



RHODES UNIVERSITY

# CRIMINAL LAW A

2024



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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 on 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 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 following lecture to acquire a basic familiarity with the relevant topic and case law and then take notes in lectures. Lectures are conducted in a structured but discursive manner allowing for questions and discussion, and practical examples are routinely considered. Students should be able to discuss the facts and decisions of all the cases listed in the course

outline at the appropriate time. Students are expected to assume responsibility for their own learning by independent study, as guided by the course outline.

### **3. BIBLIOGRAPHY**

The following texts, which are available in the Law Library, form the core reading for the course:

- J Burchell *Principles of Criminal Law* (2016), 5<sup>th</sup> ed, Juta and Co: Cape Town
- J Burchell *Cases and Materials on Criminal Law* (2016), 4<sup>th</sup> ed, Juta and Co: Cape Town
- Kemp (ed) *et al. Criminal Law in South Africa* (2018), 3 ed, Oxford University Press: Cape Town
- C R Snyman *Criminal Law* (2014), 6<sup>th</sup> ed, Lexis Nexis: Durban

In addition to the readings, students must read the relevant cases and legislation as indicated in the course outline. All the case law is available on the Jutastat database, and the legislation is available on the Netlaw database, both of which are accessible through the Rhodes Library website.

### **4. ASSESSMENT**

The classwork component for this course amounts to 30% of the final mark, and the remaining 70% comprises a two-hour examination that will be written in June 2024.

Students are assessed for the class work component based on two pieces of work: one test and one assignment. The test and assignment will each count 15% of the final mark. If students do not write the test, for whatever reason, then they will be required to sit for an oral test in lieu thereof. There are no written catch-up tests.

The test and examination 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.