

## **A Level Law Summer Independent Learning**

Welcome to A Level Law!

This pack contains various tasks to help you prepare for the start of your course in September.

Please **complete ALL tasks** ready for your first day at New College and **bring them with you to your first A Level Law lesson**. Please be aware that you will sit an assessment on the knowledge and skills covered in this pack within the first week of you starting at **NCB**. You will have an opportunity to review your Summer Independent Learning and ask any questions on what you have learnt when you meet your teacher in one of the lessons before you sit the assessment.

Complete all tasks in the space provided in this pack and **print to bring to your first lesson**. **This is because your teacher will take it in and check it.**

The Summer Independent Learning in this pack will focus on **Paper 1 Section B: Criminal Law - General elements of criminal liability and property offences**.

Once you have completed this pack, you will have knowledge of the following areas of criminal law:

- Actus Reus
- Omissions
- Causation
- Mens Rea
- Criminal case examples

## Part 1 - Elements of a Crime

In order to be guilty of a criminal offence, the defendant (the accused person) must commit the **actus reus** and **mens rea** of the crime. You normally need to both to be found guilty.



**Actus Reus** (AR) – Physical element of a crime (doing something or failing to do something which is illegal)

**Mens Rea** (MR) – Mental element of a crime (having a guilty intention/mind)

**Task 1** – using the internet research AR and MR and explain what they both mean in the space below. Give examples

*Actus reus is...*

*Mens Rea is...*

**Task 2** – What is the AR and MR of the offences in the table below:

Crime	Actus Reus (AR) (guilty act)	Mens Rea (MR) (guilty intention)
Murder		
Theft		
S18 Grievous Bodily Harm		
Attempted Robbery		







Although most people are guilty for physically doing an act, sometimes people can be guilty of a criminal offence where they do this opposite of an act, such as 'failing to act' e.g. failing to stop at traffic lights, failing to care for their children. This is known as being **liable by omission**. (LBO) **An omission is a failure to act or a failure to do something.** This is usually when a person has a **duty of care** and **breaches** that duty.

Task 3 – Using the internet and the following links research the area of Omissions and detail the facts of the case examples:

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

<http://e-lawresources.co.uk/Actus-reus.php>



Area of Omissions	Explanation of the law	Case examples – Facts of the case
<b>Contractual Duty</b> 		<b>R v Adomako (1994)</b>  <b>R v Pitwood (1902)</b>
<b>Public Duties/official position</b>		<b>R v Dytham (1979)</b> 
<b>Acceptance of Care</b> 		<b>R v Stone and Dobinson (1977)</b>
<b>Duty Via Relationship</b> 		<b>R v Gibbins and Proctor (1918)</b>
<b>Creation of a danger</b> 		<b>R v Miller (1983)</b>
<b>Statutory Duty (Parliament said so)</b> 		<b>Road Traffic Act (1988) – Give examples of when you will be Liable by omission:</b>

**Task 4** - Go through each scenario on the next page and decide if they can be liable by omission or not and explain your answer, linking it to the relevant category/area of omissions above. See the model below and try replicate it for each scenario you do. You will be tested on one of these scenarios in your first week.

#### Example scenario & answer

Miles is a lifeguard at the local leisure centre. He is sat by the side of the pool but is waiting for a call from his girlfriend. His phone rings and he decides to take the call, they get into an argument and he stops paying attention to the people in the pool. Sam, a young boy aged 13 is in the pool with his friends. Sam dives into the pool and begins to struggle in the water. His friends think he is messing around and do not help. Sam continues to struggle but by the time his friends realise he is not messing around and try to get help Sam has drowned.

Type of duty identified and explained

Case law used to illustrate law even further. Facts and outcome.

Law is applied to the scenario. Explanation of why the duty has been breached/failed.

Conclusion on whether or not they are liable through omission or not

Miles is a lifeguard at the leisure centre, which means he has a **contractual duty** with the leisure centre that he must supervise people in the pool and help anyone in danger. In **R v Pitwood 1902**, a gatekeeper failed to close the crossing when he went on his lunch. Pitwood was liable through an omission when a person was killed. In the scenario, Miles has failed to supervise and help Sam who was in danger in the pool, which has resulted in Sam drowning. Miles has failed his contractual duty by being on the phone when he was supposed to be watching swimmers. To conclude, Miles would be liable for the death of Sam through his omission.

1. 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. Is Morgan liable through Omission?

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2. 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.

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3. Jade and Chloe are best friends. They were walking the cinema when they saw someone drowning in a park lake. Because they were rushing to watch the film and did not want to miss the trailers they walked past and did not help. The victim died.
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4. 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.
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## Causation

For many crimes, the element of causation will apply. This is used to prove that the defendant caused the end outcome (e.g. murder – must prove the defendant caused death). There are two parts to proving causation.

**Task 5 - Use the following link to research the two-part test for causation and explain them in the space below:**

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

1. Factual cause –








2. Legal cause –

Once the two-part test above is proven, the defendant will have full actus reus, because causation will be established (chain of causation created). However, there are a number of ways that the **chain of causation** can be broken, if it is broken then the defendant is no longer fully responsible for the consequence because something intervened that is more responsible for the end result (death/injury)

Task 6 – Watch the video using the link below and then complete the table to show ways that the chain of causation can be broken (intervening acts).

<https://www.youtube.com/watch?v=GCaxConAMRs>



Area that can break the chain of causation	Explanation (when will it break the chain?)	Case examples
Thin skull rule 		R v Blaue (1975)
Victims own act 		R v Roberts (1971)  R v Williams and Davis (1992)
refusal of treatment/suicide 	Refusal –	R v Holland (1841)
Medical Treatment 		R v Jordan (1956)  R v Smith (1959)
Life support machines 		R v Malcherek and Steel (1981)
Third parties		

Task 7 - Complete the mini scenarios below to decide if the defendant is the 'cause' or if the chain of causation will be broken. See the example scenario and model answer, then answer 3 scenarios yourself making sure to include:

1. Factual cause
2. Legal cause
3. Any of the intervening acts that can break the chain of causation e.g. eggshell / escape etc.
4. Conclusion

**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 paramedics 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' question. Case used.

Legal cause applied to ben

Possible Intervening acts discussed with case reference

Ben is the factual cause because but for using his friend as a shield, his friend would have survived because he would not have been shot had to go in an ambulance. This is similar to the case of Pagett 1983 when D used his pregnant girlfriend as a human shield and was then found to be the cause of her death, not the police. Ben is also the legal cause because even though there were multiple causes for the death, Ben is more than a minimal cause. Ben could argue that there has been a third party intervening act and that the paramedics are to blame. This may break the chain if the paramedics were seen to be so grossly negligent like in Jordan 1956. To conclude, Ben will probably be the cause of death as long as the chain of causation is not broken.

Conclusion on whether or not they are liable through omission or not

1. Natasha and David are having a fight when Natasha stabs him in the back with a kitchen knife. When the ambulance arrives the crew drop him on the floor twice, and when he is in hospital they do not check his medical records and give him 4x antibiotics that he is allergic to. David has an allergic reaction and dies.

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2. Tim has attacked Matthew and he has ended up on life support. At the hospital the doctors decide after using the required tests that Matthew is better off with his machine turned off so they do so.

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## Mens Rea

You need to know the different types of mens rea. Each crime needs to have actus reus and mens rea to be guilty. Use the QR code and answer the questions below.



What are the 3 main levels of mens rea?	
What is direct intent?	
Give an example of direct intent.	
Summarise oblique intent	
What is the key differences between direct and oblique intent?	
Give a case example of oblique intent	
What is subjective recklessness?	
What is the leading case on subjective recklessness and what happened?	
Why did the defendant in the leading case not have direct or oblique intent?	