reus of homicide accompanied by intention to kill/cause serious injury</p> <p><b>3.4</b> Meaning of intention: direct; indirect; <i>Nedrick (1986)</i>, <i>Woollin (1997)</i></p> <p><b>3.5</b> Application of the requirements to a scenario</p> <p><b>3.6</b> s2 Homicide Act 1957: meaning of the statutory provisions denoting the criteria for the defence, including "abnormality of mind", "causes" specified by the Act, "impairment of responsibility"; egs, <i>Byrne (1960)</i>, <i>Anthony Martin (2001)</i></p> <p><b>3.7</b> Application of the requirements to a scenario</p> <p><b>3.8</b> s3 Homicide Act 1957: meaning of the statutory provisions denoting the criteria for the defence, including evidence of provocation; eg, <i>Doughty (1986)</i>, loss of self-control; eg, <i>Duffy (1949)</i>, standard of self-control; eg, <i>Camplin (1978)</i></p> <p><b>3.9</b> Application of the requirements to a scenario</p> <p><b>3.10</b> Conviction for manslaughter; consequences for sentencing</p> <p><b>3.11</b> Constructive manslaughter including the</p>
--	---	--

	<p>manslaughter</p> <p><b>3.12</b> Apply the requirements of involuntary manslaughter to a given situation</p> <p><b>3.13</b> Identify homicide offences created by statute to cover specific situations</p>	<p>meaning of ‘unlawful act’ and ‘dangerous’; egs, <i>Franklin (1883)</i>, <i>Church (1966)</i>; gross negligence manslaughter including the meaning of ‘gross negligence’ and any requirement for mens rea; egs, <i>Bateman (1925)</i>, <i>Adomako (1994)</i></p> <p><b>3.12</b> Application of the requirements to a scenario</p> <p><b>3.13</b> Examples to include: causing death by driving (ss1, 3A Road Traffic Act 1988, as amended; ss 20, 21 Road Safety Act 2006); familial homicide (s5 Domestic Violence, Crime and Victims Act 2004)</p>
<b>4 Understand the requirements for liability for theft</b>	<p><b>4.1</b> Define the offence of theft</p> <p><b>4.2</b> Explain the actus reus requirements of theft</p> <p><b>4.3</b> Explain the mens rea requirements of theft</p> <p><b>4.4</b> Apply the actus reus and mens rea requirements of theft to a given situation</p>	<p><b>4.1</b> s1 Theft Act 1968</p> <p><b>4.2</b> Meaning of “appropriation” (s3); eg, <i>Gomez (1993)</i>, “property” (s4), “belonging to another” (s5) including property to be dealt with in a particular way and property received by mistake; egs, <i>Turner (1971)</i>, <i>Wain (1995)</i></p> <p><b>4.3</b> Requirement of “dishonestly” including defences contained in s2 and the <i>Ghosh</i> test for determining dishonesty; meaning of “intention of permanently depriving” (s6) including the circumstances where borrowing can amount to theft; egs, <i>Lloyd (1985)</i>, <i>Velumyl (1989)</i></p> <p><b>4.4</b> Application of the requirements to a scenario</p>
<b>5 Understand the requirements for liability for attempting an offence</b>	<p><b>5.1</b> Define the offence of attempt</p> <p><b>5.2</b> Explain the actus reus requirements of attempt</p> <p><b>5.3</b> Explain the mens rea requirements of</p>	<p><b>5.1</b> s1 Criminal Attempts Act 1981</p> <p><b>5.2</b> Meaning of “act more than merely preparatory”; egs, <i>Jones (1990)</i>, <i>Campbell (1991)</i></p> <p><b>5.3</b> Meaning of “intent to commit” including the</p>

	<p>attempt</p> <p><b>5.4</b> Apply the actus reus and mens rea requirements of attempt to a given situation</p>	<p>effect on liability of impossibility of the full offence; egs, <i>Whybrow (1951)</i>, <i>Shivpuri (1986)</i></p> <p><b>5.4</b> Application of the requirements to a scenario</p>
<b>6 Understand the nature and requirements of the general defences</b>	<p><b>6.1</b> Define intoxication</p> <p><b>6.2</b> Explain the circumstances where intoxication will provide a defence</p> <p><b>6.3</b> Apply the requirements of a defence based on intoxication to a given situation</p> <p><b>6.4</b> Identify the circumstances giving rise to a defence based on duress</p> <p><b>6.5</b> Explain the requirements of a defence based on duress</p> <p><b>6.6</b> Apply the requirements of a defence based on duress to a given situation</p> <p><b>6.7</b> Explain the requirements of a defence based on mistake</p> <p><b>6.8</b> Apply the requirements of a defence based</p>	<p><b>6.1</b> Effect of intoxication on a defendant's state of mind at the relevant time</p> <p><b>6.2</b> Distinguish between voluntary and involuntary intoxication; classification of offences according to whether specific intent or basic intent; relevance of classification to voluntary intoxication; effect of involuntary intoxication on liability; egs, <i>Gallagher (1963)</i>, <i>Majewski (1976)</i></p> <p><b>6.3</b> Application of the requirements to a scenario</p> <p><b>6.4</b> Duress by threats: threats coming from a third party directed towards a specific offence; eg, <i>Graham (1982)</i>; duress of circumstances (necessity): circumstances provide the pressure to commit the offence; egs, <i>Dudley and Stephens (1884)</i>, <i>Pommell (1995)</i></p> <p><b>6.5</b> Threat of death or serious injury; standard of fortitude including relevant characteristics; eg, <i>Bowen (1996)</i>; limits on the availability of the defence; eg, <i>Howe (1987)</i></p> <p><b>6.6</b> Application of the requirements to a scenario</p> <p><b>6.7</b> Mistaken view of facts, not mistake of law; honest, not necessarily reasonable; egs, <i>Beckford (1987)</i>, <i>Gladstone Williams (1987)</i></p> <p><b>6.8</b> Application of the requirements to a scenario</p>

	<p>on mistake to a given situation</p> <p><b>6.9</b> Explain the requirements of a defence based on defence of self, another or property</p> <p><b>6.10</b> Apply the requirements of a defence based on defence of self, another or property to a given situation</p>	<p><b>6.9</b> Response to actual or perceived threat; meaning of reasonable force with reference to factors such as: nature and circumstances of the threat, proportionality of response; egs, <i>Malnik (1989)</i>, <i>Anthony Martin (2001)</i></p> <p><b>6.10</b> Application of the requirements to a scenario</p>
<b>7 Understand the nature and features of strict liability</b>	<p><b>7.1</b> Define strict liability</p> <p><b>7.2</b> Identify areas of activity regulated by strict liability</p> <p><b>7.3</b> Explain the factors for determining an offence of strict liability</p> <p><b>7.4</b> Apply the factors for determining strict liability to a given situation</p> <p><b>7.5</b> Evaluate the role of strict liability</p>	<p><b>7.1</b> Exception to the general rule requiring mens rea in relation to all aspects of the actus reus</p> <p><b>7.2</b> Examples to include: preparation and sale of alcohol, food and pharmaceutical products, road traffic, pollution, health and safety at work, construction, trade descriptions</p> <p><b>7.3</b> Factors: absence of words denoting mens rea in the statute, whether the offence is 'truly criminal', matter of public welfare, provision of a statutory defence, nature of the sanction; egs, <i>Sweet v Parsley (1970)</i>, <i>Gammon (1984)</i></p> <p><b>7.4</b> Application of the factors to a statute or scenario</p> <p><b>7.5</b> Justifications, criticisms</p>

<b>Additional information about the unit</b>	
Unit aim(s)	The learner will understand key concepts, terms and processes in the area of Criminal Law
Unit expiry date	31 December 2010
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)	Courses of study leading towards the achievement of the unit may offer the learner the opportunity to satisfy requirements across a number of Level 3 Key Skill areas; most specifically, Communication, Improving own learning and performance, Problem solving and Working with others
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	Only available to owning awarding body
Availability for delivery	1 September 2008