



RHODES UNIVERSITY

CRIMINAL LAW A

2021



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1. INTRODUCTION

Criminal Law A is a compulsory penultimate semester course. This course examines the general principles of criminal liability, participants in crime and incomplete (inchoate) crimes. By the end of the course, students should be able to identify, discuss and evaluate the elements of criminal liability and solve problems when presented with a factual scenario. Criminal Law B which follows Criminal Law A, builds onto the knowledge and skills developed in Criminal Law A by applying the principles of criminal liability to selected specific crimes.

Students would need to know, and be able to do, the following in order to benefit from this course:

- Be capable of communicating in written and spoken English;
- Be able to work independently by reading, extracting and critically analysing relevant legal information from case law, legislation and other source material;
- Be capable of applying legal problem-solving techniques.

2. TEACHING METHODS

It is intended that successful participation in the course will assist students in developing the following competencies:

- Identifying and solving problems;
- Organising and managing themselves;
- Collecting, analysing and evaluating information;
- Communicating effectively; and
- Using technology.

A detailed course outline with a comprehensive reading list and bibliography are provided for this course. Students are expected to read ahead of the next online lecture in order to acquire a basic familiarity with the relevant topic and case law and then take their own notes in lectures. Lectures are conducted in a structured but discursive manner and practical examples are considered. Students should be able to identify the facts and decisions of all the cases listed in the course outline at the relevant time.

It is expected that students assume responsibility for their own learning by independent study, as guided by the course outline and the online lectures.

This module is designed to be on hand during the recorded lectures. It contains all the information and legislation that you need for this course with the exception of the readings and case law.

PowerPoint slides are used during the recorded lectures and both will be placed on the RUConnected page (Criminal Law A 2021) for this course. All students registered for this course have been automatically enrolled.

3. BIBLIOGRAPHY

The following book is **prescribed** for this course and the full text is available online via the Library webpage:

- Kemp (ed) *et al Criminal Law in South Africa* (2018), 3 ed, Oxford University Press: Cape Town

The following texts are also useful if you can access them but they are not available electronically:

- J Burchell *Principles of Criminal Law* (2014), 4th ed, Juta and Co: Cape Town
- J Burchell *Cases and Materials on Criminal Law* (2007), 3rd ed, Juta and Co: Cape Town
- J Grant *Critical Criminal Law* available online at <http://www.saflii.org/images/criticalcrimlaw.pdf> (This is an excellent up-to-date resource on South African criminal law and I urge you to download the e-book)
- C R Snyman *Criminal Law* (2014), 6th ed, Lexis Nexis: Durban

In addition to the readings, students are required to read the relevant cases and legislation as indicated in the course outline. Extracts of the most important legislation are included in the module. All the case law is available on the Jutastat and Lexis Nexis databases and the legislation is available on the Netlaw database, all of which are accessible through the Rhodes Library website.

4. ASSESSMENT

The class work component for this course amounts to 40% of the final mark and the remaining 60% comprises a Summative Assessment Task (exam) that will be written in June/July 2021.

Students are assessed for the class work component based on three pieces of work consisting of two online Formative Assessment Tasks (short tests) and an online Assignment. Each Formative Assessment Task will count for 10% of the final mark and the Assignment will count for 20%.

The Formative and Summative Assessment Tasks will contain questions of the following types:

- problem questions which require the application of statute and common law to solve practical issues;
- theory/essay/note type questions in which students are required to describe, explain and critically evaluate a particular area of the law; and
- case note questions in which students are required to set out the facts and decision of a case and provide a critical evaluation of the decision.

5. COURSE OUTLINE

The topics covered in this course comprise the following:

1. Introduction to criminal law.
2. Unlawful conduct (*actus reus*).
3. Criminal capacity.
4. Fault (*mens rea*).
5. Participation in crime.
6. Incomplete (inchoate) crimes.