

# Detailed contents

*Table of cases*

xix

*Table of legislation*

xxix

---

Chapter 1	<b>Introduction to criminal law</b>	1
1.1	Crime statistics	2
1.2	What is criminal law about?	2
1.3	Criminalisation	3
1.4	Distinguishing criminal law, the law of tort, and contract law	4
1.5	The function of criminal law	5
1.6	Sources of criminal law	5
1.7	The classification of offences	6
1.8	The criminal justice process	7
1.9	The hierarchy of the criminal courts	11
1.10	The burden and standard of proof	13
1.11	The elements of an offence	16
	<b>Summary</b>	17
	<b>The bigger picture</b>	17
	<b>Questions</b>	18
	<b>Further reading</b>	18

---

Chapter 2	<b>Actus reus</b>	20
2.1	No liability for 'evil thoughts' alone	21
2.2	The elements of <i>actus reus</i>	21
2.3	The voluntariness requirement	23
2.4	Omissions	23
2.5	Causation	35
2.6	Surrounding circumstances/'state of affairs' crimes	49
	<b>Summary</b>	51
	<b>The bigger picture</b>	52
	<b>Questions</b>	52
	<b>Further reading</b>	53

---

Chapter 3	<b>Mens rea</b>	55
3.1	Subjectivity and objectivity	56
3.2	Motive	56
3.3	Intention	57
3.4	Recklessness	68
3.5	Knowledge and belief	75

3.6	Negligence	75
3.7	The relationship between <i>actus reus</i> and <i>mens rea</i>	76
	Summary	81
	The bigger picture	82
	Questions	82
	Further reading	83

---

Chapter 4	Strict, vicarious, and corporate liability	84
4.1	Strict liability	84
4.2	Vicarious liability	94
4.3	Corporate liability	95
	Summary	96
	The bigger picture	97
	Questions	97
	Further reading	98

---

Chapter 5	Murder and voluntary manslaughter	99
5.1	The offences of unlawful homicide	100
5.2	Murder	101
5.3	Voluntary manslaughter	107
5.4	Loss of control	109
5.5	Diminished responsibility	120
5.6	Suicide pact	127
5.7	Infanticide	128
	Summary	129
	The bigger picture	129
	Questions	130
	Further reading	131

---

Chapter 6	Involuntary manslaughter	133
6.1	Unlawful act manslaughter	134
6.2	Gross negligence manslaughter	146
6.3	Subjectively reckless manslaughter	153
6.4	Corporate manslaughter	153
6.5	Causing or allowing the death of or serious harm to a child or vulnerable adult	157
	Summary	158
	The bigger picture	158
	Questions	159
	Further reading	160

---

Chapter 7	Non-fatal offences against the person	161
7.1	Assault	163
7.2	Battery	167

7.3	Assault occasioning actual bodily harm (ABH)	170
7.4	Maliciously wounding or inflicting grievous bodily harm	173
7.5	Wounding or causing grievous bodily harm with intent	176
7.6	Administering a noxious thing	178
7.7	Consent	182
	Summary	188
	The bigger picture	189
	Questions	189
	Further reading	190
<hr/>		
Chapter 8	Sexual offences	192
8.1	Rape	193
8.2	Consent	199
8.3	Assault by penetration	211
8.4	Sexual assault	213
8.5	Intentionally causing a person to engage in sexual activity	216
8.6	Sexual offences against children under 13	218
8.7	Sexual offences against children under 16	224
8.8	Other child sexual offences	226
	Summary	227
	The bigger picture	228
	Questions	229
	Further reading	230
<hr/>		
Chapter 9	Theft	231
9.1	<i>Actus reus</i>	232
9.2	<i>Mens rea</i>	252
	Summary	265
	The bigger picture	265
	Questions	266
	Further reading	267
<hr/>		
Chapter 10	Other offences against property	269
10.1	Robbery	270
10.2	Burglary	273
10.3	Aggravated burglary	280
10.4	Blackmail	282
10.5	Handling stolen goods	286
10.6	Criminal damage	288
	Summary	299
	The bigger picture	300
	Questions	300
	Further reading	301

Chapter 11	<b>Fraud</b>	302
11.1	Background to the Fraud Act 2006	303
11.2	The offence of fraud	304
11.3	Obtaining services dishonestly	315
11.4	Possession of articles for use in frauds	317
11.5	Making or supplying articles for use in frauds	317
11.6	Conspiracy to defraud	318
11.7	Making off without payment	318
	Summary	322
	The bigger picture	322
	Questions	323
	Further reading	324
<hr/>		
Chapter 12	<b>Drugs offences</b>	325
12.1	Possession of controlled drugs	326
12.2	Possession with intent to supply	331
12.3	Production and supply of controlled drugs	332
12.4	Occupier permitting drug-related activities on premises	334
12.5	Psychoactive Substances Act 2016	336
	Summary	337
	The bigger picture	337
	Questions	338
	Further reading	339
<hr/>		
Chapter 13	<b>Defences I: incapacity and negating the elements of the offence</b>	340
13.1	General and specific defences	341
13.2	Infancy	342
13.3	Fitness to plead	343
13.4	Insanity	348
13.5	Automatism	359
13.6	Intoxication	364
13.7	Mistake	376
	Summary	377
	The bigger picture	378
	Questions	378
	Further reading	379
<hr/>		
Chapter 14	<b>Defences II: general defences</b>	381
14.1	Justification or excuse?	382
14.2	Self-defence and the prevention of crime	382
14.3	Duress	398

14.4	Duress of circumstances	408
14.5	Necessity	410
	Summary	413
	The bigger picture	414
	Questions	414
	Further reading	415
<hr/>		
Chapter 15	Inchoate offences	416
15.1	Criminalising inchoate offences	417
15.2	Encouraging or assisting crime	418
15.3	Conspiracy	426
15.4	Attempt	430
	Summary	436
	The bigger picture	437
	Questions	437
	Further reading	438
<hr/>		
Chapter 16	Accessory liability	440
16.1	Liability under the Accessories and Abettors Act 1861	442
16.2	Accessory liability after <i>R v Jogee</i>	453
16.3	Withdrawing participation	457
16.4	Overlap with the Serious Crime Act 2007	459
16.5	Participation after the offence	460
16.6	Protection of the victim	460
16.7	Reform	460
	Summary	461
	The bigger picture	461
	Questions	462
	Further reading	463
<hr/>		
Chapter 17	Study skills	464
17.1	Manage your time effectively	464
17.2	Lectures and seminars/workshops	465
17.3	Multiple-choice questions (MCQs)	467
17.4	Writing assignments	467
17.5	The exam	468
17.6	Answering problem questions	471
17.7	Answering essay questions	472
Glossary		473
Index		475