

## 2023 UNIT SPECIFICATION

<b>Title:</b>	(Unit 3) Criminal Law
<b>Level:</b>	3
<b>Credit Value:</b>	7

Learning outcomes	Assessment criteria	Knowledge, understanding and skills
The learner will:	The learner can:	
<b>1. Understand the fundamental principles of criminal liability</b>	<b>1.1</b> Define <i>actus reus</i>  <b>1.2</b> Explain the nature of an <i>actus reus</i>          <b>1.3</b> Define <i>mens rea</i>	<b>1.1</b> Appropriate definition.  <b>1.2</b> Features to include: <ul style="list-style-type: none"> <li>• conduct, consequences, circumstances, status of omissions;</li> <li>• eg: <u>Pittwood</u> (1902), <u>Stone and Dobinson</u> (1977), <u>Gibbins and Proctor</u> (1918), voluntariness and developing caselaw.</li> </ul> <b>1.3</b> Appropriate definition, indirect intention.

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	<p><b>1.4</b> Identify principal types of <i>mens rea</i></p> <p><b>1.5</b> Explain the meaning and significance of transferred malice</p> <p><b>1.6</b> Explain the requirement for <i>actus reus</i> and <i>mens rea</i> to coincide</p> <p><b>1.7</b> Apply the fundamental features of <i>actus reus</i> and <i>mens rea</i> to a given situation</p>	<p><b>1.4</b> Examples from substantive offences can include:</p> <ul style="list-style-type: none"> <li>• intention, recklessness, gross negligence.</li> </ul> <p><b>1.5</b> Circumstances in which intention can (and cannot) be transferred from the intended target to the actual target;</p> <ul style="list-style-type: none"> <li>• eg: <u>Latimer</u> (1886), <u>Pembliton</u> (1874) and developing caselaw.</li> </ul> <p><b>1.6</b> Both elements of the offence to be present at the same time but not necessarily throughout;</p> <ul style="list-style-type: none"> <li>• concept of ‘continuing’ act;</li> <li>• eg: <u>Thabo Meli</u> (1954), <u>Fagan v MPC</u> (1969) and developing caselaw.</li> </ul> <p><b>1.7</b> Application to take place in the context of substantive offences;</p> <ul style="list-style-type: none"> <li>• eg: the concept of an ‘omission’ or ‘transferred malice’ might be applied in the context of homicide.</li> </ul>
<p><b>2. Understand the requirements for liability for criminal damage</b></p>	<p><b>2.1</b> Define the offence of basic criminal damage</p> <p><b>2.2</b> Explain the <i>actus reus</i> and <i>mens rea</i> requirements of basic criminal damage</p>	<p><b>2.1</b> S.1(1) Criminal Damage Act 1971.</p> <p><b>2.2</b> Meaning of statutory provisions denoting the <i>actus reus</i> and <i>mens rea</i> elements of the offence, including the meaning of ‘damage’ as developed by case law;</p> <ul style="list-style-type: none"> <li>• eg: <u>Morphitis v Salmon</u> (1990), <u>Hardman v Chief Constable of Avon and Somerset</u></li> </ul>

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	<p><b>2.3</b> Apply the requirements of the offence of basic criminal damage to a given situation</p> <p><b>2.4</b> Define the offence of aggravated criminal damage</p> <p><b>2.5</b> Explain the <i>actus reus</i> and <i>mens rea</i> requirements of aggravated criminal damage</p> <p><b>2.6</b> Apply the requirements of the offence of aggravated criminal damage to a given situation</p> <p><b>2.7</b> Explain the requirements of the defence of lawful excuse</p>	<p><u>Constabulary</u> (1986), <u>A (a juvenile) v R</u> (1978) <i>mens rea</i>;</p> <ul style="list-style-type: none"> <li>including recklessness as in <u>R v G</u> (2003) and developing caselaw.</li> </ul> <p><b>2.3</b> Application of the requirements to a scenario.</p> <p><b>2.4</b> S.1 (2) Criminal Damage Act 1971.</p> <p><b>2.5</b> Meaning of statutory provisions denoting the <i>actus reus</i> and <i>mens rea</i>, with particular reference to ‘any property’ and the additional element of <i>mens rea</i>;</p> <ul style="list-style-type: none"> <li>eg: <u>Webster, Warwick</u> (1995).</li> <li>Subjective recklessness as in <u>R v G</u> (2003) and developing caselaw.</li> </ul> <p><b>2.6</b> Application of the requirements to a scenario.</p> <p><b>2.7</b> S.5 Criminal Damage Act 1971:</p> <ul style="list-style-type: none"> <li>belief in consent;</li> <li>belief in other property in need of protection;</li> <li>eg: <u>Hill, Hall</u> (1989) and developing caselaw.</li> </ul>
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	<p><b>2.8</b> Apply the requirements of the defence of lawful excuse to a given situation</p> <p><b>2.9</b> Explain the meaning of arson</p>	<p><b>2.8</b> Application of the requirements to a scenario.</p> <p><b>2.9</b> S.1(3) Criminal Damage Act 1971;</p> <ul style="list-style-type: none"> <li>• <u>Hunt</u> (1977) and developing caselaw.</li> </ul>
<b>3. Understand the requirements for liability for homicide</b>	<p><b>3.1</b> Explain the <i>actus reus</i> requirements of homicide</p> <p><b>3.2</b> Apply the <i>actus reus</i> requirements of homicide to a given situation</p> <p><b>3.3</b> Define murder</p> <p><b>3.4</b> Explain the <i>mens rea</i> requirement of murder</p>	<p><b>3.1</b> Requirements common to all forms of homicide:</p> <ul style="list-style-type: none"> <li>• unlawful killing of a human being;</li> <li>• concept of ‘killing’ (= causing death) to include factual causation (‘but for’);</li> <li>• eg: <u>White</u> (1910) and legal causation (‘operating’ and ‘substantial cause’);</li> <li>• eg: <u>Smith</u> (1959), not the sole cause eg:</li> <li>• <u>Pagett</u> (1983), ‘thin skull’ rule eg:</li> <li>• <u>Blaue</u> (1975)). There can be a break in the chain of causation caused by an intervening act, such as exceptionally bad medical treatment, e.g. <u>Cheshire</u> (1991) and developing caselaw. <u>E.g. Field (2021)</u>.</li> </ul> <p><b>3.2</b> Application of the requirements to a scenario.</p> <p><b>3.3</b> <i>Actus reus</i> of homicide accompanied by intention to kill/cause serious injury.</p> <p><b>3.4</b> Meaning of intention:</p> <ul style="list-style-type: none"> <li>• direct; e.g. <u>Moloney</u> (1985)</li> <li>• indirect;</li> <li>• <u>Nedrick</u> (1986), <u>Woollin</u> (1997) and</li> </ul>

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	<p><b>3.5</b> Apply the <i>mens rea</i> requirement of murder to a given situation</p> <p><b>3.6</b> Explain the requirements of the defence of diminished responsibility</p> <p><b>3.7</b> Apply the requirements of the defence of diminished responsibility to a given situation</p> <p><b>3.8</b> Explain the requirements of the defence of loss of control</p>	<p>developing caselaw.</p> <p><b>3.5</b> Application of the requirements to a scenario.</p> <p><b>3.6</b> S.2 of Homicide Act as amended by s.52 Coroners and Justice Act 2009. For there to be diminished responsibility it is necessary to show an abnormality of mental functioning arising from a recognised medical condition. <u>Byrne (1960)</u> and developing caselaw (e.g. <u>Adrian Jones (deceased) (2021)</u>, <u>R v Curran (2021)</u>)</p> <p><b>3.7</b> Application of the requirements to a scenario.</p> <p><b>3.8</b> S.54 Coroners and Justice Act 2009 which introduces the partial defence of ‘loss of control’ caused by fear of serious violence to certain things said or done (or both) or a combination of both of these (as set out in s.55 Coroners and Justice Act 2009). Must be ‘qualifying trigger’ eg: <u>Dawes (2013)</u>, <u>Clinton (2012)</u>. Defendant’s sex and age are relevant;</p> <ul style="list-style-type: none"> <li>eg: <u>Attorney General of Jersey v Holley (2006)</u> and developing caselaw. <u>E.G. Dawson and Dawson (2021)</u></li> </ul>
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	<p><b>3.9</b> Apply the requirements of the defence of loss of control to a given situation</p> <p><b>3.10</b> Explain the effect of the statutory defences on liability</p> <p><b>3.11</b> Explain the requirements of involuntary manslaughter</p> <p><b>3.12</b> Apply the requirements of involuntary manslaughter to a given situation</p> <p><b>3.13</b> Identify homicide offences created by statute to cover specific situations</p>	<p><b>3.9</b> Application of the requirements to a scenario.</p> <p><b>3.10</b> Conviction for manslaughter; consequences for sentencing.</p> <p><b>3.11</b> Constructive manslaughter including the meaning of ‘unlawful act’ and ‘dangerous’;</p> <ul style="list-style-type: none"> <li>• eg: <u>Franklin</u> (1883), <u>Church</u> (1966), <u>Kennedy</u> (2008); <u>R v Nica and Hughes</u> (2021), <u>Long, Bowers and Cole</u> (2020)</li> <li>Gross Negligence manslaughter (by act or omission)</li> <li>• gross negligence manslaughter including the meaning of ‘gross negligence’;</li> <li>• eg: <u>Adomako</u> (1994) and developing caselaw. <u>E.g. Broughton</u>(2020)</li> </ul> <p><b>3.12</b> Application of the requirements to a scenario.</p> <p><b>3.13</b> Examples to include:</p> <ul style="list-style-type: none"> <li>• causing death by driving (ss1, 3A Road Traffic Act 1988, as amended);</li> <li>• ss 20, 21 Road Safety Act 2006);</li> <li>• familial homicide (s.5 Domestic Violence, Crime and Victims Act 2004) and developing caselaw.</li> </ul>
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<p><b>4. Understand the requirements for liability for theft</b></p>	<p><b>4.1</b> Define the offence of theft</p> <p><b>4.2</b> Explain the <i>actus reus</i> requirements of theft</p> <p><b>4.3</b> Explain the <i>mens rea</i> requirements of theft</p> <p><b>4.4</b> Apply the <i>actus reus</i> and <i>mens rea</i> requirements of theft to a given situation</p>	<p><b>4.1</b> S.1 Theft Act 1968.</p> <p><b>4.2</b> Meaning of ‘appropriation’ (s.3);</p> <ul style="list-style-type: none"> <li>eg: <u>Gomez</u> (1993), ‘property’ (s.4), belonging to another’ (s.5) including property to be dealt with in a particular way and property received by mistake;</li> <li>eg: <u>Turner</u> (1971), <u>Wain</u> (1995) and developing caselaw.</li> </ul> <p><b>4.3</b> Requirement of ‘dishonestly’ including defences contained in s.2 and the <b>Ghosh (1982) test as amended by</b> Ivey (2017) as applied in <u>Barton and Booth v R</u> (2020). These cases contain the following (objective) test for determining dishonesty: was the conduct dishonest by the standards of ordinary reasonable and honest people (after determining the defendant’s actual state of knowledge/belief as to the facts). Meaning of ‘intention of permanently depriving’ (s.6) including the circumstances where borrowing can amount to theft;</p> <ul style="list-style-type: none"> <li>eg: <u>Lloyd</u> (1985), <u>Velumyl</u> (1989) and developing caselaw.</li> </ul> <p><b>4.4</b> Application of the requirements to a scenario.</p>
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<p><b>5. Understand the requirements for liability for attempting an offence</b></p>	<p><b>5.1</b> Define the offence of attempt</p> <p><b>5.2</b> Explain the <i>actus reus</i> requirements of attempt</p> <p><b>5.3</b> Explain the <i>mens rea</i> requirements of attempt</p> <p><b>5.4</b> Apply the <i>actus reus</i> and <i>mens rea</i> requirements of attempt to a given situation</p>	<p><b>5.1</b> S.1 Criminal Attempts Act 1981.</p> <p><b>5.2</b> Meaning of ‘act more than merely preparatory’;</p> <ul style="list-style-type: none"> <li>• eg: <u>Jones</u> (1990), <u>Campbell</u> (1991) and developing caselaw.</li> </ul> <p><b>5.3</b> Meaning of ‘intent to commit’ including the effect on liability of impossibility of the full offence;</p> <ul style="list-style-type: none"> <li>• eg: <u>Whybrow</u> (1951), <u>Shivpuri</u> (1986) and developing caselaw.</li> </ul> <p><b>5.4</b> Application of the requirements to a scenario.</p>
<p><b>6. Understand the nature and requirements of the general defences</b></p>	<p><b>6.1</b> Define intoxication</p> <p><b>6.2</b> Explain the circumstances where intoxication will provide a defence</p>	<p><b>6.1</b> Effect of intoxication on a defendant’s state of mind at the relevant time.</p> <p><b>6.2</b> Distinguish between voluntary and involuntary intoxication;</p> <ul style="list-style-type: none"> <li>• classification of offences according to whether specific intent or basic intent;</li> <li>• relevance of classification to voluntary intoxication eg: <u>Gallagher</u> (1963), <u>Majewski</u> (1976);</li> <li>• effect of involuntary intoxication on liability;</li> <li>• eg: <u>Kingston</u> (1994) and developing caselaw</li> </ul>

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	<p><b>6.3</b> Apply the requirements of a defence based on intoxication to a given situation</p> <p><b>6.4</b> Identify the circumstances giving rise to a defence based on duress</p> <p><b>6.5</b> Explain the requirements of a defence based on duress</p> <p><b>6.6</b> Apply the requirements of a defence based on duress to a given situation</p> <p><b>6.7</b> Explain the requirements of a defence based on mistake</p>	<p><b>6.3</b> Application of the requirements to a scenario.</p> <p><b>6.4</b> Duress by threats e.g <u>Hasan</u> (2005):</p> <ul style="list-style-type: none"> <li>• threats coming from a third party directed towards a specific offence; eg:</li> <li>• <u>Graham</u> (1982);</li> <li>• duress of circumstances and necessity;</li> <li>• circumstances provide the pressure to commit the offence;</li> <li>• eg: <u>Re A (2000)</u> <u>Dudley and Stephens</u> (1884), <u>Pommell</u> (1995), <u>R v Willer</u> (1986) <u>Pipe v DPP (2012)</u> and developing caselaw.</li> </ul> <p><b>6.5</b> Threat of death or serious injury;</p> <ul style="list-style-type: none"> <li>• standard of fortitude including relevant characteristics;</li> <li>• eg: <u>Bowen</u> (1996);</li> <li>• limits on the availability of the defence;</li> <li>• eg: <u>Howe</u> (1987) (<u>offences of murder</u>) and developing caselaw.</li> </ul> <p><b>6.6</b> Application of the requirements to a scenario.</p> <p><b>6.7</b> Mistaken view of facts, not mistake of law;</p> <ul style="list-style-type: none"> <li>• honest, not necessarily reasonable;</li> <li>• eg: <u>Beckford</u> (1987), <u>Gladstone Williams</u></li> </ul>
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	<p><b>6.8</b> Apply the requirements of a defence based on mistake to a given situation</p> <p><b>6.9</b> Explain the requirements of a defence based on defence of self, another or property</p> <p><b>6.10</b> Apply the requirements of a defence based on defence of self, another or property to a given situation</p>	<p>(1987) and developing caselaw.</p> <p><b>6.8</b> Application of the requirements to a scenario.</p> <p><b>6.9</b> Response to actual or perceived threat;</p> <ul style="list-style-type: none"> <li>• meaning of reasonable force with reference to factors such as:</li> <li>• nature and circumstances of the threat, proportionality of response;</li> <li>• eg: <u>Malnik</u> (1989), <u>Anthony Martin</u> (2001). s.76 of the Criminal Justice and Immigration Act 2008 and developing caselaw.</li> </ul> <p><b>6.10</b> Application of the requirements to a scenario.</p>
<b>7. Understand the nature and features of strict liability</b>	<p><b>7.1</b> Define strict liability</p> <p><b>7.2</b> Identify areas of activity regulated by strict liability</p>	<p><b>7.1</b> Exception to the general rule requiring <i>mens rea</i> in relation to all aspects of the <i>actus reus</i>.</p> <p><b>7.2</b> Examples to include:</p> <ul style="list-style-type: none"> <li>• preparation and sale of alcohol, food and pharmaceutical products, road traffic, pollution, health and safety at work, construction, trade descriptions, and developing caselaw</li> </ul>

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	<p><b>7.3</b> Explain the factors for determining an offence of strict liability</p> <p><b>7.4</b> Apply the factors for determining strict liability to a given situation</p> <p><b>7.5</b> Evaluate the role of strict liability</p>	<p><b>7.3</b> Factors:</p> <ul style="list-style-type: none"> <li>• absence of words denoting <i>mens rea</i> in the statute, whether the offence is ‘truly criminal’, matter of public welfare, provision of a statutory defence, nature of the sanction;</li> <li>• eg: <u>Sweet v Parsley</u> (1970), <u>Gammon</u> (1984) and developing caselaw. E.g. <u>Pwr v DPP (2020)</u></li> </ul> <p><b>7.4</b> Application of the factors to a statute or scenario.</p> <p><b>7.5</b> Justifications, criticisms.</p>
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Additional information about the unit	
Unit aim(s)	The learner will understand key concepts, terms and processes in the area of Criminal Law
Details of the relationship between the unit and relevant national occupational standards (if appropriate)	This unit may provide relevant underpinning knowledge and understanding towards units of the Legal Advice standards; specifically, Unit 31 Criminal Law Advice and Casework
Details of the relationship between the unit and other standards or curricula (if appropriate)	Courses of study leading towards the achievement of the unit may offer the learner the opportunity to satisfy requirements across a number of Level 3 Key Skill areas; most specifically, Communication, Improving own learning and performance, Problem solving and Working with others
Assessment requirements specified by a sector or regulatory body (if appropriate)	N/A
Endorsement of the unit by a sector or other appropriate body (if required)	N/A
Location of the unit within the subject/sector classification	15.5 Law and Legal Services
Name of the organisation submitting the unit	CILEx (The Chartered Institute of Legal Executives)
Availability for use	Only available to owning awarding body
Availability for delivery	1 September 2008

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