

Module : **Criminal Law II**

Theme : **Public Law**

Credit Points : **7.5**

Aims

This module aims to provide the student with:

- Knowledge and understanding of specific criminal offences, including offences against the administration of justice, offences against the state, and public order offences
- Knowledge and understanding of the defences to criminal charges
- An understanding of criminal process and procedure, including an understanding of the whole of the criminal justice system from arrest to sentencing.
- Knowledge and understanding of reform proposals in these areas of the criminal law, and especially proposed reforms of certain defences (e.g. insanity) as a result of the incorporation of the European Convention on Human Rights and Fundamental Freedoms into domestic law.

Syllabus

- Offences Against the Administration of Justice
 - Perjury
 - Contempt of Court
- Offences Against the State
 - Treason
 - Membership of an Unlawful Organisation
 - Recruiting for an Unlawful Organisation
 - Directing an Unlawful Organisation
 - Usurpation of Functions of Government
 - Obstructing Government
- Public Order Offences
 - Intoxication in a Public Place
 - Offensive Conduct in a Public Place
 - Threatening, Abusive or Insulting Behaviour in a Public Place
 - Obscene Displays in a Public Place
 - Affray
 - Violent Disorder
 - Riot
- Defences
 - Lawful Use of Force

- Lawful use of fatal force
- Lawful use of non-fatal force
- Provocation
- Intoxication
 - Self-induced intoxication
 - Innocent intoxication
- Insanity
 - Fitness to plead
 - The defence of insanity
 - Reform
- Automatism
- Duress
- Necessity
- Infancy
- Mistake
- Consent
- Unconstitutionality
- Criminal Practice and Procedure
 - The Courts of Criminal Jurisdiction
 - District Court
 - Circuit Criminal Court
 - Special Criminal Court
 - Central Criminal Court
 - Court of Criminal Appeal
 - Supreme Court
- Arrest and Detention
- Bail
 - District Court
 - High Court
- Summary Trials in the District Court
- Preliminary Examination of Indictable Offences
- Trials on Indictment

Workload

Contact	60 hours
Directed Learning Time	50 hours
Independent Learning Time	25 hours
Assessment Time	15 hours
Total	150 hours

Integration and Linkage

The Criminal Law module is essential to any study of law. Aspects of the criminal law have direct linkages to almost every module on the programme. The Introduction to the Legal System module provides knowledge of the setting in which the criminal law operates, and the Legal Research, Writing and Communication module provides students with an analytical and expositive view of both advocacy rules and procedures, and the roles of different people within the criminal justice system. Equally, knowledge of criminal offences will be important for students undertaking the Company Law module at stage three particularly with respect to corporate fraud and mismanagement.

Teaching and Learning Methods

This course will be taught through the use of formal and participative lectures, supported by discursive and analytical tutorials. Students will also be referred to contemporary cultural artefacts such as films and novels to enrich their experience of criminal law. A court visit will also be included within this module.

Learning Outcomes

On completion of this module, students should:

- Identify and critically evaluate specific offences against the administration of justice, the state, and public peace and order
- Demonstrate an understanding of the defences available to a criminal offence
- Describe elements of criminal practice and procedure
- Discuss proposals for reforms in the area of criminal law particularly in the area of defences.

Assessment

This module will be assessed by means of a written assignment (30%) and a traditional closed-book examination (70%). The assignment will typically take the form of a problem question, requiring students to identify the relevant offences, expose the rules of law in relation to those offences, and apply those rules to the factual scenario presented to them. The examination will consist of a mixture of descriptive, analytical and application questions, taking the form of essay style questions and problem style questions with greater emphasis placed on students' demonstrating greater analytical skills.

Reading List

Essential

Charleton, McDermott, Bolger, *Criminal Law*, (1999, Dublin; Butterworths)

Hanly, *An Introduction to Irish Criminal Law*, (1999, Dublin; Sweet & Maxwell)

McAuley & McCutcheon, *Criminal Liability*, (2000, Dublin; Butterworths)

Recommended

Charleton (1993) *Criminal Law: Cases and Materials*, (1993, Dublin; Butterworths)
Clarkson and Keating, *Criminal Law: Text and Materials*, 4th Edition (1998. London; Sweet & Maxwell)
Smith and Hogan, *Criminal Law*, 9th Edition, (1999, London; Butterworths)
Goldberg, *Consolidated Criminal Legislation*, (2002, Dublin; Round Hall)
McIntyre & McMullen, *Criminal Law – Essential Text*, (2001, Dublin; Round Hall)
O'Mahony, *Criminal Justice in Ireland*, (2002, Dublin; Institute of Public Administration)