

Year 12 BTEC Extended Certificate in Applied Law

SummerIndependent Learning (SIL)

The extended certificate in Applied Law covers 4 units over 2 years.

Unit 2 & 7 are internally assessed: coursework

Unit 1 & 3 are externally assessed: exams

Your SIL will focus on **Unit 2** – Aspects of Criminal Law and the Legal System. This is the first unit you will learn in September. Please **complete ALL tasks** ready for your first day at New College and bring them with you to your first Law lesson.

If you **don't have access to a printer** then you can hand write your answers.

You cannot plagiarise (copy) any work from the internet for any of the tasks. Everything must be your own words.

The tasks in **Part 1 and Part 2 are compulsory**. However, **your initial assessment** which will take place week commencing 8 September will only be based on **Part 1 tasks only**.

Part 1 – General Elements of a Crime	Tasks 1 – 4
Part 2 – Non-Fatal Offences	Tasks 5 – 6

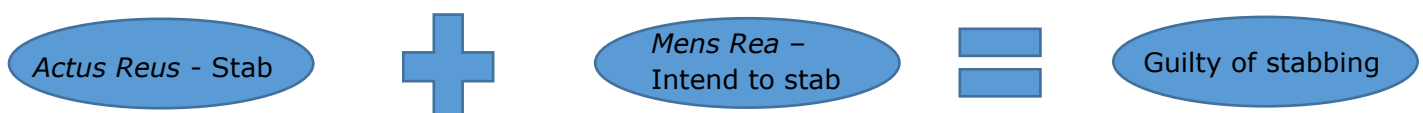
Part 1

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)

Mens Rea (MR) = Mental element (guilty intention)



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). You can only be LBO if D owed the V a positive duty of care before the omission occurred.

Task 1

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 2

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 3

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:

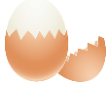
<http://www.e-lawresources.co.uk/Causation-in-criminal-liability.php>

Test for **Factual Causation** & case example –

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 - refusal / Self-treatment 		<i>R v Holland (1841)</i>
Third Parties Medical 		<i>R v Jordan (1956)</i>
Life support 		<i>R v Malcherek & Steel (1981)</i>
Natural & Unpredictable events 		<i>R v Hart (1986)</i>

Task 4

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

Legal cause applied to Ben

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 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 paramedics.

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 discussed + 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:

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:

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:

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:

Part 2 – Non-Fatal Offences

Non-fatal offences are offences against a person where the outcome is not death. There are five non-fatal offences that you will cover in unit 2 coursework.

Task 1 – Research the following cases and complete the table below:

CASE Name	Detail
<i>R v Constanza (1997)</i>  https://www.e-lawresources.co.uk/r-v-constanza	What happened in this case? What offence was D guilty of? What was the issue regarding words alone and assault?
DPP v K  https://www.e-lawresources.co.uk/dpp-v-k-a-minor	What happened in this case? What offence was D guilty of? What do you think is meant by 'application of force need not be applied directly'; can you give other examples of indirect battery?
DPP v Smith (2006)  https://www.e-lawresources.co.uk/dpp-v-smith-2006	What happened in this case? What offence was D guilty of? What did the judge say regarding cutting of hair? What did the judge say regarding physical pain?
JJC v Eisenhower  https://ipsaloquitur.com/criminal-law/cases/jjc-minor-v-eisenhower/	What happened in this case? What offence was D guilty of? What did the court define what amounts to a wound?
R v Dica  https://www.e-lawresources.co.uk/r-v-dica-2004	What happened in this case? What offence was D guilty of? What did the court say about intentionally or recklessly transmitting a disease?

Task 2 – Go to the link below to find the details you need to complete the table below, then select a case example to use for each offence from task 1:

<https://www.e-lawresources.co.uk/common-assault>

<https://www.e-lawresources.co.uk/the-law-of-battery>

<https://www.e-lawresources.co.uk/actual-bodily-harm-abh-s47-offences-against-the-person-act-1861>

<https://www.e-lawresources.co.uk/wounding-and-gbh-s20-s18-oapa-1861>

Offence	Description	Case Example
Assault		
Battery		
s.47 ABH		
s.20 GBH & Wounding		
s.18 GBH & Wounding		