

GCE AS

# WJEC Eduqas GCE AS in LAW

## Component 2 – Criminal Law Suggested Activities



## Component 2 – Criminal Law

**EXAM LEVEL: AS LEVEL**

**AREA OF STUDY: Rules of criminal law**

### Key Points:

- An understanding of the rules of criminal law.
- Learners should be able to provide a definition of crime and the purpose of criminal law with reference to the burden and standard of proof.
- Learners should be able to discuss the codification of criminal law.

### Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analyse case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluating the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

## Suggested Activities:

1. It is important to understand the differences between civil and criminal liability. Complete the following table comparing some of the rules of criminal law compared with civil:

	CIVIL	CRIMINAL
Case is brought by:		
Case is brought against:		
In what court will the case start?		
Will the case be heard by a judge and jury?		
What must be proved?		
On whom is the burden of proof?		
What is the standard of proof?		
If the case is proved, what are the likely outcomes?		

## Component 2 – Criminal Law

**EXAM LEVEL: AS LEVEL**

**AREA OF STUDY: General elements of liability – Actus reus and causation**

**Key Points: Learners should be able to:**

- Understand that there are different elements to a crime and identify them.
- Clearly explain the definition of actus reus and that this can be fulfilled by a voluntary act, a state of affairs or an omission.
- Discuss the situations in which an omission can amount to a crime.
- 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.

**Provides an opportunity to develop the following skills:**

- Analysis of legislation by applying the rules and principles of statutory interpretation and analysis of case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts the relevant legal rules and principles for each area of law and applying those legal principles to a hypothetical scenario.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

## Suggested Activities:

1. Organise the class into small groups – discuss the following:

What do you think needs to be proved for someone to be found guilty of a crime? Give examples.

Could there be any problems with finding someone guilty of a crime just because they committed the act?

The defendant must be proved guilty beyond all reasonable doubt. Why do you think the standard of proof in criminal cases is so high?

Should someone only be found guilty if they have acted voluntarily?

In what circumstances do you think that someone has a duty to act and, if they don't, that they should be held criminally liable? Should individuals be responsible for helping someone in trouble or preventing harm?

You are walking by the river and see someone in the water shouting for help and saying that they cannot swim. Instead of stopping to help, you walk by and the person drowns.

Should you be held liable for their death? What if you were a trained lifeguard?

2. Discuss the duty of doctors to act and the case of Anthony Bland. Anthony Bland was allowed to die as there was no hope of any improvement in his condition. Treatment that is in the patient's best interests is not considered to be an omission so is therefore not the *actus reus*.

Research the case of Diane Pretty and trace her court battles.

Is there any difference between these two cases? Why do you think the courts arrived at different conclusions?

3. Divide the learners into groups, research the cases of: White (1910), Dalloway (1847), Pagett (1983) and Kimsey (1996) Class discussion of factual causation

Research the cases of : Smith (1959) Cheshire (1993) Jordan (1956) Class discussion of legal causation.

Whole group discussion relating to medical intervention asking the learners 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.

Discuss intervening acts – what type of act could break the chain of causation?

4. In small groups, go through the information on causation and draw up a flow chart of the questions that you would need to answer to decide whether there is factual and legal causation present and whether a defendant will be found liable or not.

5. Read through each scenario and state:-whether the required actus reus for murder is present, and the appropriate authority which you could apply.

Leon decides to kill Tyrone. He goes to Tyrone's house, looks through a window and sees that Tyrone is alone and asleep on the sofa in the lounge. Leon thinks this is his ideal opportunity and shoots Tyrone. Leon does not know that Tyrone has just suffered a heart attack and is already dead.

David breaks into Tracey's house. He believes that Tracey has gone out for the evening and that the house is empty. Tracey returns early and disturbs David who panics and throws a pot plant at Tracey. The plant hits Tracey and she falls to the ground, hitting her head on the table. David escapes and Tracey's neighbour calls for an ambulance. The hospital can save Tracey's life provided that she has a blood transfusion. She objects on religious grounds and dies.

## Component 2 – Criminal Law

**EXAM LEVEL: AS LEVEL**

**AREA OF STUDY: General elements of liability – Strict liability**

**Key Points: Learners should be able to:**

- Understand the concept of strict liability crimes.
- Explain the difference between strict liability and absolute liability.
- Define what tests are applied by the courts in deciding whether a case is one of strict liability or not.
- Discuss problems and benefits with strict liability crimes.

**Provides an opportunity to develop the following skills:**

- Analysis, application and evaluation of the legal rules and principles of public and private areas of law.
- Identification and breaking down into constituent parts of the relevant legal rules and principles for each area of law.
- Evaluation of the law in order to reach a reasoned conclusion.
- Analysis and critical evaluation of legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.
- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

## Suggested Activities:

1. Organise the class into small groups – discuss the following:

Should you be found guilty of a crime that you did not intend to commit? Watch the following video on strict liability: <https://www.youtube.com/watch?v=gtFeUNf3eeq>

2. Again in groups or pairs, or could be done as a snowballing activity (questioning technique strategy) Research the following links / cases and discuss the questions below

[http://sixthformlaw.info/01\\_modules/mod3a/3\\_10\\_principles/16\\_principles\\_strict\\_liability.htm](http://sixthformlaw.info/01_modules/mod3a/3_10_principles/16_principles_strict_liability.htm)

<http://www.lawteacher.net/cases/criminal-law/strict-liability-cases.php>

What do the terms actus reus and mens rea mean? ( recap question)  
 How would you explain a presumption of mens rea? ( recap question)  
 The presumption of mens rea can be rebutted for strict liability crimes.  
 What does this mean?  
 Why are most of these crimes called 'regulatory offences'?  
 What can you remember of statutory interpretation?  
 What are the advantages of imposing strict liability?  
 Why does imposing strict liability often seem to be unfair?  
 How has the Law Commission proposed changing the law in this area?

Feedback answers to class (can be done using flipchart paper, whiteboard etc.

3. Divide the learners into two groups. Ask one group to think about the problems associated with strict liability offences and the other group to think about the advantages of strict liability. Get them to write these on flipchart paper or make a poster; the market place assessment strategy could be used for this activity.



## Component 2 – Criminal Law

**EXAM LEVEL: AS LEVEL**

**AREA OF STUDY: Offences Against the Person – non-fatal offences**

### Key Points:

- An understanding of the non-fatal offences against the person.
- Learners should be able to explain and apply the non-fatal offences of assault and battery as per the Criminal Justice Act 1988.
- Learners should be able to explain and apply the non-fatal offences of actual bodily harm; wounding and grievous bodily harm; wounding and grievous bodily harm with intent as per the Offences Against the Person Act 1861.
- Learners should be able to evaluate the law on non-fatal offences against the person, including any reforms.

### Provides an opportunity to develop the following skills:

- Analysis of legislation by applying the rules and principles of statutory interpretation and analyse case law by applying the doctrine of precedent in order to form a legal argument.
- Analysis of a factual scenario by identifying the key facts and applying the law in order to form a legal argument.
- Construction of a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.
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- Construction of clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

## Suggested Activities:

### 1. Non-fatal offences against the person:

Non-fatal offences may be examined in a scenario-style question. It is important to be able to identify which person has committed which offence and then explain and apply, with reference to legal authority, the actus reus and mens rea of each offence. The following table can be used as practice with past-paper examples.

	Person	Actus Reus	Mens Rea	Cases	Sentence
<b>Sec 39 Assault</b>					
<b>Sec 39 Battery</b>					
<b>Sec 47 ABH</b>					
<b>Sec 20 GBH</b>					
<b>Sec 18 GBH with intent</b>					

### 2. Case study example:

Becky and Roz were contestants on the popular live television game show, Absolute Freak-Out, in which the contestants tried to complete a series of challenges while the other contestants attempted to stop them.

Becky's boyfriend, Joel, and Roz's mother, Gill, were both in the studio audience, cheering them on. The first challenge was a spacehopper race, which Becky won easily. The next challenge was to walk across a tightrope stretched above a vat of yoghurt. As Roz was inching her way across the rope, Becky threw a handful of yoghurt at her. Roz lost her concentration and tumbled into the vat. When Becky's turn came, Roz picked up a spacehopper and hurled it at Becky's face, knocking her off the tightrope. The laughter of the audience died away as it was realized that Becky had suffered serious injuries to her face. Joel jumped up and shouted at Roz, "I'll get you for this!" Thinking that Joel meant to attack Roz, Gill knocked him unconscious with her handbag.