

Actus reus

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A) Conduct element:

In general, D's voluntary act, *except...*

Omissions

- Statutory duty (eg breath sample, Road Traffic Act 1988)
- Duties of law enforcement (eg police)
- Contractual duty (Pittwood, doctors!)
- Assumed duties (Stone and Dobinson, parent-child, but friendship alone not enough: Lewis)
- Property ownership or control
- Creation of danger (Miller; v 'continuous act': Fagan)

States of affairs/possession

- Possession: eg of drugs (Warner), weapons, drunk while in charge of a vehicle...
- Larsonneur ('being found in the UK')

Acts of another person

- Strict (vicarious) liability
- Innocent agency (Michael, Cogan and Leak; but wrongly decided – should have been: 'procuring the AR' [like Millward], since rape is not a result crime)

B) Causation:

Factual ('but for') cause is too broad (grandparents...), so **legal cause:**

Significant cause
(= not *de minimis*)

— 'a cause of substance' (Cato), 'significant contribution' (Cheshire), 'significant cause' (Kennedy)

AND

Operating cause
(=no break in the chain of causation, aka *actus novus interveniens*)

Third parties

- Voluntary:** generally no break by medical negligence (Smith, Malcherek, Cheshire), unless treatment is very aberrant and original wound had almost healed (Jordan)
- 'Involuntary':** no break if: Pagett (compulsion + law-enforcement duty), infancy or mental disorder (Michael)

Victim

- Condition of the V:** no break if pre-existing medical condition, aka 'thin skull' rule (Hayward), extended to religious beliefs (Blaue)
- Act of the V:** Roberts: no break if 'daft' = not reasonably foreseeable (by the ordinary person, not by D or someone of D's age and characteristics: Marjoran; can take into account any characteristics of V: Williams and Davis); Kennedy: break if 'free, voluntary and informed' -- but see Dear (V reopens wounds and dies – no break, as wounds were still significant and operating cause, perhaps it was mainly a case of omission?); Dhaliwal (V's decision to commit suicide may not break causation between D's bullying and her death)

'Act of God'

— Unforeseeable natural event, something extraordinary... (Empress Cars: third party opening pipe, but Kennedy reduced it to its facts; Bush v Commonwealth: surgeon passes on scarlet fever, but not if injuries render V vulnerable to normal infections: Gavans and Hillman)