

GCE

# LAW: GENERAL ELEMENTS OF LIABILITY

## ACTUS REUS (2) SUGGESTED IDEAS FOR TEACHING AND LEARNING



## **SUGGESTED IDEAS FOR TEACHING AND LEARNING**

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| <b>Teacher /Lecturer:</b> |  |
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| <b>Course:</b>  | <b>A Level LAW</b>                   |
| <b>Topic:</b>   | <b>General elements of liability</b> |
| <b>Session:</b> | <b>ACTUS REUS CAUSATION</b>          |

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| <b>Component:</b>                 | <b>A Level Components 2 and 3</b> |
| <b>Ref. to specification:</b>     | <b>Criminal Law</b>               |
| <b>Suggested time allocation:</b> | <b>2-4 hours</b>                  |

**Aims & Objectives:** At the end of these sessions the student will be able to:

- UNDERSTAND that there has to be a chain of causation linking the crime to the defendant
- EXPLAIN the tests that apply to both factual and legal causation
- COMPETENTLY APPLY the tests to given scenarios

### **Main Teaching and Learning Activities**

#### **Teacher/Lecturer Activities:**

- Introduce the subject to the students with reference to the above aims and objectives.
- Explain that the prosecution must prove that the defendant's acts caused the result, and that this must be proved in both fact and law, and that there must be no break in the chain of causation.
- Using the power point, explain the tests for factual causation with reference to the cases of White (1910), Dalloway (1847), Pagett (1983) and Kimsey (1996). Questions and answer as appropriate to monitor students' understanding.
- Using the power point presentation, introduce the topic of legal causation and explain the law relating to the original act being an operative and substantial cause of the consequence. Relate this clearly to medical intervention and the cases of Smith (1959), Cheshire (1993) and Jordan (1956). Use questions and answers as appropriate.
- Whole group discussion relating to medical intervention asking the students to evaluate the outcome of these cases. Introduce the case of Malcherek (1981) and the turning off of life support machines to add to the discussion. Use direct questions where necessary to get all students involved.
- Using the power point presentation complete the aspects relating to legal causation – intervening acts and the thin skull tests asking and answering questions throughout.
- Set small group work detailed on the power point presentation for students to draw up a flowchart of the questions that need to be answered to prove whether the factual and legal causation can be proved in any case. Supervise feedback to the whole group and ensure all students participate in discussions.
- Explain the problems relating to causation.
- Provide students with a handout of past paper question. Divide them into their small groups again and, using their flowchart, ask them to decide whether factual and legal causation can be proved and any problems that they might come across. Monitor involvement in the small group work to ensure all participate and supervise feedback to the whole group.

- Set homework for students to draw up their own individual revision resource of the flowchart they developed during the session.

### **Student Activities:**

- Take comprehensive notes throughout the session
- Ask and answer questions wherever possible to ensure all aspects are fully understood. Ask for clarification where necessary.
- Participate in small group work activities, offering opinions/ideas as appropriate.
- Participate in feedback to the whole group from small group work.

### **Suggested links / resources:**

- IWB/Whiteboard
- Any good A Level Criminal Law textbook
- Flipchart paper and pens
- Handouts

### **Assessment**

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|----------------------|--|
| During the lesson    | Students will be continually assessed on their learning with questions and answers throughout the session, taking notes, participation in small group work and feedback to the whole group. Direct questions will be used to ensure all participate to monitor progress. |
| Subsequent to lesson | Students will have a short homework activity to draw up the flowchart prepared during the session into a useable revision tool for their files.  |

TOPIC: CAUSATION

| Questions: |   | Expected answers:  |
|------------|---|--|
| 1.         | Revision question – what are the two elements that need to be proved before someone is found guilty of a crime?   | Refer back to actus reus and mens rea with definitions.  |
| 2.         | Discuss the Pagett case when looking at factual causation. Should the defendant have been found guilty of murder when he didn't actually kill the person? | Discussion question which may lead to a variety of different views.  |
| 3.         | If a doctor acts in a negligent fashion when treating a victim, should their actions break the chain of causation?  | General discussion which may lead to a variety of answers. Suggestions may be that it will depend on how negligent the doctor has been or that the doctor should be held at least partially responsible. |
| 4.         | How would you define the 'thin skull test'?   | Answers should include reference to having to take the victim as you find them and that you are responsible for the death despite the fact that it might be extremely unique.                            |
| 5.         | Should a person be found guilty of murder when their actions fit within the 'thin skull test' or should it be reduced to a lesser offence? Give reasons.  | Discussion question which might include a variety of personal views from students. Students could refer to the cases covered in the session to prompt discussion of whether the decisions were correct.  |