Guided tour	xvii
Publisher's acknowledgements	XX
Preface	xxi
Table of cases	xxii
Table of statutes	xxxi
Table of treaties	xxxiv
Introduction	1
Introduction	2
How much crime is there?	2
Awareness of crime	2
Reporting crime	3
Recording crime	4
White-collar and corporate crime	5
Statistics and conclusions	6
Sources of criminal law	7
European criminal law	8
Codification of the criminal law	8
Summary	10
Reading list	11
Chapter 1 Elements of a crime	13
Introduction	14
Actus reus	14
Conduct must be voluntary	14
Types of actus reus	15
Causation	16
Omissions	16
Mens rea	21
Intention	22
Recklessness	22
Negligence	29
Transferred malice	30
Coincidence of actus reus and mens rea	31
Mens rea and motive	31

The common elements of homicide offences	54
Chapter 3 Murder Introduction	<b>53</b> 54
Reading list	52
Summary	51
Answering questions	50
Extending strict liability	50
Defence of all due diligence	50
Restrict the use of strict liability	49
Reform	49
Better alternatives are available	49
Inconsistent application	48
Little administrative advantage	48
Ineffective	47
Injustice	47
Arguments against strict liability	47
Profit from risk	46
No threat to liberty	46
Difficulty of proving mens rea	46
Easier enforcement	46
Deterrent value	46
Promotion of care	46
Arguments in favour of strict liability	46
The European Convention on Human Rights	45
The effect of mistake	45
Crimes of negligence	45
Relevance of the four factors	44
The smallness of the penalty	44
The wording of the Act	43
Issue of social concern	42
Regulatory offence	41
Which crimes are crimes of strict liability?	40
Introduction	40
Chapter 2 Strict liability	39
Reading list	37
Summary	36
Answering questions	34
Subjective principles in criminal law	33
Problems with the law on <i>mens rea</i>	32
Proof of mens rea	32

	Contents
A house hates	-
A human being Death	54 54
Causation	55
Murder	61
Definition	61
Mens rea	61
Sentence	69
Criticism	69
Proposals for reform	71
Answering questions	74
Summary	75
Reading list	77
Chapter 4 Voluntary manslaughter	78
Introduction	79
Loss of control	79
1. Loss of self-control	81
2. Resulting from a qualifying trigger	83
3. The objective test	88
Burden of proof	92
Criticism	93
Diminished responsibility	95
An abnormality of mental functioning Burden of proof	96 100
Criticism	100
Suicide pacts	103
Answering questions	104
Summary	106
Reading list	107
Charles Education and the state of the state	
Chapter 5 Involuntary manslaughter	109
Introduction	110
Manslaughter by an unlawful and dangerous act	110
Actus reus Mone yea	110
Mens rea Criticism	116 117
Gross negligence manslaughter	118
Criticism	124
Subjective reckless manslaughter?	126
Causing death by dangerous driving	128
	120

Sentence	129
Causing death by careless driving under the influence of drink or drugs	129
Road Safety Act 2006	130
Criticism	13:
Causing or allowing the death of a child or vulnerable adult	133
Difficulties with causation	13!
Reform of involuntary manslaughter	138
Home Office proposals	138
Answering questions	14:
Summary	146
Reading list	148
•	
Chapter 6 Non-fatal offences against the person	150
Introduction	15:
Assault	15:
Actus reus	15:
Mens rea	15
Battery	154
Actus reus	154
Mens rea	154
Offences Against the Person Act 1861, s. 47	154
Actus reus	15!
Mens rea	156
Offences Against the Person Act 1861, s. 20	15
Actus reus	15
Mens rea	159
Offences Against the Person Act 1861, s. 18	160
Actus reus	16:
Mens rea	163
Causing serious injury by dangerous driving	16:
Problems with offences against the person	162
Domestic violence	162
Definitions of the offences	164
Structure of the offences	165
Reform	165
Modernising the legislation	16
Stalking	167
Harassment	16
Stalking	168
Aggravated harassment	169
Aggravated stalking	169

		Contents
	Crimes using the internet	170
	Answering questions	170
	Summary  Reading list	174
	Reading list	175
	Chapter 7 Sexual offences	177
	Introduction	178
	Rape	178
	Actus reus	178
	The defendant	178
	The victim	178
	Sexual intercourse	179
	Absence of victim's consent	179
	Mens rea	183
	Burden of proof	184
	Only reasonable mistakes negative <i>mens rea</i>	187
	Sentence	188
	Assault by penetration	188
	Actus reus	188
	Mens rea	189
	Sexual assault	190
	Actus reus	190
	Mens rea	190
	Causing sexual activity without consent	191
	Actus reus	191
	Mens rea	191
	Sexual offences against children under 13	191
	Sexual offences against children aged 13 to 16	193
	Criticism and reform	194
	Consent	194
	Sexual intercourse	196
	Conviction rate	196
	The victim's sexual history	198
	Anonymity of suspects	200
	The trial	200
	Sentencing	201
	Alternative offences	202
	Changing attitudes	202
	Sex offenders and politics	205
	Answering questions	206
	Summary	207
	Reading list	209

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	

	Contents
Chapter 9 Fraudulent property offences	250
Introduction	251
Problems with the pre-2007 fraud offences	251
Complex and confused	251
Fraudsters could avoid liability	251
Poor prosecuting decisions	252
Jury discretion	252
Civil law concepts	252
Breadth of the criminal law	252
Conspiracy to defraud	252
Codification	253
Reform process	253
Fraud offences today	253
General offence of fraud	254
Obtaining services dishonestly	259
Additional related offences	260
Making off without payment	260
Criticism of the Fraud Act 2006	263
Answering questions	265
Summary	269
Reading list	270
Chapter 10 Inchoate offences	272
Introduction	273
Attempt	273
Actus reus	274
Mens rea	276
Offences which may not be attempted	278
Sentence	278
Criticism and reform	278
Conspiracy	281
Statutory conspiracy	281
Common law conspiracy	285
Criticism and reform	288
Assisting or encouraging a crime	290
Actus reus	291
Mens rea	291
Defence	293
Sentence	293
Criticism	293
Reform	294

	Contents
Chapter 9 Fraudulent property offences	250
Introduction	251
Problems with the pre-2007 fraud offences	251
Complex and confused	251
Fraudsters could avoid liability	251
Poor prosecuting decisions	252
Jury discretion	252
Civil law concepts	252
Breadth of the criminal law	252
Conspiracy to defraud	252
Codification	253
Reform process	253
Fraud offences today	253
General offence of fraud	254
Obtaining services dishonestly	259
Additional related offences	260
Making off without payment	260
Criticism of the Fraud Act 2006	263
Answering questions	265
Summary	269
Reading list	270
Chapter 10 Inchoate offences	272
Introduction	273
Attempt	273
Actus reus	274
Mens rea	276
Offences which may not be attempted	278
Sentence	278
Criticism and reform	278
Conspiracy	281
Statutory conspiracy	281
Common law conspiracy	285
Criticism and reform	288
Assisting or encouraging a crime	290
Actus reus	291
Mens rea	291
Defence	293
Sentence	293
Criticism	293
Reform	294

Answering questions	294
Summary	297
Reading list	298
Chapter 11 Assemblises	200
Chapter 11 Accomplices	299
Introduction	300
The principal offender	300
Innocent agents	300
Secondary parties	301
Actus reus	302
Mens rea	305
Joint enterprise	308
Liability of a secondary party for a different offence	316
Strict liability offences	317
Withdrawal	318
Criticism	320
The breadth and complexity of joint enterprise liability	320
Joint enterprise and secondary party liability	321
Deviations from the plan	321
Sentencing	321
Reform	321
Depraved heart murder	322
Answering questions	323
Summary	325
Reading list	327
Chapter 12 Corporate liability	328
Introduction	329
Vicarious liability	329
The doctrine of identification	330
Corporate manslaughter	332
Corporate Manslaughter and Corporate Homicide Act 2007	334
Criticism	336
Individual liability	336
The senior management test	337
Punishment	338
Lack of deterrence	339
Reform	339
The Law Commission	339
Civil liability	340
Alternative punishments	340

	Contents
Answering questions	340
Summary	340
Reading list	342
recoming its	312
Chapter 13 General defences	343
Introduction	344
Complete and partial defences	344
General and specific defences	344
The burden of proof	344
Infancy	344
Criticism	346
Insanity	347
The M'Naghten rules	348
Criticism	351
Proposals for reform	353
Automatism	355
Involuntary act	355
External cause	356
Self-induced automatism	357
Criticism	357
Mistake	359
Mistake and mens rea	359
An honest mistake	359
Mistake and other defences	360
Intoxication	360
Absence of mens rea	361
Specific and basic intent crimes	361
Involuntary intoxication	363
'Dutch courage'	365
Intoxication and automatism	365
Mistake and intoxication	366
Criticism	366
Reform	367
Self-defence, defence of property and public defence Public defence	368
	370
Self-defence	371
Protection of property Necessity for action	371 372
Reasonable force: the ordinary rule	372 374
Mistake as to the degree of force	374
Criticism	377
Duress	379
	212

Duress by threats	380
Two-part test	380
Duress of circumstances	385
Criticism	386
Reform	389
Marital coercion	390
Necessity	391
Necessity and murder	393
Should there be a general defence of necessity?	395
Reform	396
Consent	398
An informed consent	398
Consent obtained by fraud	399
A genuine consent	399
Capacity to consent	399
The nature and degree of harm	400
Euthanasia	400
Exceptions	402
Criticism	406
Sexual relations	406
Serious injury and consent	407
Consent and euthanasia	407
Lawful chastisement	408
Criticism	409
Answering questions	410
Summary	413
Reading list	417
Appendix: Answering examination questions	420
Essay questions	421
Problem questions	423
Select bibliography	425
Glossary	436
Index	443