



Higher National Unit Specification

General information for centres

Unit title: Scottish Criminal Law

Unit code: F1B4 34

Unit purpose: This Unit is designed to provide candidates with knowledge and understanding of the elements required to establish criminal liability and also the substantive Scottish Criminal Law concerning certain crimes against property involving dishonesty and certain crimes against the person. It is intended to provide underpinning legal knowledge which could form the basis for further study of Scottish Criminal Law.

On completion of the Unit the candidate should be able to:

- 1 Describe the elements required to establish criminal liability.
- 2 Apply the substantive Scottish Criminal Law relating to crimes against property involving dishonesty.
- 3 Apply the substantive Scottish Criminal Law relating to crimes against the person.

Credit points and level: 1 HN Credit at SCQF level 7: (8 SCQF credit points at SCQF level 7*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Access to this Unit is at the discretion of the centre. However, candidates would normally be expected to have competence in Communication at SCQF level 6 or equivalent. Candidates are not expected to have prior knowledge of criminal law.

Core Skills: There are opportunities to develop the Core Skills of Problem Solving and Communication at SCQF level 6 in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

Context for delivery: If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

Assessment: This Unit may be assessed by candidates providing written and/or oral evidence for each Outcome. All Outcomes should be assessed under open-book controlled conditions, using case studies, supplemented by a number of restricted response questions where necessary. The assessment of Outcomes 2 and 3 should involve the application of the relevant substantive law to case study material. To this end candidates should have access to their lecture notes/handouts and/or textbooks during these assessments.

Centres will have discretion in designing assessments so that they can assess outcomes individually or combine outcomes where they consider it appropriate.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, knowledge and/or skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Describe the elements required to establish Criminal Liability

Knowledge and/or skills

- ◆ Explanation of the general principles of Mens Rea including factors which negate it
- ◆ Explanation of the general principles of Actus Reus including omission
- ◆ General principles of strict liability offences

Outcome 2

Apply the substantive Scottish Criminal Law relating to crimes against property involving dishonesty

Knowledge and/or skills

- ◆ Types of crime — Theft, aggravated theft; robbery; fraud
- ◆ Relevant substantive Scottish Criminal Law
- ◆ Application of the law to different circumstances
- ◆ Research skills and case law retrieval
- ◆ Identification and explanation of possible defences

Evidence Requirements for Outcomes 1 and 2:

For Learning Outcomes 1 and 2 candidates will provide written/oral evidence of approximately 1,500 words to demonstrate their knowledge and skills by showing that, in response to a given scenario/s, they can:

- ◆ identify a minimum of two crimes in the given scenario/s
- ◆ explain the relevant substantive law accurately and clearly
- ◆ apply the law to the given scenario/s, including any defences as well as quoting relevant case law where appropriate
- ◆ explain at least two of the general principles of actus reus including omission
- ◆ explain the general principles of mens rea including factors which negate it
- ◆ explain the general principles of strict liability offences

Assessment will be carried out under open-book controlled conditions.

Higher National Unit specification: statement of standards (cont)

Unit title: Scottish Criminal Law

Assessment Guidelines for Outcomes 1 and 2

This Outcome could be assessed by way of case study/studies supplemented by restricted response questions where necessary.

Candidates will have access to their lecture notes/handouts and/or textbooks, and the assessment will be under controlled conditions.

Outcome 3

Apply the substantive Scottish Criminal Law relating to crimes against the person

Knowledge and/or skills

- ◆ Types of crime against the person — Murder; culpable homicide; assault; aggravated assault
- ◆ Possible defences -provocation, self defence, necessity/coercion
- ◆ Application of the relevant law
- ◆ Explanation of possible defences
- ◆ Research/retrieval of relevant case law

Evidence Requirements

Candidates will be required to provide written/oral evidence of approximately 1,200 words to demonstrate their knowledge and/or skills by showing that in response to a given scenario/s they can:

- ◆ identify a minimum of two crimes in a given scenario/s
- ◆ explain the relevant substantive law accurately and clearly for each crime
- ◆ apply the law to the scenario/s, quoting relevant case law where appropriate
- ◆ identify and explain at least one possible defence for each crime

Assessment will be carried out under open-book controlled conditions.

Assessment guidelines

This Outcome could be assessed by way of case studies supplemented by restricted response questions if necessary.

Candidates will have access to their lecture notes/handouts and/or textbooks, and the assessment will be under controlled conditions.

Centres will have discretion in designing assessments so that they can assess outcomes individually or combine outcomes where they consider it appropriate.

Administrative Information

Unit code:	F1B4 34
Unit title:	Scottish Criminal Law
Superclass category:	EC
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History of Changes:

Version	Description of change	Date
02	Page 1 and 6 Core Skills information updated to reflect Unit content.	July 2007
03	Assessment guidelines amended to allow centres greater discretion in designing assessments.	26/08/09
	Wording revised relating to guidance for candidates with additional support needs.	

Source: SQA

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Higher National Unit specification: support notes

Unit title: Scottish Criminal Law

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

This Unit is designed to introduce candidates to the main principles of criminal liability in Scotland and also to provide a basic knowledge of specific areas of Scottish Criminal Law.

Where candidates do not have competence in the Unit, Scottish Legal Systems, it is suggested that an outline of the sources of Law (Parliament, Courts, Europe, etc) and sources of information to enable candidates to access current law, should preface the delivery of this Unit. This would be by way of introduction only and as such non-assessable.

Outcome 1

This Outcome introduces the candidate to the elements required to establish criminal liability:

- ◆ Mens Rea including factors which negate it
- ◆ Actus Reus including omission
- ◆ Strict Liability

Outcome 2

This Outcome introduces the candidate to some of the crimes against property relating to dishonesty. It is envisaged that the substantive law relating to the following crimes will be covered in delivery:

- ◆ Theft
- ◆ Aggravated theft
- ◆ Robbery
- ◆ Fraud

Outcome 3

This Outcome introduces the candidate to some of the main types of crimes against the person and the defences relevant thereto. It is envisaged that the substantive law relating to the following crimes and defences will be covered in delivery:

- ◆ Murder
- ◆ Culpable homicide
- ◆ Assault
- ◆ Aggravated assault
- ◆ Self-defence
- ◆ Provocation
- ◆ Necessity/coercion

Higher National Unit specification: support notes (cont)

Unit title: Scottish Criminal Law

Guidance on the delivery and assessment of this Unit

This Unit is a mandatory Unit in the HND Legal Services programme. It could also be delivered as a stand alone Unit with an appropriate introduction as outlined in the content/context.

Teaching should be focussed on helping candidates to understand and apply the legal principles rather than memorise details of case law.

While Outcome 1 does not deal with any specific crimes, it may be useful to introduce in general terms the issue of defences particularly in the context of factors which negate Mens Rea. This general introduction to defences can then be built upon in the later Outcomes in relation to specific crimes. Assessment of the defences should be in the context of specific crimes.

A variety of teaching and learning approaches could be utilised throughout this Unit. Tutor exposition, class and group discussion, individual and small group research projects and case studies are all appropriate for developing knowledge and skills. Candidates should be encouraged to draw upon recent case law reports from relevant newspapers and other publications and review these as is appropriate.

Candidates should be encouraged to utilise skills and competences gained from other Units. For example, candidates taking the Unit, Legal Research Techniques should be encouraged to utilise skills in relation to case law retrieval.

Assessment for the Unit is therefore recommended to be by case studies supplemented by restricted response questions if required for Outcomes 2 and 3. In assessing Outcome 1 by way of an assignment, the candidate will explain the relevant concepts and demonstrate their understanding by illustrating their explanation with appropriate case law.

Opportunities for developing Core Skills

Elements of the Core Skill of Problem Solving, that is, planning and organising, critical thinking, and reviewing and evaluating, will be naturally developed and enhanced in the Unit, which requires an application of theoretical knowledge to a complex practical task. Identifying specific crimes in given scenarios and considering the detail of all factors to ascertain the relevance of legal principles will involve a high level of analytical thinking. Applying the law, including any possible defences, will require advanced problem solving. Group and individual discussions with the assessor during delivery of the Unit would offer opportunities to discuss general principles which could reinforce analytical evaluation of legal case studies and strengthen oral communication techniques in context.

This Unit will also develop skills in accessing, evaluating and presenting complex information and ideas as candidates research and apply current Scottish Law. The ability to present an analytical, well structured report which is factually and technically accurate will be essential to achievement in Outcome 3.

Higher National Unit specification: support notes (cont)

Unit title: Scottish Criminal Law

Calculations and the effective presentation of written and graphic data could be supported and enhanced by demonstrations in the use of appropriate technology. Access to current software would allow candidates to apply relevant skills to a professional standard.

Open learning

This Unit is suitable for open and distance learning delivery. The assessment strategy and guidelines described in this specification must still be applied if this method of delivery is chosen.

Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website

www.sqa.org.uk/assessmentarrangements

General information for candidates

Unit title: Scottish Criminal Law

This Unit has been developed to enable you to recognise and understand the main legal issues of the criminal law in Scotland.

This Unit has three main Outcomes, which are covered by an assessment for learning Outcomes 1 and 2 and a separate assessment for Outcome 3.

Firstly, in Outcome 1, you will learn about establishing criminal liability, in other words you will find out what has to be proven in Court before someone can be convicted of a crime.

In Outcome 2, you will look at crimes against property, for example, theft, fraud, robbery, aggravated theft.

In Outcome 3 you will look at crimes against the person, for example, murder, culpable homicide, assault, aggravated assault. This Outcome will also teach you about defences which can be used by the accused, for example, provocation, self-defence and necessity/coercion.

This knowledge could then form the basis for further study of Scottish Criminal Law.

No previous legal knowledge is necessary before beginning this Unit.

To successfully complete this Unit, you will be required to achieve a satisfactory level of performance in three separate assessments. These will cover each of the above Outcomes and will be undertaken at the end of delivery of each Outcome. Where the assessment is class based it will be open-book (ie you may bring in your lecture notes/handouts and/or textbooks during assessment).