



**education**

Department:  
Education  
REPUBLIC OF SOUTH AFRICA

# **NATIONAL CERTIFICATES (VOCATIONAL)**

## **SUBJECT GUIDELINES**

### **CRIMINAL LAW**

#### **NQF Level 3**

October 2007



# **CRIMINAL LAW - LEVEL 3**

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## INTRODUCTION

### **A. What is Criminal Law about?**

For anybody to be employed in the Criminal Justice System, a basic knowledge of the laws of the country is essential. This subject will enable the student to recognize the key principles of the criminal law and legal rules of South Africa. In the course of delivery of the subject the aim would be to identify and name the different sources of South African criminal law, in other words, where the laws come from. As this might be the student's first introduction to criminal law, this subject will further introduce the student to the principles and elements of crime and its place in criminal law, as well as provide analyses of specific crimes and statutory offences.

### **B. Why is Criminal Law important in the Safety in Society programme?**

All the role players in the Criminal Justice System work on a daily basis with crime and other offences in their execution of duties as criminal justice officials. There is a relationship between the subjects Criminal Law and Police Practice, Criminology, Criminal Justice and Governance. As a result of the high crime rate in South Africa, criminal justice officials need to have a basic knowledge of criminal law and the statutory laws of our country in order to combat and adjudicate crime.

### **C. The link between Criminal Law Learning Outcomes and the Critical and Developmental Outcomes**

After completion of this subject the student will have a basic knowledge of some principles of criminal law. This will enable them to understand the laws of the country and to perform duties as members of the policing agencies (South African Police Service (SAPS), Metropolitan Police Agencies, Traffic Policing Agencies and the Military Police Division (MPD)) and the judiciary.

### **D. Factors that contribute to achieving Learning Outcomes**

Students should have a basic awareness of the manifestations and resolution of the crime problem. An interest in criminal law and how it empowers and assists criminal justice officers are basic necessities in order to be successful in this subject. After completion of this subject, students should have the ability to name and explain the basic principles embedded in the criminal law.

## 1 DURATION AND TUITION TIME

This is a one-year instructional programme comprising 200 teaching and learning hours. The subject may be offered on a part-time basis provided the student meets all the assessment requirements.

Students with special education needs (LSEN) must be catered for in a way that eliminates barriers to learning.

## 2 SUBJECT LEVEL FOCUS

Criminal Justice officials need to have a basic knowledge of the laws of our country – both statutory laws (laws made by parliament each year – e.g. Act 51 of 1977- Criminal Procedure Act) and common laws (laws that were carried over from one generation to another – e.g. murder, rape etc). This subject will enable the student to recognize the elements of SA Criminal Law and other legal rules of our country. In the course of delivery of this subject the aim would be to identify and name the different sources of the South African criminal law, in other words, where the laws come from. As this might be the student's first introduction to the criminal law, this subject will further introduce the principles and elements of crime and its place in the criminal law as well as analyses of specific crimes and statutory offences

## 3 ASSESSMENT REQUIREMENTS

### 3.1 Internal assessment (50 percent)

#### 3.1.1 Theoretical component

The theoretical component forms 40 percent of the internal assessment mark.

Internal assessment of the theoretical component in Criminal Law (Level 3) takes the form of observation, class questions, group work, informal group competitions with rewards, individual discussions with students, class, topic and semester tests and internal examinations. Lecturers can observe students when marking exercises from the previous day and asking class questions.

Assignments, case studies and tests can be completed at the end of a topic. Tests and internal examinations must form part of the internal assessment.

#### 3.1.2 Practical component

The practical component forms 60 percent of the internal assessment mark.

Practical components include applications and exercises. All practical components must be indicated in a Portfolio of Evidence (PoE).

Internal assessment of the practical component in Criminal Law Level 3 takes the form of assignments, practical exercises, case studies and practical examinations in a simulated business environment.

Students may complete practical exercises daily. Assignments and case studies can be completed at the end of a topic. Practical examinations can form part of internal practical assessment.

#### • **Some examples of practical assessments include, but are not limited to:**

- A. Presentations (lectures, demonstrations, group discussions and activities, practical work, observation, role-play, independent activity, synthesis and evaluation)
- B. Exhibitions by students
- C. Visits undertaken by students based on a structured assignment task
- D. Research
- E. Task performance in a "Structured Environment"

• **Definition of the term “Structured Environment”**

For the purposes of assessment, “Structured Environment” refers to a simulated workplace or workshop environment. Activities in the simulated workplace or environment must be documented in a logbook with a clear listing of the competencies to be assessed. The following information must be contained in the logbook:

- Nature of department or environment in which practical component was achieved
- Learning Outcomes
- Activities in the environment with which to achieve the Learning Outcomes
- Time spent on activities
- Signature of facilitator or supervisor and student

For the logbook to be regarded as valid evidence, it must be signed by an officially assigned supervisor.

• **Evidence in practical assessments**

All evidence pertaining to evaluation of practical work must be reflected in the student’s Portfolio of Evidence (PoE). The assessment instruments used for the purpose of conducting these assessments must be part of the evidence contained in the PoE.

3.1.3 Processing of internal assessment mark for the year

A year mark out of 100 is calculated by adding the marks of the theoretical component and the practical component of the internal continuous assessment (ICASS).

3.1.4 Moderation of internal assessment mark

Internal assessment is subjected to internal and external moderation procedures as set out in the *National Examinations Policy for FET College Programmes*.

**3.2 External assessment (50 percent)**

A national examination is conducted annually in October or November by means of a paper(s) set and moderated externally. A practical component will also be assessed.

External assessment details and procedures are set out in the *Assessment Guidelines: Criminal Law* (Level 3).

**4 WEIGHTED VALUES OF TOPICS**

TOPICS	WEIGHTED VALUE
1. Key principles of the SA Criminal Law.	5%
2. Elements of the SA Criminal Law	5%
3 The principle of legality	3%
4. The elements of crime: the act	5%
5 The elements of crime: unlawfulness.	5%
6. The elements of crime: criminal responsibility	5%
7. Attempt, conspiracy and incitement to commit a crime	3%
8. Participation and accessories after the fact.	3%
9. Crimes against the Administration of Justice.	10%
10. Crimes against Life.	11%
11. Crimes against Bodily Integrity and Dignity.	10%
12. Sexual Offences and Crimes against Morality.	10%
13. Crimes against Property.	15%
14. Some Statutory Provisions.	10%
<b>TOTAL</b>	<b>100</b>

## 5 CALCULATION OF FINAL MARK

Internal assessment mark: Student's mark/100 x 50 = a mark out of 50 (a)

Examination mark: Student's mark/100 x 50 = a mark out of 50 (b)

**Final mark: (a) + (b) = a mark out of 100**

All marks are systematically processed and accurately recorded to be available as hard copy evidence for, amongst others, reporting, moderation and verification purposes.

## 6 PASS REQUIREMENTS

A student must obtain fifty (50) percent in ICASS and fifty (50) percent in the examination.

## 7 SUBJECT AND LEARNING OUTCOMES

On completion of Criminal Law Level 3, the student should have covered the following topics:

- Topic 1: Key principles of the SA Criminal Law
- Topic 2: Elements of the SA Criminal Law
- Topic 3: The principle of legality
- Topic 4: The elements of crime: the act
- Topic 5: The elements of crime: unlawfulness.
- Topic 6: The elements of crime: criminal responsibility
- Topic 7: Attempt, conspiracy and incitement to commit a crime
- Topic 8: Participation and accessories after the fact.
- Topic 9: Crimes against the Administration of Justice
- Topic 10: Crimes against Life.
- Topic 11: Crimes against Bodily Integrity and Dignity.
- Topic 12: Sexual Offences and Crimes against Morality
- Topic 13: Crimes against Property.
- Topic 14: Some Statutory Provisions

### 7.1 Topic 1: Key principles of the SA Criminal Law

**7.1.1 Subject outcome 1:** Recognize the key principles of the SA Criminal Law

**Learning outcomes:**

The student should be able to

- Identify and discuss the nature of legal norms with examples
- Discuss the sources of the SA Criminal Law
- Discuss the Nature and Objectives of the SA Criminal Law
- Distinguish between criminal law and other legal rules with examples

### 7.2 Topic 2: The elements of the SA Criminal Law

**7.2.1 Subject Outcome 1:** Name and discuss the elements of the SA Criminal Law

**Learning Outcomes:**

The student should be able to:

- Define and discuss crime and give some examples
- Define crime and criminal and give some examples

### **7.3 Topic 3: The principle of legality**

#### **7.3.1 Subject Outcome 1:** Discuss the principle of legality

##### **Learning Outcomes:**

The student should be able to:

- Explain the meaning of legality with examples
- Discuss the role of the principle of legality in SA Criminal Law

### **7.4 Topic 4: The elements of Crime: The Act**

#### **7.4.1 Subject Outcome 1:** Discuss the elements of crime: the act with examples

##### **Learning Outcomes:**

The student should be able to:

- Name the requirements for an Act with examples
- Discuss Omissions with examples
- Discuss Causation with examples

### **7.5 Topic 5: The elements of Crime: Unlawfulness**

#### **7.5.1 Subject Outcome 1:** Discuss the elements of crime: Unlawfulness with examples

##### **Learning outcomes:**

The student should be able to:

- Discuss private defence with examples
- Discuss necessity with examples
- Discuss impossibility with examples
- Discuss consent with examples
- Discuss the right of chastisement with examples
- Discuss acting on an order with examples
- Discuss official capacity with examples
- Discuss spontaneous agency with examples
- Discuss paltriness with examples

### **7.6 Topic 6: The elements of Crime: Criminal Responsibility**

#### **7.6.1 Subject Outcome 1:** Discuss the elements of crime: criminal responsibility with examples

##### **Learning Outcomes:**

The student should be able to discuss:

- Discuss responsibility with examples
- Discuss the various forms of *mens rea* with examples
- Discuss vicarious liability with examples

### **7.7 Topic 7: Attempt, conspiracy and incitement to commit a crime**

#### **7.7.1 Subject Outcome 1:** Discuss attempt, conspiracy and incitement with examples

##### **Learning Outcomes:**

The student should be able to:

- Discuss attempt with examples
- Discuss incitement with examples
- Discuss conspiracy with examples



## **7.8 Topic 8: Participation and accessories after the fact**

**7.8.1 Subject Outcome 1:** Discuss participation and accessories after the fact with examples

### **Learning Outcomes:**

The student should be able to:

- Discuss perpetrators with examples
- Discuss accomplices with examples
- Discuss accessories after the fact with examples

## **7.9 Topic 9: Crimes against the Administration of Justice**

**7.9.1 Subject Outcome 1:** Discuss crimes against the Administration of Justice with examples

### **Learning Outcomes:**

The student should be able to:

- Define and discuss perjury with examples
- Define and discuss defeating and obstructing the course of justice with examples
- Define and discuss contempt of court with examples

## **7.10 Topic 10: Crimes against Life**

**7.10.1 Subject Outcome 1:** Discuss crimes against Life with examples

### **Learning Outcomes:**

The student should be able to:

- Define and discuss the crime of murder with examples
- Define and discuss culpable homicide with examples

## **7.11 Topic 11: Crimes against Bodily Integrity and Dignity**

**7.11.1 Subject Outcome 1:** Discuss crimes against Bodily Integrity and Dignity with examples

### **Learning Outcomes:**

The student should be able to:

- Define and discuss assault with examples
- Define and discuss *crimen injuria* with examples
- Define and discuss kidnapping with examples

## **7.12 Topic 12: Sexual Offences and Crimes against Morality**

**7.12.1 Subject Outcome 1:** Discuss Sexual Offences and Crimes against Morality with examples

### **Learning outcomes:**

The student should be able to:

- Define and discuss rape with examples
- Define and discuss public indecency with examples

## **7.13 Topic 13: Crimes against Property**

**7.13.1 Subject Outcome 1:** Discuss crimes against Property with examples

### **Learning Outcomes:**

The student should be able to:

- Define and discuss theft with examples
- Define and discuss robbery with examples
- Define and discuss house breaking with intent to commit a crime with examples
- Define and discuss malicious injury to property with examples
- Define and discuss arson with examples

## **7.14 Topic 14: Some Statutory Provisions**

**7.14.1 Subject Outcome 1:** Discuss some Statutory Provisions with examples

### **Learning Outcomes:**

The student should be able to:

- Discuss reckless or negligent driving with examples
- Discuss driving under the influence of liquor with examples
- Discuss drug offences in term so Drugs and Drug traffic Act 140 of 1992 with examples

## **8 RESOURCE NEEDS FOR THE TEACHING OF CRIMINAL LAW - LEVEL 3**

### **8.1 Physical resources**

Classroom equipped with didactical requirements (e.g. writing board, overhead projector)

### **8.2 Human resources**

The lecturer should ideally be a person with the relevant qualification. Practical experience in the field of the criminal justice is a recommendation.

### **8.3 Other resources**

- Arrange for the attendance of a court hearing.
- Visit a police station and observe how the police operate in the client service centre when they take statements from complainants.
- Find a newspaper clipping which contains reports on crimes committed and court proceedings. Discuss these reports and proceedings with students
- Simulate a mock court in the class room