






INVOLUNTARY MANSLAUGHTER REVISION WORKSHEET

The following icons are used in this worksheet to indicate:

-  Fill-in the blanks;
 -  Give a case name or statute;
 -  Delete the incorrect answer(s);
 -  A short answer question or task; and
 -  True or false; or guilty or not guilty.
-

UNLAWFUL ACT MANSLAUGHTER

✓× This offence is also known as Culpable/Constructive/Serious Manslaughter. The prosecution must establish four factors:

1. AN UNLAWFUL ACT

At one time it was thought that a tort (a civil wrong) would be sufficient for Constructive Manslaughter, until the case of *Franklin* where the court held that a criminal act was required.

⊕ Select any three cases from the following list and state which unlawful act was involved (each offence must be different): *Cato*, *Kennedy*, *Larkin*, *Church*, *Mitchell*, *Newbury & Jones* and *Goodfellow*.

⊕ Explain why there was no unlawful act in two of the following cases: *Lamb*, *Lowe*, *Arobieke* and *Dias*.

2. THE ACT MUST BE DANGEROUS

✍ The act must be dangerous in the sense that the _____ would realise that it could cause _____ to another person.

⊕ Give two case examples:

It is sometimes necessary to decide how much knowledge the reasonable bystander has:

⊕ What was said in _____, where the defendant burgled a house but was disturbed by the 87 year old occupier who later had a fatal heart attack?

⊕ What was said in _____, where the defendant mistakenly thought he had loaded his shotgun with blanks and only intended to frighten the victim when he fired at her?

3. SUBSTANTIAL CAUSE OF DEATH

The unlawful act must be the substantial cause of death.

⊕ Why was this was not the case in *Dalby* and in *Watson*?

⊕ How was the cause of death in *Mitchell* and in *Goodfellow*?

4. MENS REA

✎ The *mens rea* of Constructive Manslaughter consists of the *mens rea* for _____
_____ itself. The prosecution does not have to prove that the defendant
realised the risk of causing some harm. This was accepted by the House of Lords in
_____.

⊕ What happened in this case?

GROSS NEGLIGENCE MANSLAUGHTER

✎ In _____, the House of Lords held that a defendant could be convicted of involuntary manslaughter by breach of duty if:

- The defendant was in _____ towards the victim;
- The breach of duty _____ the death of the victim; and
- The breach of duty was such as to be characterised as _____ and therefore a _____.

1. BREACH OF DUTY

✎ It was stated that “the ordinary principles of the law of _____ apply to ascertain whether or not the defendant has been in breach of a duty of care towards the victim who has died.” The principles to establish a duty of care, from _____, are: foreseeability of damage; a relationship of proximity or neighbourhood; and that the court considers it fair, just and reasonable that the law should impose a duty on one party for the benefit of another.

⊕ List three case examples of an established duty of care:

✎ A duty to act can also be established by:

- A contract, as in _____;
- A person assuming responsibility for another, as in _____;
- The creation of a dangerous situation, based upon _____.

⊕ A defendant will be in breach of the duty of care by falling below the standard of the ordinary reasonable person. Explain how this was the position in any three of the following six cases: *Adomako*, *DPP v Andrews*, *Litchfield*, *R v Singh (Gurphal)*, *Wacker* and/or *Yaqoob*

2. CAUSING DEATH

✍ The “But For” Test from *White* can be used to establish factual causation. Should there be the possibility of a *n* _____ a _____ *i* _____ then causation in law will need to be established. There are various tests for this, eg, the “_____ and _____ cause” test from _____.

3. GROSS NEGLIGENCE

✍ The jury must consider whether the breach of duty should be characterised as gross negligence and therefore a _____, rather than a _____ matter. The circumstances must be such that a _____ prudent _____ would have foreseen a _____ and _____ risk of _____. Having regard to the risk of _____ involved, the conduct of the defendant must be so bad in all the circumstances as to amount to, in the opinion of the jury, a _____ a _____ or o _____.

☺ Why was the doctor not grossly negligent in *Bateman*?

SUBJECTIVELY RECKLESS MANSLAUGHTER

This offence is not in the AQA Specifications but has been mentioned in Examiners' Reports. Therefore, students should be aware of its existence.

Subjectively reckless manslaughter was considered by the Court of Appeal in the case below. Complete the table by naming the case, deciding guilt or innocence and stating the test used by the Court of Appeal:

<input type="checkbox"/>	✓ ✗	Test given by the Court of Appeal
In _____, the defendant had an argument with the victim, who was half leaning into the defendant's car, and drove off. The victim was crushed by the rear wheel.		