

1. Record Nr.	UNINA9910154950403321
Autore	Elliott Catherine <1966->
Titolo	Criminal law / / Catherine Elliott and Frances Quinn
Pubbl/distr/stampa	Harlow, England : , : Pearson, , 2016
ISBN	1-292-08887-7
Edizione	[Eleventh edition.]
Descrizione fisica	1 online resource (xxxii, 468 pages) : illustrations
Disciplina	345.42
Soggetti	Criminal law - England
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references (pages 433-444) and index.
Nota di contenuto	Cover -- Title page -- Copyright page -- Brief contents -- Contents -- Publisher's acknowledgements -- Preface -- Table of cases -- Table of statutes -- Table of treaties -- Introduction -- Introduction -- How much crime is there? -- Awareness of crime -- Reporting crime -- Recording crime -- White-collar and corporate crime -- Statistics and conclusions -- Sources of criminal law -- European criminal law -- Fair labelling -- Codification of the criminal law -- Summary -- Reading list -- Chapter 1 Elements of a crime -- Introduction -- Actus reus -- Conduct must be voluntary -- Types of actus reus -- Causation -- Omissions -- Mens rea -- Intention -- Recklessness -- Negligence -- Transferred malice -- Coincidence of actus reus and mens rea -- Mens rea and motive -- Proof of mens rea -- Problems with the law on mens rea -- Subjective principles in criminal law -- Answering questions -- Summary -- Reading list -- Chapter 2 Strict liability -- Introduction -- Which crimes are crimes of strict liability? -- Regulatory offence -- Issue of social concern -- The wording of the Act -- The smallness of the penalty -- Relevance of the four factors -- Crimes of negligence -- The effect of mistake -- The European Convention on Human Rights -- Arguments in favour of strict liability -- Promotion of care -- Deterrent value -- Easier enforcement -- Difficulty of proving mens rea -- No threat to liberty -- Profit from risk -- Arguments against strict liability -- Injustice -- Ineffective -- Little administrative advantage -- Inconsistent application -- Better alternatives are available -- Reform -- Restrict the use of strict liability -- Defence of all due diligence -- Extending strict liability -- Answering questions -- Summary --

Reading list -- Chapter 3 Murder -- Introduction -- The common elements of homicide offences -- A human being -- Death -- Causation.

Murder -- Definition -- Mens rea -- Sentence -- Criticism -- Proposals for reform -- Answering questions -- Summary -- Reading list --

Chapter 4 Voluntary manslaughter -- Introduction -- Loss of control -- 1. Loss of self-control -- 2. Resulting from a qualifying trigger -- 3.

The objective test -- Burden of proof -- Criticism -- Diminished responsibility -- An abnormality of mental functioning -- Burden of proof -- Criticism -- Suicide pacts -- Answering questions --

Summary -- Reading list -- Chapter 5 Involuntary manslaughter -- Introduction -- Manslaughter by an unlawful and dangerous act --

Actus reus -- Mens rea -- Criticism -- Gross negligence manslaughter -- Criticism -- Subjective reckless manslaughter? -- Causing death by dangerous driving -- Sentence -- Causing death by careless driving

under the influence of drink or drugs -- Road Safety Act 2006 --

Criticism -- Causing or allowing the death of a child or vulnerable adult -- Criticism of the law -- Difficulties with causation -- Reform of

involuntary manslaughter -- Home Office proposals -- Answering questions -- Summary -- Reading list -- Chapter 6 Non-fatal offences

against the person -- Introduction -- Assault -- Actus reus -- Mens

rea -- Battery -- Actus reus -- Mens rea -- Offences Against the Person Act 1861, s. 47 -- Actus reus -- Mens rea -- Offences Against

the Person Act 1861, s. 20 -- Actus reus -- Mens rea -- Offences

Against the Person Act 1861, s. 18 -- Actus reus -- Mens rea --

Causing serious injury by dangerous driving -- Problems with offences against the person -- Domestic violence and abuse -- Definitions of

the offences -- Structure of the offences -- Reform -- Modernising the legislation -- Stalking -- Harassment -- Stalking -- Aggravated

harassment -- Aggravated stalking -- Crimes using the internet --

Answering questions -- Summary -- Reading list.

Chapter 7 Sexual offences -- Introduction -- Rape -- Actus reus --

The defendant -- The victim -- Sexual intercourse -- Absence of

victim's consent -- Mens rea -- Burden of proof -- Only reasonable

mistakes negative mens rea -- Sentence -- Assault by penetration --

Actus reus -- Mens rea -- Sexual assault -- Actus reus -- Mens rea --

Causing sexual activity without consent -- Actus reus -- Mens rea --

Sexual offences against children under 13 -- Sexual offences against

children aged 13 to 16 -- Criticism and reform -- Consent -- Sexual

intercourse -- Conviction rate -- The victim's sexual history --

Anonymity of suspects -- The trial -- Sentencing -- Alternative

offences -- Changing attitudes -- Sex offenders and politics --

Answering questions -- Summary -- Reading list -- Chapter 8 Non-

fraudulent property offences -- Introduction -- Theft -- Actus reus --

Mens rea -- Sentence -- Robbery -- Actus reus -- Mens rea --

Completion of the offence -- Sentence -- Burglary -- Burglary under s.

9(1)(a) -- Burglary under s. 9(1)(b) -- Sentence -- Aggravated burglary

-- Actus reus -- Mens rea -- Sentence -- Squatting in a residential

building -- Blackmail -- Actus reus -- Mens rea -- Sentence --

Handling -- Actus reus -- Mens rea -- Sentence -- Taking without

consent -- Retaining a wrongful credit -- Criminal damage -- Actus

reus -- Mens rea -- Defence -- Criminal damage endangering life --

Arson -- Answering questions -- Summary -- Reading list -- Chapter

9 Fraudulent property offences -- Introduction -- Problems with the

pre-2007 fraud offences -- Complex and confused -- Fraudsters could

avoid liability -- Poor prosecuting decisions -- Jury discretion -- Civil

law concepts -- Breadth of the criminal law -- Conspiracy to defraud

-- Codification -- Reform process -- Fraud offences today -- General

offence of fraud -- Obtaining services dishonestly.
Additional related offences -- Making off without payment -- Criticism of the Fraud Act 2006 -- Answering questions -- Summary -- Reading list -- Chapter 10 Inchoate offences -- Introduction -- Attempt -- Actus reus -- Mens rea -- Offences which may not be attempted -- Sentence -- Criticism and reform -- Conspiracy -- Statutory conspiracy -- Common law conspiracy -- Criticism and reform -- Assisting or encouraging a crime -- Actus reus -- Mens rea -- Defence -- Sentence -- Criticism -- Reform -- Answering questions -- Summary -- Reading list -- Chapter 11 Accomplices -- Introduction -- The principal offender -- Innocent agents -- Secondary parties -- Actus reus -- Mens rea -- Joint enterprise -- Liability of a secondary party for a different offence -- Strict liability offences -- Withdrawal -- Criticism -- The breadth and complexity of joint enterprise liability -- Joint enterprise and secondary party liability -- Deviations from the plan -- Sentencing -- Reform -- Depraved heart murder -- Answering questions -- Summary -- Reading list -- Chapter 12 Corporate liability -- Introduction -- Vicarious liability -- The doctrine of identification -- Corporate manslaughter -- Corporate Manslaughter and Corporate Homicide Act 2007 -- Criticism -- Individual liability -- The senior management test -- Punishment -- Lack of deterrence -- Reform -- The Law Commission -- Civil liability -- Alternative punishments -- Answering questions -- Summary -- Reading list -- Chapter 13 General defences -- Introduction -- Complete and partial defences -- General and specific defences -- The burden of proof -- Infancy -- Criticism -- Insanity -- The M'Naghten rules -- Criticism -- Proposals for reform -- Automatism -- Involuntary act -- External cause -- Self-induced automatism -- Criticism -- Reform -- Mistake -- Mistake and mens rea -- An honest mistake.
Mistake and other defences -- Intoxication -- Absence of mens rea -- Specific and basic intent crimes -- Involuntary intoxication -- 'Dutch courage' -- Intoxication and automatism -- Mistake and intoxication -- Criticism -- Reform -- Self-defence, defence of property and public defence -- Public defence -- Self-defence -- Protection of property -- Necessity for action -- Reasonable force: the ordinary rule -- Mistake as to the degree of force -- Criticism -- Duress -- Duress by threats -- Two-part test -- Duress of circumstances -- Criticism -- Reform -- Necessity -- Necessity and murder -- Should there be a general defence of necessity? -- Reform -- Consent -- An informed consent -- Consent obtained by fraud -- A genuine consent -- Capacity to consent -- The nature and degree of harm -- Euthanasia -- Exceptions -- Criticism -- Sexual relations -- Serious injury and consent -- Consent and euthanasia -- Lawful chastisement -- Criticism -- Answering questions -- Summary -- Reading list -- Appendix: Answering examination questions -- Essay questions -- Problem questions -- Select bibliography -- Glossary -- Index.

Sommario/riassunto

The ideal student textbook, Criminal Law combines the authors' trademark clarity of writing with coverage of the key topics, case law and statutes that you'll need to understand in your study of this fascinating subject. Written and designed for use on an LLB or GDL programme, the book also highlights areas of academic debate, criticisms of the current law and reform options.
