

Unit 3: CRIMINAL LAW I

Learning hours: 72 hours

Unit level : H1(H1 or H2 for BTEC Higher Nationals only)

Unit description

The aim of the unit is to develop a sound understanding of the general principles of criminal liability and an ability to critically analyse the rules of substantive criminal law. On completion of this course, learners 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. Learners 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.

Summary of learning outcomes

To achieve this unit a learner must:

1. Understand and apply the **general principles of criminal law**;
2. Understand and apply the rules relating to **inchoate offences and parties to the crime**.
3. Understand and apply the rules relating to **theft and related offences**.
4. Understand and apply the rules relating to **damage to properties**.1

Content

1. General Principles of Criminal Law

Preliminary Issues of criminal law: definition of crime; purposes and functions of criminal law.

Actus Reus: The Nature of an Actus Reus; Relationship Between Actus Reus and Mens Rea; Elements of actus reus; Voluntary and Involuntary Conduct; Omission to Act; Causation; Novus Actus Interveniens

Mens rea: The Mental Element Generally; Intention; Recklessness; Transferred Mens Rea; Proof of Mens Rea

2. Inchoate Offences and Parties to the Crime

Incitement: its elements, actus reus and mens rea, impossibility in incitement.

Conspiracy / statutory conspiracy contrary to section 1 Criminal Law Act 1977: its elements, actus reus and mens rea.

Attempt contrary to section 1 Criminal Attempts Act 1980: its elements, actus reus and mens rea, impossibility in attempts.

Parties to Crime: Principals and accessories

3. Theft and related offences

Theft and related offences: Theft contrary to section 1 Theft Act 1968; Robbery contrary to section 8 Theft Act 1968; Burglary contrary to section 9 Theft Act 1968; Aggravated burglary contrary to section 10 Theft Act 1968; Blackmail contrary to section 21 Theft Act 1968; Making off without payment contrary to section 3 Theft Act 1978

Fraud Act 2006: Fraud contrary to section 1 Fraud Act 2006: by false representation section 2 Fraud Act 2006, by failing to disclose information section 3 Fraud Act 2006, by abuse of position section 4 Fraud Act 2006, Obtaining services dishonestly contrary to section 11 Fraud Act 2006;

4. Damage to properties

Criminal Damage contrary to section 1(1) Criminal Damage Act 1971: its elements, actus reus and mens rea.

Aggravated Criminal Damage contrary to section 1(2) Criminal Damage Act 1971: its elements, actus reus and mens rea.

Arson contrary to section 1(3) Criminal Damage Act: its elements, actus reus and mens rea.

Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria for pass To achieve each outcome a learner must demonstrate the ability to:
1. GENERAL PRINCIPLES OF CRIMINAL LAW	<ul style="list-style-type: none"> • Define crime • Identify the purposes and functions of criminal law • Understand and explain the elements actus reus • Understand and explain the elements of mens rea.
2. INCHOATE OFFENCES AND PARTIES TO THE CRIME	<ul style="list-style-type: none"> • Explain and understand the elements of incitement, conspiracy and attempt • Apply the laws relating to incitement, conspiracy and attempt in a given scenario. • Apply the laws relating to parties to crime to a given situation
3. THEFT AND RELATED OFFENCES	<ul style="list-style-type: none"> • Understand and explain the elements of theft and related offences • Apply the laws relating to theft and related offences in given situations. • Understand and explain the elements of Fraud Act 2006. • Apply laws relating to Fraud Act 2006 in a given situation.
4. DAMAGE TO PROPERTIES	<ul style="list-style-type: none"> • Distinguish between criminal damage, aggravated criminal damage and arson. • Apply rules relating to criminal damage in given scenarios. • Apply rules relating to aggravated criminal damage in given scenarios. • Apply rules relating to arson in given scenarios.

Guidance on delivery and assessment

Delivery

This unit should be delivered with Actus reus and then, mensrea. After these two topics, other topics could be covered with personal preference. Group work and other active methods of learning can be employed to enhance learners' experience and promote the required understanding. The use of case studies and specimen documentation is to be particularly encouraged, both as a means of assessment and as part of the normal learning process.

Assessment

Evidence of outcomes may be in the form of:

- Group work and case studies to examine critically the elements of criminal law
- Problem questions and case studies for analyzing practical issues.

Links

This unit links to the unit criminal law II and will provide foundation knowledge required to study Criminal Law II.

Resources

Textbooks

- Smith & Hogan- Criminal Law (12TH Edition)
- Michael Allen- Textbook on Criminal Law (10th Edition)
- Blackstone's Criminal Practice 2010. Oxford, 2009
- Jacqueline Martin, Tony Storey- Unlocking Criminal Law Hodder Education, 2nd Edition

Legal Journals

- Criminal Law Review
- Modern Law Review
- Cambridge Law Journal
- Law Quarterly Review

Centre devised unit