

Title:	(Unit 3) Criminal Law
Level:	6
Credit Value:	15

LEARNING OUTCOMES	ASSESSMENT CRITERIA	KNOWLEDGE, UNDERSTANDING AND SKILLS
THE LEARNER WILL:	THE LEARNER CAN:	
1. Understand the fundamental requirements of criminal liability	1.1 Analyse the general nature of the <i>actus reus</i>	1.1 Features to include: conduct (including voluntariness, i.e, <i>R v Larsonneur</i> (1933), <i>Winzar v Chief Constable of Kent</i> (1983); <ul style="list-style-type: none"> • relevant circumstances; • prohibited consequences; • requirement to coincide with <i>mens rea</i>.
	2 Analyse the rules of causation	1.2 Factual causation; <ul style="list-style-type: none"> • legal causation: situations (for example, in the context of the non-fatal offences or homicide) where the consequence is rendered more serious by the victim's own behaviour or by the act of a third party; • approaches to establishing rules of causation: <i>mens rea</i> approach; • policy approach;

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		<ul style="list-style-type: none"> relevant case law to include: <u>R v White</u> (1910), <u>R v Jordan</u> (1956) <u>R v Cheshire</u> (1991), <u>R v Blaue</u> (1975), <u>R v Roberts</u> (1971), <u>R v Pagett</u> (1983), <u>R v Kennedy (no 2)</u> (2007), <u>R v Wallace (Berlinah)</u> (2018) and developing caselaw.
	1.3 Analyse the status of omissions	1.3 Circumstances in which an omission gives rise to liability; <ul style="list-style-type: none"> validity of the act/omission distinction; rationale for restricting liability for omissions; relevant case law to include: <u>R v Pittwood</u> (1902), <u>R v Instan</u> (1977), <u>R v Miller</u> (1983), <u>Airedale NHS Trust v Bland</u> (1993) <u>Stone & Dobinson</u> (1977), <u>R v Evans</u> (2009) and developing caselaw.
	1.4 Analyse the meaning of intention	1.4 S8 Criminal Justice Act 1967; <ul style="list-style-type: none"> direct intention; oblique intention: definitional interpretation; evidential interpretation; implications of each interpretation; concept of transferred malice; relevant case law to include: <u>R v Steane</u> (1947), <u>Chandler v DPP</u> (1964), <u>R v Nedrick</u> (1986), <u>R v Woollin</u> (1999), <u>re A (conjoined twins)</u> (2000), <u>R v Matthews and Alleyne</u> (2003), <u>R v Latimer</u> (1886), <u>R v Pembrilton</u> (1874), <u>R v Gnango</u> (2011) and developing caselaw.
	1.5 Analyse the meaning of recklessness	1.5 Significance of G and R the development of the meaning of recklessness; evaluation of the requirement of a subjective meaning of recklessness; <ul style="list-style-type: none"> relevant case law to include: <u>R v Cunningham</u> (1957), <u>R v Caldwell</u> (1982), <u>R v G and R</u> (2003), <u>R v Brady</u> (2006) and developing caselaw.

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	<p>1.6 Analyse the meaning of negligence as a requirement for criminal liability</p>	<p>1.6 Circumstances in which negligence gives rise to criminal liability;</p> <ul style="list-style-type: none"> • evaluation of negligence as a basis of criminal liability; • relevant case law to include: <u>Elliott v C</u> (1983), <u>R v Adomako</u> (1994), <u>R v Robinson v Chief Constable of West Yorkshire Police</u> (2018) and developing caselaw.
	<p>1.7 Analyse the factors for determining an offence of strict liability</p>	<p>1.7 Presumption of mens rea;</p> <ul style="list-style-type: none"> • reference to gammon guidelines; • provision of statutory defence; • nature of sanction; • critical evaluation of strict liability; • proposals for reform; • relevant case law to include: <u>Sweet v Parsley</u> (1970), <u>Gammon v A-G of Hong Kong</u> (1985), <u>R v Blake</u> (1997), <u>B v DPP</u> (2000), <u>R v K</u> (2001) and developing caselaw.
	<p>1.8 Analyse the meaning of complicity</p>	<p>1.8 S8 accessories and abettors act 1861;</p> <ul style="list-style-type: none"> • the actus reus and mens rea requirements of aiding, abetting, counselling and procuring; • requirements for liability for participation in a joint enterprise; • analysis of the rules governing liability where there is a departure from the joint enterprise; • requirements for an effective withdrawal; • the extent to which a principal and a secondary party may incur different liability; • the doctrine of parasitic accessory liability (PAL); • the theoretical basis of accessory liability; • proposals for reform; • relevant case law to include: <u>R v Clarkson</u> (1971), <u>A-G's Ref (No 1 of 1975)</u> (1975), <u>R v Becerra and Cooper</u> (1975), <u>DPP for Northern Ireland v Maxwell</u> (1979),

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			R v Calhaem (1985), DPP v K and B (1997), R v Powell and Daniels (1997), R v English (1997), R v Uddin (1998), R v Gilmour (2000), R v Rahman (2007), R v Gnango (2011), R v Carpenter (2011), R v Wiggins (2012), R v Rafferty (2007), R v Mendez & Thompson (2010), R v A & Others (2010), R v Stringer (2011), R v Chan Wing Siu (1985), R v Jogee (2016), R v Crilly (2018), R v Taj (2018), R v Mitchell (2018) and developing caselaw.
	1.9	Apply the law on criminal liability to a given situation	1.9 Application of the law to a complex scenario.
	1.10	Critically evaluate a given issue or situation to identify probable legal implications	1.10 A reasoned opinion of likely legal implications, including remedies and defences, where appropriate.
2. Understand the requirements for liability for non-fatal offences	2.1	Analyse the actus reus and mens rea requirements of assault	2.1 S39 Criminal Justice Act 1988: nature and meaning of the offence requirements; <ul style="list-style-type: none"> • significance of ‘immediacy’; • relevant case law to include: Tuberville v Savage (1669), Smith v Superintendent of Woking Police Station (1983), R v Venna (1975), R v Constanza (1997), R v Ireland (1998), McMillan v CPS (2008) and developing caselaw.
	2.2	Analyse the actus reus and mens rea requirements of battery	2.2 S39 Criminal Justice Act 1988: nature and meaning of the offence requirements; <ul style="list-style-type: none"> • relevant case law to include: Fagan v MPC (1969), Collins v Wilcock (1984), DPP v K (1990), Haystead v Chief Constable of Derbyshire (2000) and developing caselaw.

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	<p>2.3 Analyse the actus reus and mens rea requirements of actual bodily harm</p>	<p>2.3 S47 Offences Against the Person Act 1861: meaning of ‘assault’, ‘occasioning’, ‘actual bodily harm’ and the extent to which this includes psychological harm;</p> <ul style="list-style-type: none"> • nature and meaning of the mens rea requirement. • proposals for reform. • relevant case law to include: <u>R v Ireland</u> (1998), <u>R v Chan-fook</u> (1994), <u>R v Savage</u>, <u>DPP v Parmenter</u> (1992), <u>R v Roberts</u> (1972) and developing caselaw.
	<p>2.4 Analyse the actus reus and mens rea requirements of grievous bodily harm/wounding</p>	<p>2.4 S20 Offences Against the Person Act 1861: meaning of ‘maliciously’, ‘wound’, ‘inflict’, ‘grievous bodily harm’ and the extent to which this includes psychological harm;</p> <ul style="list-style-type: none"> • proposals for reform; • relevant case law to include: <u>JCC v Eisenhower</u> (1984), <u>DPP v Smith</u> (1961), <u>R v Burstow</u> (1998), <u>R v Mowatt</u> (1967), <u>R v Savage</u> (1992), <u>DPP v Parmenter</u> (1992), <u>R v Dica</u> (2004) and developing caselaw.
	<p>2.5 Analyse the actus reus and mens rea requirements of grievous bodily harm with intent/wounding with intent</p>	<p>2.5 Grievous bodily harm with intent/wounding with intent: s18 Offences Against the Person Act 1861: meaning of “with intent..”;</p> <ul style="list-style-type: none"> • proposals for reform; • relevant case law to include: <u>R v Purcell</u> (1986) and developing caselaw.
	<p>2.6 Analyse the requirements for the defence of consent</p>	<p>2.6 Requirements: validity (genuineness) of consent;</p> <ul style="list-style-type: none"> • extent of harm permitted; • criticism of the defence; • role of policy in setting limits to the defence; • relevant case law to include: <u>R v Richardson</u> (1999), <u>R v Tabassum</u> (2000), A-G’s reference (No 6 of 1980) (1981), <u>R v Brown</u> (1993), <u>R v Wilson</u> (1996), <u>R v Dica</u> (2004), <u>R v BM</u> (2018) and developing caselaw.

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	2.7	Apply the law on liability for non-fatal offences to a given situation	2.7	Application of the law to a complex scenario.
	2.8	Critically evaluate a given issue or situation to predict probable legal implications	2.8	A reasoned opinion of likely legal implications, including remedies and defences, where appropriate.
3. Understand the requirements for liability for homicide	3.1	Analyse the actus reus requirements of homicide	3.1	<p>Requirements common to all forms of homicide: unlawful killing of a human being;</p> <ul style="list-style-type: none"> • Concept of 'killing' (causing death) to include factual causation and legal causation; • Effect of Law Reform (Year and a Day rule) Act 1996; • Proposals for reform; • Relevant case law to include: <u>R v White</u> (1910), <u>R v Smith</u> (1959), <u>R v Cheshire</u> (1991), <u>R v Blaue</u> (1975), <u>R v Corbett</u> (1983), <u>R v Dear</u> (1996), <u>A-G's Reference</u> (No 3 of 1994) (1996), <u>R v Kennedy (No 2)</u> (2007) and developing caselaw.
	3.2	Analyse the mens rea requirements of murder	3.2	<p>Intention to kill/cause serious injury;</p> <ul style="list-style-type: none"> • analysis of the meaning of intention; • proposals for reform; • relevant case law to include: <u>R v Moloney</u> (1985), <u>R v Hancock</u> (1986), <u>R v Shankland</u> (1986), <u>R v Nedrick</u> (1986), <u>R v Woollin</u> (1999), <u>R v Matthews and Alleyne</u> (2003) and developing caselaw. • mercy killings/ euthanasia and assisted suicide relevant case law to include: <u>R v Inglis</u> (2011), <u>Nicklinson v Ministry of Justice</u> (2012), <u>R(Conway) v Secretary of State for Justice</u> (2018) and developing caselaw.

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3.3	Analyse the requirements of involuntary manslaughter	<p>3.3 Reckless manslaughter including the restricted circumstances in which it applies;</p> <ul style="list-style-type: none"> • constructive manslaughter including the meaning of ‘unlawful act’, ‘dangerous’ and the mens rea requirement; • gross negligence manslaughter including the meaning of ‘gross negligence’ and the mens rea requirement; • the rules governing liability for involuntary manslaughter; • criticisms of the rules; • proposals for reform; • relevant case law to include: <u>R v Franklin</u> (1883), <u>Andrews v DPP</u> (1937), <u>R v Lowe</u> (1973), <u>R v Church</u> (1966), <u>R v Dawson</u> (1985), <u>R v Goodfellow</u> (1986), <u>R v Lamb</u> (1967), A-G’s reference (No 3 of 1994) (1998), <u>R v Bateman</u> (1925), <u>R v Adomako</u> (1994), A-G’s reference (No 2 of 1999) (2000), <u>R v Misra</u> (2005), <u>R v Cato</u> (1976), <u>R v Dias</u> (2002), <u>R v Rogers</u> (2003), <u>R v Dhaliwal</u> (2006), <u>R v Evans</u> (2009), <u>R v Kennedy (No. 2)</u> (2007) and developing caselaw.
3.4	Analyse the requirements of defences to murder	<p>3.4 Diminished responsibility: s2 Homicide Act 1957: as amended by s 52 Coroners and Justice Act 2009 meaning of the statutory provisions denoting the criteria for the defence;</p> <ul style="list-style-type: none"> • the relationship between diminished responsibility and other criminal law defences based on lack of mental responsibility: eg, the defences of insanity and automatism; • relevant case law to include: <u>R v Byrne</u> (1960), <u>R v Tandy</u> (1988), <u>R v Dietschmann</u> (2003), <u>R v Ramchurn</u> (2010),

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- R v Khan (Dawood) (2009), R v Stewart (2009), R v Wood (2008), R v Fenton (1975), R v Dowds (2012) and developing case law.
- loss of control: s 54-56 Coroners and Justice Act 2009: meaning of loss of control, qualifying trigger;
- outline of development of objective test in s 54(1) (c) relevant case law to include: R v Doughty (1986), R v Duffy (1949), DPP v Camplin (1978), R v Humphreys (1995), Luc Thiet Thuan v R (1997), R v Smith (2001), A-G for Jersey v Holley (2005), R v James (2006), R v Karimi (2006), R v Clinton, Parker and Evans (2012), R v Dawes, Bowyer and Hatter (2013), R v Gulpinar (2015), R v Martin (2017), R v Rejamanski, Gassman and Gassman (2017), R v Goodwin (2018), R v Christian (2018) and developing case law.

3.5 Apply the law on liability for homicide to a given situation

3.5 Application of the law to a complex scenario.

3.6 Critically evaluate a given issue or situation to predict probable legal consequences

3.6 A reasoned opinion of likely legal implications, including remedies and defences, where appropriate.

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<p>4. Understand the requirements for liability for offences against property</p>	<p>4.1 Analyse the actus reus and mens rea requirements of theft</p>	<p>4.1 Actus reus: s1 Theft Act 1968: meaning and analysis of ‘appropriation’ (s3) including criticism of how the meaning has developed;</p> <ul style="list-style-type: none"> • ‘property’ (s4); • ‘belonging to another’ (s5); • relevant case law to include: <u>Lawrence v MPC</u> (1972), <u>R v Morris</u> (1984), <u>R v Gomez</u> (1993), <u>R v Hinks</u> (2000), <u>R v Atakpu</u> (1993), <u>R v Abrahams</u> (1993), <u>R v Kelly</u> (1998), <u>R v Turner</u> (1971), <u>R v Hall</u> (1973), <u>A-G’s reference</u> (No 1 of 1983) (1985) <i>mens rea</i>: meaning of ‘dishonestly’ including defences (s2), role and criticisms of the • <i>Ghosh</i> test; • the observations of the supreme court in <u>Ivey v Genting Casinos (UK)</u> (2017) in relation to the <i>Ghosh</i> test; • confirmation by supreme court that Ivey test for dishonesty to be applied in criminal courts: <u>R v Baron & Booth</u> (2020); • the significance of ‘dishonesty’ as a result of judicial development of the meaning of ‘appropriation’; • meaning of ‘intention of permanently depriving’ (s6); • relevant case law to include: <u>R v Ghosh</u> (1982), <u>R v Feely</u>, <u>R v Coffey</u> (1987), <u>R v Lloyd</u> (1985), <u>DPP v Lavender</u> (1994), <u>Wheatley v Commissioner of Police for the Virgin Islands</u> (2006), <u>R v Vinall and J</u> (2011), <u>Ivey v Genting Casinos (UK) Ltd</u> (2017), <u>DPP v Patterson</u> (2017), <u>R v Barton & Booth</u> (2020) and developing caselaw.
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	<p>4.2 Analyse the actus reus and mens rea requirements of burglary</p>	<p>4.2 S9.10 Theft Act 1968: meaning of the requirements under s9(1)(a) and s9(1)(b);</p> <ul style="list-style-type: none"> analysis of the extent to which the different requirements are justified; meaning of ‘aggravated burglary’ (s10); relevant case law to include: <u>R v Collins</u> (1973), <u>R v Jones and Smith</u> (1976), <u>B and S v Leathley</u> (1979), <u>R v Walkington</u> (1979), <u>A-G’s reference</u> (Nos 1 and 2 of 1979) (1980), <u>R v O’Leary</u> (1986), <u>R v Stones</u> (1989) and developing caselaw.
	<p>4.3 Analyse the actus reus and mens rea requirements of fraud</p>	<p>4.3 S1 Fraud Act 2006: meaning of the requirements for fraud by false representation (s2), fraud by failing to disclose information (s3), fraud by abuse of position (s4);</p> <ul style="list-style-type: none"> relevant case law to include <u>R v Hamilton</u> (2008), <u>R v Cleps</u> (2009), <u>R v Kapitene</u> (2010), <u>R v Marshall</u> (2009), <u>R v Gale</u> (2008) and developing case law.
	<p>4.4 Analyse the actus reus and mens rea requirements of obtaining services dishonestly</p>	<p>4.4 S11 Fraud Act 2006: meaning of the requirements;</p> <ul style="list-style-type: none"> changes brought by the Act including an understanding of the relationship between fraud and theft; relevant case law (as it develops).
	<p>4.5 Analyse the actus reus and mens rea requirements of criminal damage</p>	<p>4.5 S1 Criminal Damage Act 1971: meaning of the requirements for the basic offence (s1(1)) and the aggravated offence (1(2));</p> <ul style="list-style-type: none"> meaning of ‘arson’ (s1(3)); analysis of the meaning of ‘damage’ and ‘lawful excuse’ (s5); relevant case law to include: <u>Morphitis v Salmon</u> (1990), <u>Hardman v Chief Constable of Avon and Somerset</u> (1986), <u>R v G and R</u> (2003), <u>Jaggard v Dickinson</u> (1981), <u>R v Hill</u> (1989), <u>R v Hall</u> (1989), <u>R v Steer</u> (1988), <u>R v Webster</u> (1995), <u>R v Warwick</u> (1995), <u>R v Fiak</u> (2005) and developing caselaw.

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	4.6	Apply the law on liability for offences against property to a given situation	4.6	Application of law to a complex scenario
	4.7	Critically evaluate a given issue or situation to identify probable legal implications	4.7	A reasoned opinion of likely legal implications, including remedies and defences, where appropriate.
5.				
Understand the requirements for liability for inchoate offences	5.1	Analyse the actus reus and mens rea requirements of attempt	5.1	<p>S1 Criminal Attempts Act 1981: meaning of the statutory provisions denoting the requirements;</p> <ul style="list-style-type: none"> • effect of impossibility; • analysis of the rules governing liability for attempt: the theoretical basis of liability; • meaning of ‘more than merely preparatory’ • proposals for reform; • relevant case law to include: <u>R v Gullefer</u> (1990), <u>R v Jones</u> (1990), <u>R v Geddes</u> (1996), <u>A-G’s reference</u> (No 1 of 1992) (1993), <u>R v Pearman</u> (1984), <u>R v Khan</u> (1990), <u>A-G’s reference</u> (No 3 of 1992) (1994), <u>R v Shivpuri</u> (1986) and developing caselaw.
	5.2	Analyse the actus reus and mens rea requirements of conspiracy	5.2	<p>S1 Criminal Law Act 1977: meaning of the requirements for ‘statutory’ conspiracy;</p> <ul style="list-style-type: none"> • common law conspiracy: meaning and requirements of conspiracy to defraud and conspiracy to corrupt public morals; • analysis of the rules governing liability for conspiracy: the theoretical basis of liability; • scope of the rules including relationship to offences under the Fraud Act 2006; • proposals for reform; • relevant case law to include: <u>R v Anderson</u> (1986),

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R v Siracusa (1989), Yip Chiu-Cheung v R (1994), R v Saik (2006), Scott v Metropolitan Police Commissioner (1975), Wai Yu-tsang v R (1992), Shaw v DPP (1962) and developing caselaw.
(candidates are not expected to know the rules relating to incitement/encouraging/assisting offenders under SCA 2007).

	5.3	Apply the law on liability for inchoate offences to a given situation	5.3	Application of the law to a complex scenario
	5.4	Critically evaluate a given issue or situation to identify probable legal implications	5.4	A reasoned opinion of likely legal implications, including remedies and defences, where appropriate.
	6.2	Analyse the requirements of the defence of automatism	6.2	Criteria for the defence of (non-insane) automatism; <ul style="list-style-type: none"> • criticism of the criteria for the defence; • analysis of the relationship between automatism and insanity; • proposals for reform; • relevant case law to include: <u>Broome v Perkins</u> (1987), <u>R v Quick</u> (1973), <u>R v Hennessey</u> (1989), <u>R v Bailey</u> (1983) and developing caselaw.

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	<p>6.3 Analyse the requirements of the defence of duress</p>	<p>6.3 Requirements of duress by threats, duress of circumstances/necessity;</p> <ul style="list-style-type: none"> analysis of the development and scope of the forms of the defence; relevant case law to include: <u>R v Graham</u> (1982), <u>R v Hudson and Taylor</u> (1971), <u>R v Howe</u> (1987), <u>R v Gotts</u> (1992), <u>R v Bowen</u> (1996), <u>R v Abdul Hussain</u> (1999), <u>R v Hasan</u> (2005), <u>R v Martin</u> (1989), <u>re A (conjoined twins)</u> (2001), <u>R v Shayler</u> (2001) and developing caselaw.
	<p>6.4 Analyse the requirements of the defence of intoxication</p>	<p>6.4 Meaning of intoxication;</p> <ul style="list-style-type: none"> voluntary intoxication; involuntary intoxication; classification of offences according to whether specific intent or basic intent; relevance of classification to liability; analysis of the significance of fault and the role of policy; effect of intoxication on the operation of other defences; proposals for reform; relevant case law to include: <u>DPP v Majewski</u> (1977), <u>R v Heard</u> (2007), <u>R v Lipman</u> (1970), <u>R v Hardie, A-G for Northern Ireland v Gallagher</u> (1963), <u>R v Kingston</u> (1995), <u>R v O’Grady</u> (1987), <u>Jaggard v Dickinson</u> (1981); and developing caselaw.
	<p>6.5 Analyse the requirements of the defence of mistake</p>	<p>6.5 Meaning of requirement of honest mistake of fact;</p> <ul style="list-style-type: none"> analysis of the extent to which the defence interacts with other defences (such as intoxication, self-defence); relevant case law to include: <u>DPP v Morgan</u> (1976), <u>B v DPP</u> (2000), <u>Oraki v DPP</u> (2018) and developing caselaw.

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	<p>6.6 Analyse the requirements of the defence based on public or private defence</p>	<p>6.6 S3 Criminal Law Act 1967 circumstances;</p> <ul style="list-style-type: none"> • private defence; • response to actual or perceived threat; • significance of s76 Criminal Justice and Immigration Act 2008 in relation to honest belief and factors determining reasonable force; • analysis of the criteria for the defence; • the amendment made to s76 Criminal Justice and Immigration Act by s43 Crime and Courts act 2013 in relation to householders; • relevant case law to include: <u>R v McInnes</u> (1971), <u>A-G for Northern Ireland's Reference</u> (No 1 of 1975) (1977); <u>R v Gladstone Williams</u> (1984), <u>Beckford v R</u> (1988), <u>R v Owino</u> (1995), <u>R v Clegg</u> (1995), <u>R v Martin</u> (2001), <u>R v Hichens</u> (2011), <u>Oraki v DPP</u> (2018), <u>Wheeldon v CPS</u> (2018), <u>R v Taj</u> (2018) and developing caselaw.
	<p>6.7 Apply the law on general defences to a given situation</p>	<p>6.7 Application of the law on general defences to a complex scenario</p>
	<p>6.8 Critically evaluate a given issue or situation to identify probable legal implications</p>	<p>6.8 A reasoned opinion of likely legal implications, including remedies and defences, where appropriate</p>

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Additional information about the unit	
Unit aim(s)	To accredit a broad and detailed understanding 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)	N/a
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 delivery	1 September 2009

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