

Year 12 Summer Independent Learning – A Level Law

Elements of a crime

In order to be guilty of a criminal offence, the defendant must commit the **actus reus** and **mens rea**

Actus Reus (AR) – Physical element (doing something or failing to something)

Mens Rea (MR) – Mental element (guilty intention)

Task 1

Using the above two terms (AR and MR) define what you think they are for each crime below:

Crime	Actus Reus (AR)	Mens Rea (MR)
Murder		
Theft		
S18 GBH		
Attempted Robbery		

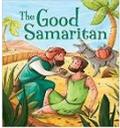
Task 2

Although most people are guilty for physically doing a crime, sometimes people can be guilty of a criminal offence where they fail to act e.g. failing to stop at traffic lights. This is known as being **liable by omission. (LBO)**

Use the following links to research the area of omissions and detail the case examples (next page) that you will use in exam questions:

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

<http://thestudentlawyer.com/2014/01/02/liability-for-omissions/>

Area of Omissions	Explanation	Case examples
Contractual Duty 		R v Adomako (1994)
Public Duties 		Dytham (1979)
Acceptance of Care 		Stone and Dobinson (1977)
Duty Via Relationship 		Gibbins and Proctor (1918)
Creation of a danger 		Miller (1983)
Omission under Statute (Parliament) 		Road Traffic Act (1988) – Give examples of when you will be LBO:
Good samaritan rule 		We don't have this in the UK so you can technically walk past someone in danger and not be liable by omission e.g. child drowning in a lake.
Doctors terminating care 	Doctors can terminate care and not be liable by omission as long as it is in the best interests of the patient.	E.g. Switching off a life support Bland (1993)

Task 3

Go through each scenario below and decide if they can be liable by omission or not and why, linking it to the relevant category/categories above. Make your notes around each scenario.

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. She is now charged with gross negligence manslaughter.

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.

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.

Jade and Chloe are best friends. They were walking from Pontefract to Xscape when they saw someone drowning in Pontefract park lake. Because they were rushing to watch a film at Xscape they walked past. The victim died.

Task 4

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).

Use the following links to research the two part test for causation: <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 be guilty because causation will be established (chain of causation created). However, there are a number of ways you can try to break the chain of causation so that you are not fully responsible.

Complete the table below to show ways to break the chain so you could get a lesser charge / NG verdict.

<https://www.lawteacher.net/free-law-essays/tort-law/omission-means-a-failure-to-act.php>

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

Area that can break the chain of causation	Explanation (when will it break the chain?)	Case examples
Eggshell conditions / thin skull rule 		R v Blaue (1975)
Escape of the victim 		R v Roberts (1971)
Self treatment and refusal of treatment 	Refusal – Self-treatment -	R v Holland (1841)
Third Parties 		R v Jordan (1956)
Life support machines 		Malcherek and Steel (1981)
Other intervening events .e.g natural disasters		Examples of natural disasters -

Task 5

Complete the mini scenarios below to decide if the defendant will be guilty or if the chain of causation will be broken. Apply the following:

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. Conclude

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 straight through the chest, killing him instantly.

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.

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.

Task 6

You have now looked at the first two areas of criminal law (omissions and causation). Please create some revision resources to show your teacher that you will use to revise from for assessments.

Examples of revision resources you can create:

- 1) Poster
- 2) Brochure / leaflet
- 3) Mind map
- 4) Revision cards
- 5) Quizzes
- 6) Apps – any revision apps you can use e.g. Quizlet



Please bring all activities to your first lesson. Thank you and we look forward to meeting you! 😊