

**COURSE CODE: FLB 101**

**COURSE TITLE: CRIMINAL LAW**

**PAST PAPERS ANSWERS**

**1. DEFINITIONS**

Write short explanatory notes on the following:

- a) Automatism (5 Marks)
- b) *De minimis non curat lex* (5 Marks)
- c) Duress as a defence (5 Marks)
- d) Double Jeopardy
- e) Practicability
- f) Strict liability
- g) Principle of Legality

**Answer**

i. **Automatism**

Automatism is a legal defense that may be raised when an individual commits a criminal act involuntarily or without conscious control over their actions. It involves a temporary loss of voluntary control over bodily movements or mental faculties. Automatism can be caused by factors such as a medical condition, sleepwalking, or the influence of external substances.

**Involuntary Nature:** Automatism is characterized by actions performed without the individual's conscious will or control. It distinguishes between acts that are truly involuntary and those performed with some level of awareness or control.

**Types of Automatism**

- a) **Insane Automatism:** Resulting from a mental disorder or disease, where the individual is not aware of their actions.
- b) **Non-Insane Automatism:** Caused by external factors like a blow to the head, medication, or sleepwalking, where the person may be conscious but not in control.

**Legal Implications:** If successfully pleaded, automatism may lead to a complete acquittal, as the law generally holds individuals criminally responsible only for voluntary acts. However, the success of this defense often depends on proving the lack of voluntariness and the absence of fault on the part of the accused.

ii. ***De minimis non curat lex***

*"De minimis non curat lex"* is a Latin legal maxim that translates to "the law does not concern itself with trifles." This principle is commonly applied in legal contexts to suggest that the law does not bother with minor or trivial matters that lack significant legal consequence.

**Triviality Threshold:** The principle implies that the legal system should not be burdened with cases involving minimal or inconsequential issues. It recognizes that the law has limited resources and should focus on matters of substance and importance.

**Common Application:** *De minimis non curat lex* is often invoked in various legal contexts, including contract law, criminal law, and administrative law. For example, in contract disputes, courts may dismiss claims involving negligible damages as not warranting legal intervention.

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**Rosina Ehmann**



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