






CRIMINAL LIABILITY REVISION WORKSHEET

The following icons are used in this worksheet to indicate:

-  Fill-in the blanks;
 -  Give a case name or statute;
 -  A short answer question or task; and
 -  True or false; or guilty or not guilty.
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ACTUS REUS

 *Actus reus* means ...


 It can be ...

eg, dangerous driving, or

eg, causing death by dangerous driving.

 It could also be ...
public highway” as in *Winzar* .


eg, “being found drunk in a

 The *actus reus* must be ...
reflex action.

. It will be involuntary, for example, if it is a

 What example did the court give in *Hill v Baxter* of an involuntary actus reus?


OMISSIONS

 Giving authority, what is the general rule on omissions?

There are exceptions to the general rule where a person will be under a duty to act and therefore liable for an omission. Decide the following cases:

<input type="checkbox"/>	✓ x	Reason
A person fails to provide a specimen of breath when requested to do so by a police officer.		
In ... a railway crossing gatekeeper who went for lunch but left the gate up. A hay cart crossing the line was hit by a train and a man was killed.		
In ... a police constable witnessed nightclub bouncers kick a man to death. The defendant watched from a distance before announcing to other witnesses that he was now going off duty.		
In ... a stepmother and a father deliberately neglected a child so that she starved to death.		
In ... the defendants agreed to look after an elderly sister. However, they failed to get medical assistance for her when she was unwell.		
In ... the defendant fell asleep whilst smoking a cigarette in a house that he was squatting in. He was awoken by the smell of the smouldering mattress but went to sleep in another room. The house was damaged by fire.		

CAUSATION

 For result crimes, the prosecution must establish causation. There are two types. First of all, _____ causation for which the _____ test is used. Decide the following case:

<input type="checkbox"/>	✓ x	Reason
In ... the defendant put poison in a drink for his mother. However, she died of an unrelated heart attack.		

✍ If there is a possible *novus actus interveniens* (_____) then a test for _____ causation is used, eg, was the defendant the “ _____ and _____ cause” test from *Smith*. Note that there are other tests but one is no more important than another.

Decide if the defendant was liable or if the chain of causation was broken in the following cases:

☐	✓ x	Reason
In _____ the defendant shouted at and chased after his wife who then collapsed and died of a medical condition.		
In _____ the defendant stabbed a Jehovah’s Witness who then refused a blood transfusion on religious grounds and died.		
In _____ the defendant used a woman as a human shield and shot at the police. The police fired back and the woman was killed in the crossfire.		
In _____ a woman jumped out of a car after the driver made sexual advances.		
In _____ the doctors switched-off a life support machine, after the defendants had stabbed the victim.		
In _____ the defendant was charged with manslaughter and inflicting GBH following his wife’s suicide. Although there was evidence that he had physically and mentally abused her, the trial judge dismissed the case because the prosecution chose not to continue with manslaughter and there was insufficient evidence of psychiatric GBH. The Court of Appeal stated obiter ...		
In _____ the defendant stabbed the victim but the victim was dropped on the way to the medical hut, not treated immediately and eventually given bad treatment.		
In _____ the defendant stabbed the victim but the wound was mainly healed at the		

time of death. The victim was given a drug to which he was allergic and large amounts of liquid through a drip which caused pneumonia and lead to death.		
In _____ the defendant shot the victim who was taken to hospital and died two months later. The defendant was convicted of murder and appealed on the ground that the death had been caused by a rare complication resulting from the medical treatment the victim had received; and the doctors failing to realise its seriousness and reacting quickly enough.		

MENS REA

Mens rea means ...

DIRECT AND OBLIQUE INTENTION

✎ Direct intent was defined in _____ as “a decision to bring about, in so far as it lies within the accused’s power, the commission of the offence ...” An example would be a person who deliberately shoots his/her victim.

✎ Oblique intention is where a person _____ a _____ of his actions but does not desire it for its own sake.

⊕ What example was given by Lord Bridge in *Moloney*?

What test is used to decide if there is evidence of oblique intention?

⊕ Briefly explain the above test.

RECKLESSNESS

✎ This is the taking of ...

✎ Following the decision of the House of Lords in the test is now only subjective which means that the prosecution must prove ...

This is also known as recklessness. Decide his case:

Facts	✓ x	Reason
The defendant broke into a gas meter in order to steal money but a pipe was broken and gas leaked next door. The defendant was convicted of “maliciously” administering a noxious substance so as to endanger life and appealed.		

COINCIDENCE OF ACTUS REUS AND MENS REA

The C_____ Rule

✎ The prosecution must prove that *mens rea* existed when the *actus reus* was committed.

This is known as the c_____ rule and has been interpreted in two ways:

1. The *actus reus* may be a _____ (committed over a period of time) and *mens rea* formed during its commission, as in _____; or
2. There may be a _____ linking the *actus reus* and *mens rea*, as in _____.

Transferred Malice

✎ Under the doctrine of transferred malice, *mens rea* may be transferred from an _____ victim to an _____ as in _____. However, *mens rea* cannot be transferred for a different *actus reus* as shown by _____.

STRICT LIABILITY

◆ What are crimes of strict liability?

⊕ Briefly explain four case examples:

(a)

(b)

(c)

(d)

In ...

the Privy Council considered the scope and role of strict liability offences in the modern criminal law. ⊕ Summarise the criteria of Lord Scarman upon which a court should decide whether or not it is appropriate to impose strict liability:

Asif Tufal

(a)

(b)

(c)

(d)

(e)

✎ By contrast, offences of ...

do not require any *mens rea* at all.

⊕ Give two examples:

These offences, which are also known as “state of affairs” offences, are an exception to the principle that the *actus reus* must be voluntary.