

Year 11-12 Summer Independent Learning – Law

Part 1

The tasks in **Part 1 and Part 2 are compulsory** and **must be completed and brought to your first law lesson**. However, your initial assessment which will take place week commencing 14 September **will only be based on Part 1 tasks**:

Introduction to Criminal Law - Elements of a Crime

The general rule in all criminal offences is the prosecution must prove that the defendant did the ***actus reus*** and had the ***mens rea*** of the crime to be found guilty.

Actus Reus (AR) = Physical element (the doing part of the crime or failing to do something) e.g. stabbing someone

Mens Rea (MR) = Mental element (guilty intention) e.g. wanting to stab someone

Task 1

Using the above two terms (AR and MR) define what you think they are for each crime below:

Crime	Actus Reus (AR)	Mens Rea (MR)
Theft		
Robbery		
Murder		
Assault		
Battery		

Task 2

Sometimes people can be guilty of a criminal offence where they fail to act, for example failing to stop and report an accident. This is known as being **liable by omission (LBO)**. Watch the following YouTube clip to gain an understanding of omissions:

<https://www.youtube.com/watch?v=vOM7vNPYW-s>

Now complete the table below – you can find details of the cases through google searches:

Area of Omissions	Explanation/Rule	Case examples – Facts & Outcome
Good Samaritan rule 		We don't have this in the UK so you can technically walk past someone you don't know who is in danger e.g. a child drowning in a lake and not be LBO .
Statutory Duty 		Road Traffic Act (1988) – Give examples of when you will be LBO under the RTA 1988:
Contractual Duty 		R v Adomako (1994)
Acceptance of Care 		R v Stone & Dobinson (1977)
Duty via Relationship 		R v Gibbins & Proctor (1918)
Creation of a danger 		R v Miller (1983)
Public Duties 		R v Dytham (1979)
Public Policy 		R v Wacker (2003)
Termination of a Duty 		Bland (1993)

Task 3

Go through each scenario below and decide if they can be liable by omission or not and why, linking it to the relevant category and case above. Make your notes around each scenario:

Morgan is an anaesthetist at Pinderfields hospital. One shift she is tired and whilst she is meant to be checking the oxygen levels of the patient, Cuthbert, she doesn't. He goes into cardiac arrest from lack of oxygen and dies. She is now charged with gross negligence manslaughter.

Jack is in the habit of looking after his elderly auntie Edna. He is tired one morning and decides rather than going to help her he is going to go for a weekend away. When he comes back he sees that Edna has died from malnutrition. He is now charged with manslaughter.

Andy is out partying celebrating his university results. He gets back to his house at 4am and decides he is hungry. He cooks chips but falls asleep with the hob on. The chip pan catches fire and sets the house on fire. When he wakes up and notices he decides to leave the property instead of ringing 999. He is now charged with Arson.

Jade and Chloe are best friends. They were walking from Pontefract to Xscape when they saw someone drowning in Pontefract park lake. Because they were rushing to watch a film at Xscape they walked past. The victim died.

Task 4

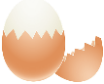
For many crimes the prosecution must also prove that the defendant caused the end result e.g. for murder, it must be proven that the defendant caused the victim's death. There is a two-part test for proving causation, see the link for more details and then complete the table below: <http://www.e-lawresources.co.uk/Causation-in-criminal-liability.php>

1. What is the test for Factual Causation & case example –

2. What is the test for Legal Causation & case example –

Novus Actus Interveniens (intervening acts) are part of legal causation, this is where the defendant tries to argue that an intervening act broke the chain of causation making them not fully responsible or not liable at all.

Now complete the table below – you can find details of the cases through google searches:

Intervening Acts	Explanation/Rule	Case examples – facts and outcome
Eggshell conditions /thin skull rule 		<i>R v Blaue (1975)</i>
Vs own Acts - Escape of the victim 		<i>R v Roberts (1971)</i>
Vs own Acts - Self-treatment / refusal 		<i>R v Holland (1841)</i>
Third Parties Medical 		<i>R v Jordan (1956)</i>
Turning off life support machines 		<i>R v Malcherek & Steel (1981)</i>
Natural & Unpredictable events 		<i>R v Hart (1986)</i>

Task 5 -

Complete the mini scenarios below to decide if the defendant will be guilty or if the chain of causation will be broken. Apply both factual & legal causation including any relevant intervening act, see example scenario and model answer below:

Ben is having a shootout with the police and in order to protect himself, moves his friend in front of him. The police shoot and a bullet hits his friend. On the way to hospital, the ambulance crew do not close the back doors properly and his friend falls out and dies an hour later from head injuries.

Factual cause applied to Ben using the 'but for' test + case example

Factual: 'But for' Ben using his friend as a shield, his friend would not have died because he would not have been shot and had to be taken

Legal cause applied to Ben

to hospital in an ambulance. Ben is therefore the factual cause of his death. This is similar to the case of Pagett, where D used his pregnant girlfriend as a weapon.

Legal: Ben's culpable act of using his friend to protect himself from being shot is a substantial cause of his friend's death, however he isn't the sole cause because of the intervening act of the 3rd party – the ambulance crew.

Legal (intervening act): Ben will therefore try to argue that the third-party intervening act of the paramedics should break the chain of causation. It is not foreseeable that the ambulance crew would not close the doors properly and so they are the main cause of Ben's friend's death, as he died because of the head injury and not the bullet wound. Therefore, this is likely to break the chain as the ambulance crew's actions were grossly negligent and Ben is not the legal cause of his death.

Conclusion: Overall, Ben will not be the cause of his friend's death because the ambulance crew's intervening act, so he will more likely be guilty of a lesser offence such as GBH or wounding.

Conclusion – are they the cause or not?

Intervening act 3rd party medical + case example

Natasha and David are having an argument. Natasha grabs a knife off the kitchen and stabs David. David is taken to hospital, he needs an urgent blood transfusion, however Dr Strange forgets to check his medical records and gives him the wrong blood type which he is allergic to. David has an allergic reaction and dies.

Answer:

Rob and his friends go on a night out and see someone who they disliked from school. They chase him down the street and in order to escape the gang he jumps into a river and drowns.

Answer:

Ranjeet assaulted Amrita on the pier by the harbour and left her unconscious. During the night there was a terrible storm and a freak wave dragged Amrita out to sea. It was confirmed that the cause of death was drowning.

Answer:

Tim viciously attacked Matthew. Matthew is placed on life support. At the hospital doctors conclude that there is no activity in his brain stem cells and it is in Matthew's best interest to turn off his life support.

Answer:

Task 6: You have now looked at the first two areas of criminal law (omissions and causation). Now create some revision resources that you will use to help you revise for your initial assessment. Examples of revision resources you can create:



- 1) Posters
- 2) Mind map
- 3) Flowcharts
- 4) Revision cards (flashcards)
- 5) Quizzes
- 6) Apps – any revision apps you can use e.g. Quizlet

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Part 2

The tasks in **Part 2 are compulsory**, but you **will not** be assessed on these areas in the initial assessment. These tasks explore some other areas that we will cover during the first year of your law A-level.

Task 1 - Law & Morality

Watch this video from the Open University introducing law (it is free to access but you will need to create an account):

<https://mediaplayer.open.ac.uk/popup/pod/3908/9b9dfcb1c0#t=00m12s&play=1>

How would you define a law?

What role does law play in society?

Now watch this clip: <https://www.youtube.com/watch?v=0WxOGR6HKFs>

What are morals?

What role do morals play in society?

Now go to this link:

<https://www.open.edu/openlearn/mod/oucontent/view.php?id=68341§ion=3.2>

What are the key differences between laws and morals?

Task 2 - Research Project: The Hatton Garden 'Heist'



Research this crime using the resources below and others you find from your own research, making sure that your resources are from **reliable sources** – e.g. national News networks, academic articles, **not** personal blogs or Facebook pages.

<https://www.theguardian.com/uk-news/2016/jan/23/one-last-job-inside-story-of-the-hatton-garden-heist>

<https://www.bbc.co.uk/news/uk-england-london-35126667>

'One last job' Sky One documentary: <https://www.youtube.com/watch?v=rIqZCNzt00A>

- What type of crime was it?
- What was unusual about the offenders?
- What prison sentence did the offenders receive?
- Do you think they should have received this sentence? Why?
- Do you think that there were any factors that the judge should have taken into account before sentencing them?