

GCE

LAW:

General elements of liability

Strict liability

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:	STRICT LIABILITY

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** the concept of strict liability crimes.
- **EXPLAIN** the difference between strict liability and absolute liability.
- **DEFINE** what tests are applied by the Courts in deciding whether a case is one of strict liability or not.
- **DISCUSS** problems and benefits with strict liability crimes.

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce the session with reference to the aims and objectives set out above.
- Ask students to discuss the introductory question on the power point about whether they think someone should be found guilty of a crime they did not intend to commit. Draw all students into the discussion by asking direct questions if necessary.
- Using the power point presentation, explain that strict liability crimes do not require proof of mens rea and can be satisfied with just the actus reus.
- Explain the concept of absolute liability and the cases of Larsonneur (1933) and Winzar (1983) and ask students what they think to the outcomes in these cases.
- Explain that all crimes start with a presumption that mens rea is always required which is a starting point before the courts decide whether a case is one of strict liability or not.
- Using the power point explain how the defences of due diligence and mistake can work with strict liability offences, referring to the cases detailed. Ask questions and answer any questions raised by the students throughout.
- Explain the four common law strict liability offences and refer to the case of Lemon & Whitehouse -v- Gay News (1979)
- Using the power point presentation, explain how strict liability is decided by the Courts as no statute specifically details which offences are expected to be strict liability offences and which aren't. Refer to the Gammon rules and explain each one in turn with case examples. Ensure students are taking details notes and ask and answer questions throughout.
- Review these rules once you have completed teaching this part to ensure that the students have fully understood.
- Divide the students into two groups. Ask one group to think about the problems associated with strict liability offences and the other group to think about the advantages

of strict liability. Get them to write these on flipchart paper. They may struggle with this so limit the time and allow for brief feedback to the whole group. Ensure that all students participate in the discussion.

- Give each of the students a handout with the advantages and disadvantages listed. Divide them into small groups. Get them to look at the list and decide which advantages could contradict which disadvantages and discuss these in their groups. Allow for feedback to the whole group.
- Set homework which will be to write an answer to the question: Discuss the advantages and disadvantages of strict liability.

Student Activities:

- Participate in whole group discussion at the start of the session.
- Take notes, ask and answer questions throughout the session.
- Offer opinions on the outcome of the Larsonneur and Winzar cases.
- Participate in whole group and small group discussions/activities and feedback throughout.

Suggested links / resources:

- IWB/Whiteboard
- Flipchart and pens
- Handout
- Any good A Level Criminal Law textbook

Assessment

During the lesson	The students will be continually assessed on taking notes, asking and answering questions, participation in small and whole group work with feedback. Direct questions will be asked of students where it is felt necessary to ensure they have grasped all relevant concepts.
Subsequent to lesson	“Discuss the advantages and disadvantages of strict liability.” Students will be required to write a comprehensive answer to this essay question to consolidate learning and for more formal assessment.

TOPIC: STRICT LIABILITY

Questions:		Expected answers:
1.	What do the terms actus reus and mens rea mean?	Revision question where students should be able to quickly state that they mean guilty act and guilty mind.
2.	How would you explain a presumption of mens rea?	The courts will assume that mens rea is always required for someone to be convicted of a crime based as convictions are based on guilt.
3.	The presumption of mens rea can be rebutted for strict liability crimes. What does this mean?	Students should try to explain that the Courts can decide that mens rea is not required in certain circumstances. References could be made to B (a minor) –v- DPP.
4.	Why are most of these crimes called ‘regulatory offences’?	Students should be able to deduce that they regulate society to keep society in order and protect people.
5.	What can you remember of statutory interpretation?	Students should recall the three rules – literal, golden and mischief; the purposive approach; internal aids; external aids; presumptions; rules of language; etc.
6.	What are the advantages of imposing strict liability?	Students could suggest that it ensures that people are convicted of crimes that they have committed and that this must then save time and money to the Court system. Get them to look through textbooks for deeper discussion.
7.	Why does imposing strict liability often seem to be unfair?	Students may be able to suggest that not all elements of a criminal offence have been satisfied, i.e. the mens rea, which conflicts with the rest of the system. Allow for discussion.
8.	How has the Law Commission proposed changing the law in this area?	Students should look through textbooks for the answer here. Essentially, the Law Commission wants Parliament to set out clearly in statute which crimes they expect to be designated as strict liability crimes and which aren’t.