

Y12 BTEC Applied Law Summer Independent Learning

Welcome to BTEC Applied Law!

Elements of a Crime

In order to be guilty of a criminal offence, the defendant (the accused person) must commit the **actus reus** and **mens rea** of the crime. You normally need to both to be found guilty.



Actus Reus (AR) Physical element of a crime (doing something or failing to do something which is illegal)

Mens Rea (MR) Mental element of a crime (having a guilty intention/mind)

Task 1 – using the internet research AR and MR and explain what they both mean in the space below. Give examples

Actus reus is...

Mens Rea is...

Omissions

Although most people are guilty for physically doing an act, sometimes people can be guilty of a traffic lights, failing to care for their children. This is known as being **liable by omission. (LBO)** **An omission is a failure to act or a failure to do something.** This is usually when a person has a **duty of care** and **breaches** that duty.


Task 3 – Using the internet and the following links research the area of Omissions and detail the facts of the case examples:

<https://www.youtube.com/watch?v=vOM7vNPYW-s>



<http://e-lawresources.co.uk/Actus-reus.php>



Area of Omissions	Explanation of the law	Case examples – Facts of the case
<p>Contractual Duty</p> 		<p>R v Adomako (1994)</p> <p>R v Pitwood (1902)</p>



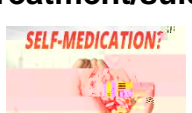


Public Duties/official position		R v Dytham (1979)
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Once the two-part test above is proven, the defendant will have full actus reus, because causation will be established (chain of causation created). However, there are a number of ways that the **chain of causation can be broken, if it is broken then the defendant is no longer fully responsible for the consequence because something intervened that is more responsible for the end result (death/injury)**

Task 6 – Watch the video using the link below and then complete the table to show ways that the chain of causation can be broken (intervening acts).



<https://www.youtube.com/watch?v=GCaxConAMRs>

Area that can break the chain of causation	Explanation (when will it break the chain?)	Case examples
Thin skull rule 		R v Blaue (1975)
Victims own act 		R v Roberts (1971) R v Williams and Davis (1992)
refusal of treatment/suicide 	Refusal –	R v Holland (1841)
Medical Treatment 		R v Jordan (1956) R v Smith (1959)
Life support machines 		R v Malcherek and Steel (1981)
Third parties		

Task 7 - Complete the mini scenarios below to decide if the defendant is the 'cause' or if the chain of causation will be broken. See the example scenario and model answer, then answer 3 scenarios yourself making sure to include:

- 1. Factual cause**
- 2. Legal cause**
- 3. Any of the intervening acts that can break the chain of causation e.g. eggshell / escape etc.**
- 4. Conclusion**

Ben is the factual cause because but for using his friend as a shield, his friend would have survived because he would not have been shot had to go in an ambulance. This is similar to the case of Pagett 1983 when D used his pregnant girlfriend as a human shield and was then found to be the cause of her death, not the police. Ben is also the legal cause because even though there were multiple causes for the death, Ben is more than a minimal cause. Ben could argue that there has been a third party intervening act and that the paramedics are to blame. This may break the chain if the paramedics were seen to be so grossly negligent like in Jordan 1956. To conclude, Ben will probably be the cause of death as long as the chain of causation is not broken.

1. Natasha and David are having a fight when Natasha stabs him in the back with a kitchen knife. When the ambulance arrives the crew drop him on the floor twice, and when he is in hospital they do not check his medical records and give him 4x antibiotics that he is allergic to. David

