

Scheme of work: Criminal law

This scheme of work suggests how to deliver the Criminal law section of our AS and A-level Law specifications (7161, 7162).

3.2 Criminal law

|  |  |  |  |
| --- | --- | --- | --- |
| Week | Topic and content skills | Activities and resources | Notes |
| 1 | *Actus reus:** voluntary acts
* omissions.
 | * Explain the voluntary nature of a legally valid *actus reus*.
* Identify the circumstances in which the law imposes a duty to act.
 | * Be prepared to give examples of voluntary acts and of omissions.
* Link this topic with the defence of automatism.
 |
| 2 | *Actus reus* (continued):* causation in fact
* causation in law.
 | * Describe the ‘but for’ test.
* Analyse when the chain of causation is broken and when it is not.
* Complete the following [causation scenario Activity 1: Mr Martini’s revenge](#MrMartini). As an extension re-visit this to do non-fatal offences. Refer to the [SAMs](http://www.aqa.org.uk/subjects/law/as-and-a-level/law-7162/assessment-resources) for additional practice scenarios.
 | * Note the policy issues behind causation rules, such as those relating to medical negligence
* Construct a chart summarising the different rules governing causation in law.
 |
| 3 | *Mens rea*:* intention and subjective recklessness
* strict liability
* transferred malice
* coincidence of *actus reus* and *mens rea*.
 | * Define intention and subjective recklessness.
* Analyse the requirements for an offence of strict liability.
* Describe the concepts of transferred malice and coincidence.
* After teaching *AR* and *MR* get your students to name the case and the principle from the following [*AR* and *MR* clip.](https://www.youtube.com/watch?v=EVkcKEIHlNo&index=2&list=PLB1924BE641404093)
 | * Distinguish between advertent and inadvertent *mens rea*.
* Link this topic with the issue of fault.
 |
| 4 | Murder:* murder
* voluntary manslaughter – loss of control and diminished responsibility.
 | * Identify the elements required for murder.
* Sign up to [Channel 4 OD](http://www.channel4.com/info/press/programme-information/murder-trial-w-t) and you can let the students watch a real murder trial.
* Explain and analyse the circumstances in which a defendant can rely on one of the partial defences.
* Read the following [article on the double murder or Katie and Elizabeth Edwards](https://www.thetimes.co.uk/article/teenagers-jailed-for-life-after-murdering-dinner-lady-and-daughter-bn03qg997) and watch the relevant videos. Consider why a partial defence was not available. How can you use this to evaluate the law?
 | * Find a media story about a media case and consider the issues which it raises.
* Students should be prepared to discuss fully issues of *mens rea* and of causation in any analysis of murder.
 |
| 5 | Involuntary manslaughter:* unlawful act manslaughter
* gross negligence manslaughter.
 | * Identify and explain the required elements for involuntary manslaughter.
* Analyse when involuntary manslaughter can arise in terms of unlawful acts and a duty of care.
* Watch this [video clip on 'The Philpott’ case](https://www.youtube.com/watch?v=NFE_RM4KLkI) and apply this to the rules on gross negligence manslaughter.
 | * Consider the extent to which it is fair to criminalise someone for death they did not foresee, let alone intend.
* Think of examples of gross negligence manslaughter, such as: transport workers, restaurant managers and medical professionals.
 |
| 6 | Non-fatal offences against the person:* assault and battery
* Actual Bodily Harm (ABH), contrary to s47 Offences against the Person Act 1861 (OAPA 1861)
 | * Define the respective elements of the *actus reus* and *mens rea* of: assault, battery and ABH.
* Explain the relationship between the three offences.
 | * Give examples of actions which are either a battery or an assault, but not both.
* Students are often inaccurate in relation to the *mens rea* of ABH.
 |
| 7 | Non-fatal offences against the person –Grievous bodily harm (GBH) and wounding contrary, to s18 and 20 OAPA 1861. | * Define the respective elements of the *actus reus* and *mens rea* of both s20 and s18.
* Explain the relationship between the two offences.
* Complete the following [Activity 2: Criminal offences table](#Criminaloffences).
 | * Consider fully, with case examples, the meaning of GBH.
* The definitions of wounding and GBH are not contained in the *charging standards*.
 |
| 8 | Theft – *actus reus*:* appropriation
* property
* belonging to another.
 | * Define the concept of appropriation.
* Explain what does and does not amount to property.
* Analyse the circumstances in which items belong to another.
* Get the class to use their whiteboards and complete the following [*actus reus* of theft activity.](https://www.youtube.com/watch?v=HTsXVyn1HbY&list=PLB1924BE641404093&index=3)
 | * Note the issue of consent.
* Be prepared to define ‘appropriation’ with case authorities.
 |
| 9 | Theft – *mens rea*:* dishonesty
* intention permanently to deprive.
 | * Define dishonesty in terms of statutory provision and the common law.
* Explain the circumstances in which the law holds that an intention permanently to deprive exists.
* Get students to use white boards to follow this [*mens rea* of theft activity.](https://www.youtube.com/watch?v=9Ub0QK-T2hc&list=PLB1924BE641404093&index=7)
 | * Be aware of what does not count as dishonesty and what does count as an intention permanently to deprive.
* Construct a chart of the different elements of theft with case authorities.
 |
| 10 | Robbery:* *actus reus* of robbery
* *mens rea* of robbery.
 | * Define the elements of the *actus reus* and *mens rea* of robbery.
* Explain the relationship between robbery and theft.
 | * Link robbery with the elements of theft.
* Construct a step-by-step framework for answering questions on robbery and practise using the framework with some of the past paper scenarios.
 |
| 11 | Attempts –Requirements of s1 Criminal Attempts Act 1981 | * Define the requirements necessary for an attempt.
* Analyse when behaviour does or does not fall short of an attempt.
 | * Note the issue of attempting the impossible.
* Pick out from the case law principles which the courts use when deciding when someone has gone far enough for his/her actions to amount to an attempt.
 |
| 12 | Defences:* capacity defences – insanity, intoxication and automatism
* necessity defences – self-defence, duress and duress of circumstances.
 | * Explain the elements of each defence.
* Identify the circumstances in which each offence is likely to be relevant.
* Use this [criminal law clip](https://www.youtube.com/watch?v=sHyKJJqT2t8) to revise automatism.
 | * Link automatism with *actus reus* and the issue of voluntary acts.
* Construct a chart of the different rules governing the use of self-defence and give a case example for each.
 |
| 13 | Theory in criminal law:* harm
* fault
* principles of criminal law.
 | * Analyse harm as a basis for criminalising conduct.
* Explore the concepts of fault and individual responsibility in the context of the criminal law.
* Examine principles relevant to formulating the rules of criminal law.
* Activity: As a starter you could explore the concept of fault by going onto [justice.gov.uk/](%20http%3A/ybtj.justice.gov.uk/)

 and completing the activity. | * Consider the *mens rea* of each offence that you have studied and ask whether it matches the *actus reus* of that offence.
* Link with strict liability, defences and the non-fatal offences.
 |

Suggested activities

Activity 1: Mr Martini’s revenge

‘After his disastrous time on ‘I’m a celeb’ Mr Martini has taken to drink. He gate crashes a party at Nightfellows and heads for the VIP area on the balcony over the dance floor. Much to Mr Martini’s disgust, Scarlett and her friends are sat around a table celebrating her victory. Mr Martini edges through the crowd to Scarlett’s table but his anger gets the better of him and Mr Martini lashes out at her. As Scarlett does not drink she was quick enough to jump out of the way of Mr Martini’s fist but in so doing, she loses her balance and falls backwards over the balcony rail and lands on the dance floor below, breaking her leg.

James was standing close by and he tried to intervene but Mr Martini lashed out at him with his glass of lager and lime, giving him a deep cut across the throat. He was immediately rushed him off to hospital in the private ambulance that follows all celebrities wherever they go. Unfortunately for James, John was later for the party and he was rushing to Nightfellows in his Mercedes. He crashed into James’ ambulance, killing him on impact.

Discuss whether Mr Martini’s actions were a legal and factual cause of Scarlett’s and James’ injuries. Remember to consider any intervening events – and use cases throughout.

Activity 2: Criminal offences table

Complete the table below.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Offence | *Actus reus* | *Actus reu*s cases | *Mens rea* | *Mens rea* cases | Maximum sentence |
| Assault |  |  |  |  |  |
| Battery |  |  |  |  |  |
| ABH |  |  |  |  |  |
| GBH s20 |  |  |  |  |  |
| Wounding s20 |  |  |  |  |  |
| GBH s18 |  |  |  |  |  |
| Wounding s18 |  |  |  |  |  |