

GCE

# LAW: OFFENCES AGAINST THE PERSON

## MURDER SUGGESTED IDEAS FOR TEACHING AND LEARNING



## SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:	
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Course:	A Level Law
Topic:	Offences Against the Person
Session:	MURDER

Component:	A Level Components 2 and 3
Ref. to specification:	Criminal Law
Suggested time allocation:	2 - 3 hours

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

- **Explain** the definition of murder and how it has changed giving reasons and references to appropriate authority.
- **Explain** the actus reus and mens rea of murder.
- **Apply** the definition to scenarios and define the actus reus and mens rea elements.
- **Analyse** the need for reform of the law in relation to murder and **evaluate** the current proposals for reform.

### Main Teaching and Learning Activities

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

- Introduce the topic with reference to the aims and objectives above.
- Explain that murder is a common law offence and set out the definition put forward by Lord Coke.
- Ask students to read through the definition and state which aspects a court would need to prove, which parts they think are straight forward and which parts are likely to cause problems.
- Using the PowerPoint presentation, explain the actus reus for murder going through the different parts of the definition with reference to appropriate authority, i.e. Gibbins –v- Proctor (1918), White (1910), Attorney General’s Reference (No 3 of 1994) (1997), Law Reform (Year & a Day Rule) Act 1996 – questions and answers throughout.
- Using the handout of scenarios, ask the students to decide whether the actus reus for murder is present or not.
- Using the PowerPoint presentation, explain the mens rea of murder with reference to Vickers (1957), Cunningham (1981), Moloney (1985), Nedrick (1986) and Woollin (1998).
- Divide the students into small groups and give them handout with past paper questions. Ask each group to look at one question each and put together a brief presentation to answer the question and feedback to the whole group. Work around each group to ensure that they are addressing the correct issues and understand each point involved in order to consolidate learning.
- Discuss the recent cases on joint enterprise.
- Explain the need for reform in this area of law and the reforms that have been suggested by the Law Commission.

- Set homework from the small group work above. Get students to answer one of the past paper questions that they didn't work on during the small group session.

### **Student Activities:**

- Make notes throughout presentations, asking and answering questions.
- Participate in group discussions.
- Small group work on scenarios.
- Small group task working through past paper question with feedback to the whole group.

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

- PowerPoint presentations
- Handout of scenarios
- Handout of past paper questions
- Any good A Level law textbooks

### **Assessment**

During the lesson	Students will be continually assessed on note taking, contribution to class discussions, asking and answering questions, participation in small group work.
Subsequent to lesson	Students will be set a question to consolidate their learning and demonstrate their knowledge of this area of law.

TOPIC: MURDER

Questions:		Expected answers:
1.	What do you understand by the term 'murder'?	Students will suggest that it is when someone is killed by someone in a way that is against the law.
2.	A person can only be convicted of murder if they kill a human being. What questions may arise regarding whether someone is a human being or not?	Possible answers here may include that only people who are walking around, living and breathing should be regarded as human beings. Students may discuss whether a foetus is a human being and from what stage they become a human being – possibly alluding to a foetus' viability from 26 weeks. They may also discuss whether someone on life support is a human being. Guide the discussion carefully as some issues could be sensitive.
3.	The defendant's actions must have caused the death for him/her to be found guilty of murder. What is the chain of causation?	Students may be able to recall that this is the link between the defendant's actions and the actual event/outcome. Try and see whether they can relate that to the offence of murder.
4.	Can you remember what factual causation is and how it is proved?	Students may be able to recall some of this from the previous unit. They may recall the White case or the de minimis rule.
5.	Can you remember what legal causation is and how it is proved?	Students may be able to recall the thin skull test or aspects about the original wounds being operative and substantial at the time of the death.
6.	What is direct intention?	Answers may include that the defendant actually sets out to do something and does it or that it defendant clearly plans to do an action.
7.	What is indirect intention?	Students may struggle here but may be able to remember the virtual certainty test and even possibly recall a case like Nedrick.
8.	What do you understand by the word 'malice'?	Possible answers could include the fact that it is related to the word malicious where someone does something really horrible on purpose; or that they intend

		to be really horrible to someone; or that it could be related to evil.
9.	What do you understand by the word 'aforethought'? (Get students to break the word down.)	Students should be able to work out that it involves thinking about something before doing it and could come up with the word 'premeditation' as a result.
10.	If someone throws you over a cliff and you are only injured in the fall yet die two days later from exposure, should they be convicted of murder?	This is a discussion point where students will be able to argue either way. They may suggest that the defendant could be charged with attempted murder rather than murder.