SCHOOL OF LAW

DEPARTMENT OF CRIMINAL AND PROCEDURAL LAW

CRIMINAL LAW

CRW101U

TUTORIAL LETTER 201/1/2009

Dear Student

This tutorial letter contains commentary on the first compulsory assignment for CRW101U.

COMMENTARY ON ASSIGNMENT 01

The following abbreviations are used:

SG - Study Guide

Criminal Law - CR Snyman's *Criminal Law* 5th edition (2008)

QUESTION 1

(a)   This statement is correct. See SG 1.2.5.1.

(b)   This statement is correct. See SG 1.2.7.

(c)   This statement is incorrect. See SG 1.7.3.

You should therefore have chosen option (3), since only statements (a) and (b) are correct.

QUESTION 2

(a)   This statement is correct. See SG 3.3.4.2*c*.

(b)   This statement is incorrect. An omission to act is punishable only if there is a **legal** duty on X to act positively. See SG 3.4.1.1.

(c)   This statement is correct. See SG 3.4.2(3).

You should therefore have chosen option (3), since only statements (a) and (c) are correct.

QUESTION 3

(a)   This statement is incorrect. Putative private defence has the effect of excluding culpability, because it necessarily excludes one of the components of culpability i.e., intention. See SG 10.6.1 and SG 7.2.4

(b)   This statement is incorrect. See SG 5.3.2(3).

(c)   This statement is correct. See SG 6.2.7.

You should therefore have chosen option (2), since only statement (c) is correct.

QUESTION 4

(a)   This statement is correct. See SG 6.2.2.

(b)   This statement is correct. See SG 6.2.6.

(c)   This statement is incorrect. See SG 6.5.

You should therefore have chosen option (5), since only statements (a) and (b) are correct.

QUESTION 5

(a)   This statement is incorrect. The courts do not single out a specific theory as the only correct one to be applied in all circumstances. See SG 4.3.4.

(b)   This statement is incorrect. See SG 4.3.7.3.

(c)   This statement is incorrect. See SG 6.3.2(2).

You should therefore have chosen option (2), since none of the statements is correct.

Kind regards

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