SCHOOL OF LAW
Year 2014/15 Term 1

LAW103 CRIMINAL LAW

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COURSE DESCRIPTION

This course will introduce students to the fundamental principles of criminal liability in Singapore. Criminal law will first be examined from a jurisprudential viewpoint with a study of its aims and objectives and the purpose of crime control and punishment in society. Students will then study the major offences (against the person and property) and general defences under the Penal Code and some selected statutes. Legislative provisions, judicial decisions interpreting these provisions and proposals for reform of the law, both in Singapore and elsewhere, will be closely examined. In addition, students will also learn about the Singapore criminal process and how a person accused of a crime is tried in court and, if found guilty, convicted and sentenced within our criminal justice system.

B. PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSE(S)

None

RECOMMENDED TEXT AND READINGS

Stanley Yeo, Neil Morgan and Chan Wing Cheong
Criminal Law in Malaysia and Singapore

[Other readings and materials will be posted on SMU-e-Learn from time to time. You should also keep abreast with media reports on criminal cases and court hearings.]
OTHER REFERENCE BOOKS

Kow Keng Siong
_Sentencing Principles in Singapore_
Academy Publishing 2009

Andrew Ashworth and Jeremy Horder
_Principles of Criminal Law_
Oxford University Press, 7th ed., 2013

Smith & Hogan
_Criminal Law_
Oxford University Press, 13th ed., 2011

_Mallal’s Penal Law_
Malayan Law Journal Sdn Bhd, 2002

Chan, Wright & Yeo (eds.), _Codification, Macaulay and the Indian Penal Code : The Legacies and Modern Challenges of Criminal Law Reform_ (Ashgate,2011)

Chan, Yeo and Hor, Criminal Law for the 21st Century : A Model Code for Singapore (2013 Academy Publishing)

LEGAL MATERIALS AVAILABLE ON THE INTERNET

Free access to local statutes is available at [http://statutes.agc.gov.sg](http://statutes.agc.gov.sg) and also at LAWNET which is accessible through the SMU website at [http://www.smu.edu.sg](http://www.smu.edu.sg). Reports of Singapore, Malaysian and UK cases can be obtained on LAWNET. For American and Commonwealth cases visit LEXISNEXIS through the SMU website. There is also a wealth of legal literature available on LAWNET and generally on the internet.

ASSESSMENT METHOD

<table>
<thead>
<tr>
<th>Assessment Method</th>
<th>Weight</th>
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<tbody>
<tr>
<td>Class Participation</td>
<td>20%</td>
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<tr>
<td>Written Assignment</td>
<td>20%</td>
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<tr>
<td>Class Presentations</td>
<td>10%</td>
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<tr>
<td>Final Examination</td>
<td>50%</td>
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Class Participation/Presentations

Students will be continuously assessed on their participation in class. They are, therefore expected to complete the assigned readings and to actively participate in class discussions. In addition, students
will also be assessed on oral presentations on given topics or hypothetical problems which will commence in week 3.

**Written Assignment**

The class will be grouped into teams of 5 persons. Each group will examine one area of criminal law and prepare a short research paper between 2800 and 3000 words on a chosen topic in that area of the law. To share the knowledge they have acquired from their research and analysis, each group will make an oral presentation of its written assignment towards the end of the course. Due in week 11.

**Final Examination**

The final examination will be a 3 hour open book examination. This means students will be permitted to make reference to their notes and other materials during the course of the examination.

**ATTENDANCE**

Your attention is drawn to the SMU requirements in this regard which appear on the student portal of SMU Undergraduate Regulations & Procedures:

*Class Attendance*

You are expected to attend all classes. In all courses, the instructor will determine the acceptable level of attendance. If, in the opinion of the instructor, you have been absent excessively, you may be given a grade of "F". If you receive a grade of "F" for absences during the term, you will be excluded immediately from the course. You should also bear in mind that class participation is an important aspect of the University's assessment system.

**ACADEMIC INTEGRITY**

Students should refrain from activities and conduct that depart from a fair, honest and diligent pursuit of knowledge. Plagiarism, which is the copying of ideas, data or language of another, is strictly forbidden and may result in a failed grade. All materials and ideas taken from other sources must therefore be appropriately acknowledged. **Students are reminded of SMU’s strict rules in respect of plagiarism, a breach of which may result in a failed grade.**

**COURSE METHODS**

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SMU’s seminar-style teaching will be employed during the course. These will be supplemented with occasional over-view or introductory lectures and guest lectures by practitioners. Students will also have opportunities to learn from class presentations, debates and videos of actual criminal cases. **Students who will benefit the most from seminars and who are likely to do well in this course are those who are prepared for the seminars by reading and reflecting on the prescribed reading materials.**

*LIST OF TOPICS (and sub-topics)*

<table>
<thead>
<tr>
<th>Week No.</th>
<th>Topic</th>
<th>Readings</th>
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<tbody>
<tr>
<td>1</td>
<td>Introduction to Criminal Law</td>
<td>See the detailed Reading List on SMU-e-Learn</td>
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<td>- Definition of Criminal Law</td>
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<td>- Aims and Objectives of Criminal Law</td>
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<td>- Ambit of Criminal Law</td>
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<td>- Introduction to corporate criminal liability</td>
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<td></td>
<td>- Sources of Criminal Law and Procedure</td>
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<td>- Aims of Punishment</td>
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<td>2</td>
<td>Singapore’s Criminal Justice System &amp; The Sentencing Process</td>
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<td>3</td>
<td>The Anatomy of a Crime</td>
<td>See the Reading List on SMU-e-Learn</td>
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<td>- Actus Reus</td>
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<td>- Mens Rea</td>
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<td>- Strict Liability</td>
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<td>- Attempts</td>
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<td>4</td>
<td>Offences Against Property</td>
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<td>- Robbery/Theft</td>
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<td>- Cheating</td>
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<td>- Criminal Breach of Trust</td>
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<td>5</td>
<td>Offences Against the Person</td>
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<td>- Hurt</td>
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<td>- Sexual Offences</td>
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<td>6</td>
<td>Offences Against the Person (cont’d)</td>
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<td>- Culpable Homicide : Murder</td>
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<td></td>
<td>- Culpable Homicide not amounting to Murder</td>
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</tbody>
</table>
### 7 Accessorial and Joint Liability
- Abetment and Conspiracy
- Common Intention
- Common Object

### 8 MID – TERM BREAK

### 9 Introduction to Criminal Defences
- Denial of Criminal Liability
- Burden of Proof
- Scope of General Defences
- Special Exceptions to Murder

  • **General Defences**
    - Accident
    - Mistake

### 10 General Defences (cont’d)
- Insanity
- Private Defence
- Intoxication

### 11 Special Defences
- Provocation
- Sudden Fight
- Excess of Private Defence
- Diminished responsibility

### 12 Class Presentations on Written Assignment

### 13 Class Presentations on Written Assignment (cont’d)
**Over-view of the course**

### 14 REVISION (No Classes)

### 15 EXAMINATION

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*Note:*
(1) The Course Outline is subject to change. Students will also be kept informed of any changes in the lesson plan for the week by email and given guidelines on the readings each week and the topics for discussion.

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**READING LIST**
A detailed reading list of the relevant readings (legislation, cases, book chapters and articles) for each topic will be available on SMU Vista and should be regularly consulted in preparation for seminar discussions each week. In addition, the Instructor will put out a guide to the reading of these materials for class preparation each week.