

Actus reus
Written by Dr Peter Jepson

Copyright ...

- Strode's College Laws students are free to make use of these 'Pdf Print files' for study purposes (they should print them off and take them to class).
- **Others should ask before copying or using these 'Pdf Print Files'.**
- Copyright of Dr Peter Jepson - law@peterjepson.com

Read and précis requirements ...

- Prior to the delivery of these PowerPoint slides you should read and précis Chapter Two of 'Criminal Law for A2' by Jacqueline Martin and/or Chapter 2 (p14-21) of 'Criminal Law' by Diana Roe.
- **Your précis notes will be checked.** If one single student has failed to complete their précis work - the lecture will not proceed.
- **You need a copy of these slides in class.**

Behaviour in class ...

- Do NOT chat while the teacher or another student is addressing the class - *take notes while listening*.
- Raise your hand if you have a question.
- If a case is listed in these slides - you need a case note. Produce case notes BEFORE the lesson/lecture.
- Turn off your mobile.

What is actus reus?

It is according to J Martin ...

- An unlawful act
- A failure to act (an omission)
- A state of affairs

Actus reus ...

- At page 6 of 'Criminal Law for A2' J Martin explains the voluntary nature of actus reus and produces examples from the case of Hill v Baxter [1958]. Is she correct with her examples?
- Also read p.207 of D Roe for help
- Could she be confusing *actus reus* with *mens rea*?

State of affairs cases ...

- D Roe cites the case of Larsonneur [1933] as a 'state of affairs' case.
- In this case - Did D display the actus reus for the offence in question?

Consequences ...

The consequences of an actus reus resulting in a serious crime is a common feature in criminal law. Examples:

- Assault occasioning ABH (s.47 OAPA 1861).
- Assault occasioning GBH (s.20 OAPA 1861).

Omission ...

- Look at 2.2 on page 7 of 'Criminal Law for A2'. With the person sat next to you undertake the activity. Also look at p.17-20 of 'Criminal Law'.
- What was the case of Miller [1983] about?
- What is the 'Good Samaritan' law?
- What is the general UK law in this area?

Exceptions ...

There are exceptions to the rule that D is not criminally liable for an omission. These are:

- A contractual duty.
- A duty because of a relationship.
- A duty from a voluntary activity.
- A duty through one's official position.
- A duty arising through a negligent act.

Break into small Law Firms and produce cases for each. Your Law Firm will present one 'exception' to class.

Causation ...

Two elements - BOTH need to be established.

- (1) Factual Cause - "but for test" - cases of White [1910] and Pagett [1983].
- (2) Legal Cause - more complex and will be considered over the next few slides.

Causation ...

- "Something more than a trifling link" - Kimsey [1996]
- What is the "thin-skull" rule? Explain how the case of R v Blaue [1975] relates.

A break in the chain of causation ...

- Break into Law Firms - The courts do not seem to accept a break in the chain of causation - but it can be broken. Discuss this and then explain to class using the cases of Smith [1959], Cheshire [1991] and Jordan [1956]. See Note: page 221.
- What does the case of Malcherek [1981] establish?

Imagine ...

- Imagine that student D asks student V if she would like a lift home. She says "OK" - then D asks if she fancies a coffee. V then takes one look at him, panics, and opens the car door jumping out (she is hit by a bus and dies). Glance at the cases - think about it for a few mins - Is D guilty? Which cases apply?

Break into Law Firms ...

- Do the activities on page 19 of 'Criminal Law'. Report back to class.

Essay plans ...

- “Law should encourage citizens in their civic duty to do “the right thing” in a moral sense and not turn a blind eye or fail to act to help someone who is in need.”
- Consider to what extent the criminal law relating to omissions reflects this

Produce a list ...

- With a fellow student - produce a list (the first most important, followed by the second etc) of what you consider are the most important areas we have covered in this section.
- Working alone: write a brief summary against the list (show cases) - to briefly explain each area.
