





MCH 91-87-2-2

# Street law

PRACTICAL LAW FOR SOUTH AFRICAN STUDENTS

**Book Two**  
**Criminal law and juvenile justice**

**TEACHER'S MANUAL**

By  
David McQuoid-Mason



Published by

The Association of Law Societies of South Africa  
and the Centre for Socio-Legal Studies  
at the University of Natal, Durban

1987



ISBN (Street Law Series) 0 1 86980 547 9  
ISBN (Book 2, Student Text) 0 86980 572 X  
ISBN (Book 2, Teacher's Manual) 0 86980 573 8

© David M Quoid-Mason and Association of Law Societies of South Africa.

This book is copyright. Schools and non-profit community groups have permission to photocopy parts of this book for use in teaching materials, provided that: such materials are at no stage printed or sold, the original meaning is retained, and proper credit is given to *Street Law: Practical Law for South African Students*. All other persons and organisations wishing to reproduce materials from this book in any manner whatsoever should obtain permission from the publishers.

Designed and produced by Tegwen Publications, tel (031) 257573

This book is published and distributed by the Association of Law Societies of South Africa and the Centre for Socio-legal Studies, University of Natal, Durban. Copies of this book and its companion Student Texts and Teachers' Manuals are available direct from: Association of Law Societies, 2nd Floor, Prodinsa Building, cor Pretorius and Beatrix Streets, Arcadia 0083; and, Centre for Socio-legal Studies, School of Law, University of Natal, King George V Ave, Durban 4001.

The views expressed in this book are those of the authors and do not necessarily represent those of the publishers.



Published by  
The Association of Law Societies of South Africa  
and the Centre for Socio-legal Studies  
at the University of Natal, Durban



Table of contents

**Preface**

This is the second Teacher's Manual in the Street Law series. The Teacher's Manual entitled Book I: An introduction to South African law and the legal system sets out the philosophy behind Street Law and the different teaching methods used. It includes information on case studies, roleplaying, community resources, critical thinking, visual material and mock trials. The section on mock trials gives detailed instructions for the preparation of a mock trial, together with a discussion of steps in a trial, simplified rules of evidence, special procedures and the conducting of a mock trial.

Once again this Teacher's Manual is based on the principles and techniques used in the Street Law Teacher's Manual 3 ed (1986), published by the National Institute for Citizen Education in the Law (NICEL), 25 E Street NW, Suite 400, Washington DC 20001, and the West Publishing Company, United States of America, to which acknowledgments are due.



## Table of contents

<b>1. The meaning, nature and causes of crime</b>	
A. What is a crime? .....	2
B. The nature and causes of crime .....	6
C. Victims of crime .....	7
D. What makes an act a crime? .....	9
E. People who may be charged with crimes .....	9
F. Crimes of omission .....	10
G. Preliminary crimes .....	12
<b>2. Crimes against people</b>	
A. Homicide - the unlawful killing of a person .....	14
B. Assault .....	19
C. Rape .....	20
<b>3. Crimes against property, the State and morality; defences to crimes</b>	
A. Crimes against property .....	24
B. Crimes against the State .....	25
C. Crimes against morality .....	28
D. Defences to crimes .....	31
<b>4. Powers of the police; bail</b>	
A. Powers of the police to question .....	33
B. Powers of the police to arrest .....	36
C. The rights of arrested people .....	39
<b>5. Detention without trial; search and seizure</b>	
A. Detention without trial .....	43
B. The powers of the police to search and seize property .....	46
<b>6. The criminal trial and sentencing process</b>	
A. The criminal process .....	49
B. The criminal trial .....	49
C. The sentencing process .....	56
D. Mock Trial .....	59
<b>7. Juvenile justice</b>	
A. Children and the courts .....	72
B. Juveniles and arrest .....	72
C. Court procedure and sentencing .....	75