

Hope you all have a good holiday and thank you for your support in the first few months working here. Remember **Thursday 13th August** is when you get the results for the Law exam Unit 1 !



SUMMER ASSIGNMENT

Submit the following work for me by **23rd August** this will be used as a guide to your predicted grade at the end of Yr 13.

TASK 1

Produce a Glossary of Terms / Cases used in Unit 3 so far -
PLEASE NOTE USE LEGAL VERSION OF THESE TERMS - HOW THEY ARE USED IN LAW.

Cover the following in your glossary

Homicide

Common Law

Sir Edward Coke definition
of Murder

Fatal Offence (not the same as
homicide)

Murder

Actus Reus

Mens Rea

Transferred Malice

R v Pagett

Human Being

Factual Causation

Legal Causation

Attorney General's Ref (no 3 of
1994) (1997)

R v White (1910)

Intervening event

R v Jordan (1956)

Chain of Causation

R v Blaue

Direct Intent

Oblique / Indirect Intent

R V Woolins

Law Commission	Voluntary Manslaughter	Involuntary Manslaughter
Causal Link	Loss of Control	Diminised Responsibility
Mitigating Factors	Aggravating Circumstances	Killing in pursuance
Subjective test	Objective test	Sect 3 Homicide Act 1957
Homicide Act 1957	Partial Defence	Minimum Term
Life Sentence	R v Stone	Kings Peace
R v Clegg	R v Roberts	R v Ahluwalia
Burden of Proof	Coroners and Justice Act 2009	Sect 2 Homicide Act 1957
Provocation as a partial defence	R v Lloyd (1966)	Omission
Victim	Defendant	Unlawful act manslaughter
R v Ball (1989)	R v Cato (1976)	Dangerous act

R v Adomako (1995)	Gross negligence manslaughter	Duty of care
R v Wacker (2003)	Corporate Manslaughter	Directing mind and will of the company
Judicial decision used for law development	Warrant card	Warrant
R v Kite and OLL Ltd (1994)	Legal personality	The principle of identification
Corporate Manslaughter and Corporate Homicide Act 2007	Gross breach of duty	The Herald of Free Enterprise Disaster 1987
Piper Alpha Fire 1988	R v Pyranha Mouldings Ltd (2015)	Coroner's inquest
Penalties	Life sentence	Insane
R v Khan (1996)	Code of conduct	Prohibited articles
Public place	Reasonable grounds for stop and search	Preventing the commission of offences
GOWISELY	Home Secretary	Purpose of arrest

R v Iqbal (2011)

PACE 1984

Police search in public
place

Time limits for detention of
suspect

Role of custody officer

Rights of detained person /
suspect



Cont below

TASK 2

For the following offences write down the **elements you will need for a conviction** and **why you will need them**. Include such elements as "reasonable person" etc

- Murder
- Voluntary Manslaughter Loss of Control
- Voluntary Manslaughter Diminished Responsibility
- Involuntary Manslaughter Unlawful Act
- Involuntary Manslaughter Gross Negligence



TASK 3

IRAC analytical framework for exam in January

Follow this framework to comment on the scenario below and give your legal opinion on what the charge would be and why (include previous cases - common law as well as any statute) - no more than 300 words.

I - Issue (what is the issue / problem) Identify the legal issue / potential crime in the scenario

R - Rule (what rules relate to this) State the relevant statute (e.g. Homicide Act 1957) or case precedent that set the legal principles. (what previous cases are relevant).

A - Application (apply the law to the case scenario) Connect the legal rules directly to the facts of the scenario.

C - Conclusion State clearly whether the defendant is liable or guilty and why (**have the elements of the crime been met to get a conviction**)

Scenario

Bobby gets into an argument with Frank over football, Frank punches Bobby on the chin causing Bobby to stagger backwards. Bobby retaliates by punching Frank once to the side of his head. Frank and Bobby are separated and calmed down. There are many witnesses to the fight and CCTV footage. Later at home Frank goes to bed with a headache thinking he is just hungover, however he has a bleed on the brain and dies in the early hours of the following morning. What would the CPS most likely do in this situation and would they be successful.

Continued below



This is the UNIT 3 contents we have already covered for the exam

A The laws relating to homicide: murder, voluntary manslaughter and involuntary manslaughter

A1 Murder

- *Actus reus* of murder – legal definition of a human being with application of relevant case law.
- Proving causation in murder – establishing causation through both factual and legal causation, application of relevant case law.
- *Mens rea* of murder – difference between direct and oblique intention and the meaning of indirect intention.
- Criticisms of the current law and proposals for reform.

A2 Voluntary manslaughter

- Introduction to the role of voluntary manslaughter as a partial defence to murder.
- Loss of control:
 - o the difference between loss of control under Section 54 of the Coroners and Justice Act 2009 and the old law of provocation under Section 3 of the Homicide Act 1957
 - o key elements of loss of control – loss of self-control, the meaning of a qualifying trigger and its limitations, degree of tolerance and self-restraint, application of relevant case law.
- Diminished responsibility:
 - o the difference between diminished responsibility under Section 52 of the Coroners and Justice Act 2009 and the old law of diminished responsibility under Section 2 of the Homicide Act 1957
 - o key elements of diminished responsibility – the meaning of abnormality of mental functioning, what a recognised medical condition is, the ways that an individual's mental ability must be impaired, application of relevant case law.
- Criticisms of the current law and proposals for reform.

A3 Involuntary manslaughter

- Introduction to the difference between voluntary and involuntary manslaughter.
- Unlawful act manslaughter:
 - o key elements of unlawful act manslaughter – meaning of unlawful act, dangerous act and causing death, application of relevant case law.
- Gross negligence manslaughter:
 - o difference between gross negligence manslaughter and unlawful act manslaughter
 - o key elements of gross negligence manslaughter – meaning of duty of care and the various types of duty that exist, when there will be a breach of duty causing death, meaning of gross negligence, application of relevant case law.

B The laws relating to corporate manslaughter

B1 Corporate manslaughter

- Corporate Manslaughter and Corporate Homicide Act 2007.
- Proof of gross breach of duty and serious management failure.
- Investigation, prosecution and penalties under the act.

E An overview of police powers

E1 Stop and search

- People and vehicles in a public place.
- Prohibited articles.
- Meaning of reasonable grounds.
- Procedures that must be followed.

E2 Arrest

- Purpose of an arrest.
- Powers of arrest without a warrant:
 - o meaning of reasonable grounds
 - o necessity test for arrest
 - o procedures that must be followed.
- Powers of arrest with a warrant.
- Right to search on arrest.

E3 Detention, interviews, searches and samples

- Detention:
 - o purpose of detention
 - o time limits
 - o role of the custody officer
 - o rights of a detained person.
- Interviews:
 - o purpose of the interview
 - o procedures that must be followed
 - o the right to silence.
- Searches and samples:
 - o intimate and non-intimate samples and the procedures that must be followed.

Cont below

This is what we still have left to cover - please start researching the following topics ready for September

C An introduction to offences against property: theft, robbery, burglary, fraud and criminal damage

C1 Theft: Section 1–6 of the Theft Act 1968

- *Actus reus* of theft with application of relevant case law:
 - o appropriation
 - o property
 - o belonging to another.
- *Mens rea* of theft with application of relevant case law:
 - o dishonesty – definition of honesty contained in the act and development of dishonesty in case law
 - o intention to permanently deprive.

C2 Robbery: Section 8 of the Theft Act 1968

- *Actus reus* of robbery with application of relevant case law:
 - o *actus reus* of theft
 - o force.
- *Mens rea* of robbery:
 - o *mens rea* of theft
 - o intention or recklessness as to the use of force.

C3 Burglary: Section 9 of the Theft Act 1968

- Distinction between burglary under Section 9(1)(a) and 9(1)(b) of the Theft Act 1968.
- Meaning of entry, building and trespasser with application to relevant case law.

Cont below

C4 Fraud by false representation: Section 2 of the Fraud Act 2006

- *Actus reus* of fraud by false representation with application of relevant case law:
 - o representation – distinction between express and implied representations, representations as to fact, law, state of mind and to a machine
 - o meaning of false.
- *Mens rea* of fraud by false representation with application of relevant case law:
 - o dishonesty
 - o intention to make a gain or cause a loss.

C5 Criminal damage: Section 1 of the Criminal Damage Act 1971

- Section 1(1) Criminal Damage Act 1971 – basic offence of criminal damage.
- Section 1(2) Criminal Damage Act 1971 – aggravated criminal damage.
- Section 1(3) Criminal Damage Act 1971 – s.1(1) or s.1(2) committed by fire charged as arson.

D Introduction to general defences in criminal law

D1 Duress

- Duress by threats:
 - o what will amount to a threat
 - o who threats can be made to
 - o establishing duress by threats – subjective and objective elements
 - o self-induced duress.
- Duress by circumstances:
 - o difference between duress by threats and duress by circumstances
 - o establishing duress by circumstances – subjective and objective elements.

D2 Intoxication

- Public policy surrounding the availability of the defence.
- Difference between voluntary and involuntary intoxication.
- Distinction between specific and basic intent crimes.

D3 Self-defence

- Distinction between self-defence at common law and prevention of crime under Section 3 of the Criminal Law Act 1967.
- Necessity of force and application of relevant case law.
- Reasonableness of force and application of relevant case law.

D4 Insanity and automatism

- Distinction between the outcomes of a successful plea of insanity and a successful plea of automatism.
- Outline of key requirements for a successful plea of insanity 'and application of relevant case law'.
- Outline of the key requirements for a successful plea of automatism 'and application of relevant case law'.