

GDL 004 CRIMINAL LAW

Module Number	GDL004
Module Title	Criminal Law
Number of Aston Credits	20
Total Number of ECTS Credits	10
(European Credit Transfer)	

Staff Member Responsible for the Module

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Module Pre-Requisites

None

Module Learning Outcomes

The organisation, content and teaching methods for this GDL module reflect QAA Benchmark standards for Law and are designed to meet the learning outcomes specified above. The module is designed to ensure that outcomes meet the professional standards (Joint Announcement) required for this foundation subject at the academic stage.

On successful completion of the module a student should have:

- (a) An awareness of the general principles of criminal law,
- (b) A sound working knowledge of the main criminal offences and defences in addition to the various factors affecting criminal liability.
- (c) The ability to demonstrate knowledge, understanding and an ability to apply the rules which make up the criminal law to problem situations of some legal complexity.
- (d) The ability to explain and critically appraise a considered view on whether the aims and objectives of the criminal law are appropriate in a modern legal system.
- (e) The ability to engage in doctrinal discourse; providing their own responses to unresolved legal problems and providing imaginative solutions to difficult issues.
- (f) An understanding of proposals for reform as relevant to the syllabus and the ability to critique the arguments surrounding such proposals.



- (g) The ability to engage with primary and secondary legal materials, identifying relevant precedents and authorities, use correct form of legal citation (OSCOLA)
- (g) Understand some of the policy issues associated with the purpose and function of the criminal law and the justifications for the criminalisation of particular conduct.

Module Content

- (a) Introduction to criminal liability: General principles of *actus reus* and *mens rea*; Structure of criminal liability
- (b) Homicide and 'special' defences: Murder; Elements of the offence of murder Defences of:- *loss of self control ss 54, ss55 C& JA 2009* ; and *diminished responsibility* - Section 2 Homicide Act 1957

Manslaughter: Constructive manslaughter; Gross negligence manslaughter; Reckless manslaughter
- (c) Non-fatal offences against the person: Assault and battery; Assault occasioning actual bodily harm contrary to section 47 Offences Against the Person Act 1861 (OAPA 1861); Malicious wounding contrary to section 20 OAPA 1861; Wounding with intent contrary to section 18 OAPA 1861; Racially aggravated assaults contrary to section 28 Crime and Disorder Act 1998
- (d) Sexual offences and the issue of consent as it relates to those offences: Rape contrary to section 1 Sexual Offences Act 2003 (SOA 2003); Assault by penetration contrary to section 2 SOA 2003; Consent Sections 74, 75 and 76 SOA 2003
- (e) Defences I : lack of mens rea; Mistake; Intoxication; Justification; Self-defence; Force used in the course of preventing crime or arresting offenders: section 3 Criminal Law Act 1967; Necessity; Duress by threats; Duress of circumstances
- (f) Defences II: Automatism; Insanity; Impact of mistake and intoxication on defences generally



- (g) Inchoate offences: Attempt contrary to section 1 Criminal Attempts Act 1980
- (h) Secondary liability. Section 8 Accessories and Abettors Act 1861
- (i) Offences contrary to the Thefts Acts 1968 and 1978; Theft contrary to section 1 Theft Act 1968; Robbery contrary to section 8 Theft Act 1968; Burglary contrary to section 9 Theft Act 1968; Aggravated burglary contrary to section 10 Theft Act 1968
- (j) Selected offences contrary to the Fraud Act 2006: Fraud contrary to section 1 Fraud Act 2006; by false representation section 2 Fraud Act 2006 by failing to disclose information section 3 Fraud Act 2006; by abuse of position section 4 Fraud Act 2006; Obtaining services dishonestly contrary to section 11 Fraud Act 2006; Making off without payment contrary to section 1 Theft Act 1978
- (k) Offences contrary to the Criminal Damage Act 1971 and specific defences relating to criminal damage: Criminal damage contrary to section 1(1) Criminal Damage Act 1971: Aggravated criminal damage contrary to section 1(2) Criminal Damage Act 1971; Arson contrary to section 1(3) Criminal Damage Act. Racially aggravated criminal damage section 30 Crime and Disorder Act 1998; Defence of belief in consent section 5(2)(a) Criminal Damage Act 1971; Defence of defence of property section 5(2) Criminal Damage Act 1971.

International Dimensions

This module is concerned with English law, but comparisons with other legal jurisdictions are made. In particular cases from other common law jurisdictions will be referred to throughout the module.

Corporate Connections

Actual case examples and practical illustrations are used throughout. Questions are based on hypothetical evidential documents and statements. Workshops rely heavily on the case law technique to





ensure understanding of legal principle through a process of self-learning of principle

Odette Hutchinson is a senior lecturer in law and a member of the Higher Education Academy. She has taught criminal law at UG and PG level for over nine years and teaches and examines for the University London International Programme.

Roger McDermott is an ex West Midlands Chief Superintendent with over 30 years experience in policing and the criminal justice system.

Debbie Stringer is a solicitor with experience in criminal law and considerable experience teaching criminal law and criminal litigation to LPC students.

Links to Research

The shape and content of this course is informed by the requirements of the professional bodies. However frequent reference will be made to the intellectual contributions of leading academics in the field. Odette Hutchinson, is an experienced criminal law examiner and has been invited to teach criminal law on an international stage. She works at the forefront of teaching and learning innovation and has received awards for teaching excellence and innovation.

Method of Learning and Teaching

Method of teaching – Lectures, workshops and seminars, practical research exercises and independent study.

Lectures are used to introduce the legal principles, primary and secondary sources of relevant law, and to explain their practical operation whilst highlighting areas of difficulty and reform. Their aim is to provide a framework for students' independent study and research.

Workshops have two aims: (i) To direct students to their own identification of the applicable legal principles through analysis of primary source materials and (ii) To develop understanding of the application and operation of legal principles in particular contexts. Workshops can take a variety of forms with a range of both individual and group tasks being undertaken.





Seminars are designed to focus on application and analysis of specific legal principles already identified in lectures and workshops. The focus is on student contributions and on detailed, tight, analysis and discussion in order to prepare students for the examination assessment and the development of skills required for workshop assessments. Students will be required to apply their knowledge to practical case studies, identify relevant issues, sources and legal principles and present the results of their research and study either independently or in groups. In addition, seminars will assist students to develop skills of critical evaluation of a selection of secondary sources of criminal law and to consider comparative solutions to particular legal problems.

Self-test questions and **multiple choice questions** for each topic are made available on the VLE, together with guidance on answering problem questions in Criminal law and some worked answers (with reasoning processes).

Online/Class Discussion Activities At various points in the course, students will be introduced to areas where further reading and independent research will be necessary. The VLE will provide students with the opportunity to raise questions, discuss subject areas and approaches to set questions. This area of study is challenging, dynamic and diverse, and students will be encouraged and supported to take responsibility for their own learning experience.

Programme Outcomes:

The table below shows how this module contributes towards the achievement of the overall programme outcomes

Module Code	Module Name	A1	A2	A3	A4	B1	B2	B3	C1	C2	C3	D1	D2	D3	D4	D5	D6
GDL004	CRIMINAL LAW [foundation]	√		√	√	√	√	√	√	√	√	√	√	√	√		√





Contact and Directed Learning

Contact

Lectures	30 hours
Workshops, Seminars	18 hours
Examination	3 hours

Directed learning

Private study : workshop tasks 125 hours

Workshop assessments writing up 24 hours

Total 200 hours
Ethical Approval

Module does not require primary research and no ethical approval is needed.

Assessment and Feedback Rationale and Methods

The module is assessed by means of an examination (70%) and a summative coursework exercise (30%).

The examination is closed book (except for the ability of students to use their own copy of an **unannotated** approved statute book). The examination is of three hours' duration and will comprise a selection of hypothetical problems and essay questions. Students are required to answer at least one problem question but may choose to answer up to three from the available selection.



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The summative coursework exercise (30%) comprises of a 3,000 word essay which will likely require evidence of fact analysis, identification of legal principle, research and analysis of legal principle, and application of accurate principles to factual scenarios. It will also evaluate the correct use of citation and legal writing style.

Feedback will be provided orally in workshops and seminars as responses to student answers to tasks set for these classes and any questions raised. Individual, detailed, written feedback for summative and formative assessment is provided with follow-up online or face-to-face appointments to discuss progression and performance. Common errors identified in generic feedback on each exercise are posted on the VLE.

Generic examination and assessment feedback is also posted on the VLE.

Indicative Reading

- Ormerod D, *Smith and Hogan Criminal Law*, 12th edition, Oxford University Press, (2008)
- Ormerod D, *Smith and Hogan Criminal Law: Cases and Materials*, 10th edition, Oxford University Press, (2009)

Statute Books

- Glazebrook P, *Blackstone's Statutes on Criminal Law 2011-2012*, Oxford University Press, (2011)



For further information on any of the opportunities that Aston Business School offers, please contact:

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Background Reading

- Allen M, *Textbook on Criminal Law*, 9th edition, Oxford University Press, (2007)
- Ashworth A, *Principles of Criminal Law*, 6th edition, Oxford University Press, (2009)
- Dine J, *Cases and Materials on Criminal Law*, 6th edition, Oxford University Press, (2010)
- Elliott C, *Criminal Law*, 8th edition, Pearson, (2010)
- Herring J, *Criminal Law*, 6th edition, Palgrave MacMillan, (2009)
- Herring J, *Criminal Law: Great Debates*, Palgrave MacMillan, (2009)
- Herring J, *Criminal Law, Texts, Cases and Materials*, 4th edition, Oxford University Press, (2010)
- Jefferson M, *Criminal Law*, 9th edition, Pearson, (2009)
- Loveless J, *Complete Criminal Law, Text, Cases and Materials*, 2nd edition, Oxford University Press, (2010)
- Ormerod D, *Blackstone's Criminal Practice 2011*, Oxford University Press, (2010)
- Padfield N, *Criminal Law*, 7th edition, Oxford University Press, (2010)
- Reed R, *Criminal Law*, 4th edition, Sweet and Maxwell, (2009)
- Rook P, *Rook and Ward Sexual Offences Law and Practice*, 3rd edition, Sweet and Maxwell, (2004)

Wilson W, *Criminal Law*, 3rd edition, Pearson Longman, (2008)

Journals





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The generalist law journals contain articles concerned with criminal law. See, e.g., *The Modern Law Review*, *The Cambridge Law Journal*, *The Oxford Journal of Legal Studies*, *Legal Studies*, *The Law Quarterly Review*. Specialist journals will also discuss criminal issues, e.g., *Criminal Law Review*, *The Journal of Criminal Law*. Students will be referred to a range of journal articles in these, and other, legal journals.

Useful Online Sources

- Westlaw UK
- LexisNexis
- Lawtel
- Hein Online [Law Journals]
- The British and Irish Legal Information Institute: <http://www.bailii.org/>
- Cardiff Index of Legal Abbreviations: <http://www.legalabbrevs.cardiff.ac.uk/>



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