

GCE

LAW: General elements of liability ACTUS REUS (1)

SUGGESTED IDEAS FOR TEACHING/LEARNING



SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:	
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Course:	A Level LAW
Topic:	General elements of liability
Session:	ACTUS REUS (1)

Unit:	A Level Units 3 and 4
Ref. to specification:	Criminal Law
Suggested time allocation:	2-4 hours

Aims & Objectives: At the end of these sessions the student will be able to:

- **UNDERSTAND** that there are different elements to a crime and identify them
- **CLEARLY EXPLAIN** the definition of actus reus and that this can be fulfilled by a voluntary act, a state of affairs or an omission
- **DISCUSS** the situations in which an omission can amount to a crime

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Clearly outline the aims and objectives of the session as detailed above
- Review the two elements that are required to be proved for criminal liability, i.e. actus reus and mens rea, with questions to the students
- Using the power point presentation, explain that the actus reus can be a voluntary action, a state of affairs or an omission going through the details of the first two. Ask and answer any questions that come up throughout.
- Get the group to think and discuss the points/questions referred to in the power point relating to an omission or failure to act. This should lead to a lively discussion so ensure that all students participate.
- Using the power point presentation, go through the details relating to omissions and the exceptions to the rule that it is not a crime to fail to act with all relevant case examples. Ask and answer questions throughout to ensure students grasp the concepts involved. Ask them what they think of the outcomes of each of the cases to involve them.
- Explain the link of omissions to involuntary manslaughter, specifically referring to the Lowe case and gross negligence manslaughter.
- Discuss the duty of doctors to act and the case of Anthony Bland.
- Link the above point to the case of Diane Pretty – get the students to research this on the internet if you have time/facilities for this. Compare the two outcomes during a group discussion.
- Set homework for students to research and write a review briefly outlining the offence of familial homicide and reviewing the case involving Rebecca Lewis. Remind students to ensure they are looking at the law relating to England and Wales and not any other jurisdiction.

Student Activities:

- Answer revision questions at the start of the session
- Ask and answer questions throughout presentation, taking comprehensive notes throughout.
- Participate in whole group discussion relating to omissions/failures to act.
- Research the case of Diane Pretty and participate in group discussion.

Suggested links / resources:

- IWB/Whiteboard
- Any good A Level Criminal Law textbook
- Handouts
- Internet use

Assessment

During the lesson	Students will be continually assessed as they participate in the session – asking and answering questions, involvement in small group work, whole group discussions or feedback. They will also be assessed on note taking to ensure they have sufficient details for revision purposes.
Subsequent to lesson	Homework requires the students to conduct a short piece of research on the internet and write up what they find.

TOPIC: ACTUS REUS

Questions:		Expected answers:
1.	What do you think needs to be proved for someone to be found guilty of a crime? Give examples if you can.	Need to prove that the person actually carried out the crime, e.g. stole something that wasn't theirs.
2.	Could there be any problems with finding someone guilty of a crime just because they committed the act?	They may not have been fully responsible for their actions, e.g. crime of passion, self defence.
3.	The defendant must be proved guilty beyond all reasonable doubt. Why do you think the standard of proof in criminal cases is so high?	To reduce the possibility of miscarriages of justice; or because someone may end up in prison and should only be there if they are definitely guilty.
4.	Should someone only be found guilty if they have acted voluntarily?	Discussion point which may lead to a variety of answers which may include crimes of passion, intoxication issues, mental disorders, etc.
5.	In what circumstances do you think that someone has a duty to act and, if they don't, that they should be held criminally liable?	Answers could include references to the police, ambulance crews/paramedics, firemen, etc.
6.	Should individuals be responsible for helping someone in trouble or preventing harm?	General discussion which may include quite a heated debate about whether individuals should save someone/prevent death, e.g. by rescuing someone who is drowning. It may also include reference to bystander apathy.