



## Unit Information 2009-10

### 101 Criminal law

#### Prerequisite

None apply

#### Note

Students are permitted to bring into the examination room the following specified document: either **one** copy of **one** of the following: *Blackstone's Statutes on Criminal Law* (OUP), *Sweet and Maxwell's Statute Series: Criminal Law*, *Butterworth's Student Statutes: Criminal Law* or *Core Statutes on Criminal Law* (Palgrave Macmillan).

Students are not permitted to make annotations on these permitted materials.

#### Syllabus

**Aims:** To develop a sound understanding of the general principles of criminal liability and an ability to critically analyse the rules of substantive criminal law.

**Objectives:** On completion of this course, students should have an awareness of the principles of criminal law, a sound working knowledge of the main criminal offences and defences and the factors affecting criminal liability. Students will be expected to demonstrate knowledge, understanding and an ability to apply the rules which make up the criminal law to problem situations of some legal complexity. In addition, they will be expected to show that they are able to express their considered views on whether the aims and objectives of the criminal law are appropriate in a modern legal system.

#### 1. Introduction to criminal liability

- a. General principles of actus reus and mens rea;
- b. Structure of criminal liability

#### 2. Homicide and 'special' defences

- a. Murder
  - i. Elements of the offence of murder
  - ii. Defences of:-  
*provocation* – section 3 Homicide Act 1957;  
and *diminished responsibility* – section 2 Homicide Act 1957
- b. Manslaughter
  - i. Constructive manslaughter;
  - ii. Gross negligence manslaughter
  - iii. reckless manslaughter

#### 3. Non-fatal offences against the person

- a. Assault and battery
- b. Assault occasioning actual bodily harm contrary to section 47 Offences Against the Person Act 1861 (OAPA 1861)
- c. Malicious wounding contrary to section 20 OAPA 1861

- d. Wounding with intent contrary to section 18 OAPA 1861
- e. Racially aggravated assaults contrary to section 28 Crime and Disorder Act 1998

#### 4. Sexual offences and the issue of consent as it relates to those offences

- a. Rape contrary to section 1 Sexual Offences Act 2003 (SOA 2003)
- b. Assault by penetration contrary to section 2 SOA 2003
- c. Consent sections 74, 75 and 76 SOA 2003

#### 5. Defences

- a. 'Defences' of lack of mens rea
  - i. Mistake;
  - ii. Intoxication
- b. Justification
  - i. Self-defence;
  - ii. Force used in the course of preventing crime or arresting offenders: section 3 Criminal Law Act 1967
  - iii. Necessity

<ul style="list-style-type: none"> <li>c. Excuse <ul style="list-style-type: none"> <li>i. Duress by threats</li> <li>ii. Duress of circumstances</li> </ul> </li> <li>d. Mental ‘disorder’ defences <ul style="list-style-type: none"> <li>i. Automatism</li> <li>ii. Insanity</li> </ul> </li> <li>e. Impact of mistake and intoxication on defences generally</li> </ul> <p><b>6. Inchoate offences</b></p> <ul style="list-style-type: none"> <li>a. Attempt contrary to section 1 Criminal Attempts Act 1980</li> </ul> <p><b>7. Secondary liability.</b> Section 8 Accessories and Abettors Act 1861</p> <p><b>Offences against property</b></p> <p><b>8. Offences contrary to the Thefts Acts 1968 and 1978</b></p> <ul style="list-style-type: none"> <li>a. Theft contrary to section 1 Theft Act 1968</li> <li>b. Robbery contrary to section 8 Theft Act 1968</li> <li>c. Burglary contrary to section 9 Theft Act 1968</li> <li>d. Aggravated burglary contrary to section 10 Theft Act 1968</li> <li>e. Selected offences contrary to the Fraud Act 2006 <ul style="list-style-type: none"> <li>i. Fraud contrary to section 1 Fraud Act 2006 <ul style="list-style-type: none"> <li>- by false representation section 2 Fraud Act 2006</li> <li>- by failing to disclose information section 3 Fraud Act 2006</li> <li>- by abuse of position section 4 Fraud Act 2006</li> </ul> </li> <li>ii. Obtaining services dishonestly contrary to section 11 Fraud Act 2006</li> </ul> </li> <li>f. Making off without payment contrary to section 3 Theft Act 1978</li> </ul>	<p><b>9. Offences contrary to the Criminal Damage Act 1971 and specific defences relating to criminal damage</b></p> <ul style="list-style-type: none"> <li>a. Criminal damage contrary to section 1(1) Criminal Damage Act 1971</li> <li>b. Aggravated criminal damage contrary to section 1(2) Criminal Damage Act 1971</li> <li>c. Arson contrary to section 1(3) Criminal Damage Act</li> <li>d. Racially aggravated criminal damage section 30 Crime and Disorder Act 1998</li> <li>e. Defence of belief in consent section 5(2)(a) Criminal Damage Act 1971</li> <li>f. Defence of defence of property section 5(2)(b) Criminal Damage Act 1971</li> </ul>
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Students should consult the *Programme Regulations for degrees and diplomas in Economics, Management, Finance and the Social Sciences* that are reviewed annually. The Prerequisites, Exclusions, and Syllabus are subject to confirmation in the *Regulations*. Notice is also given in the *Regulations* of any units which are being phased out and students are advised to check unit availability.