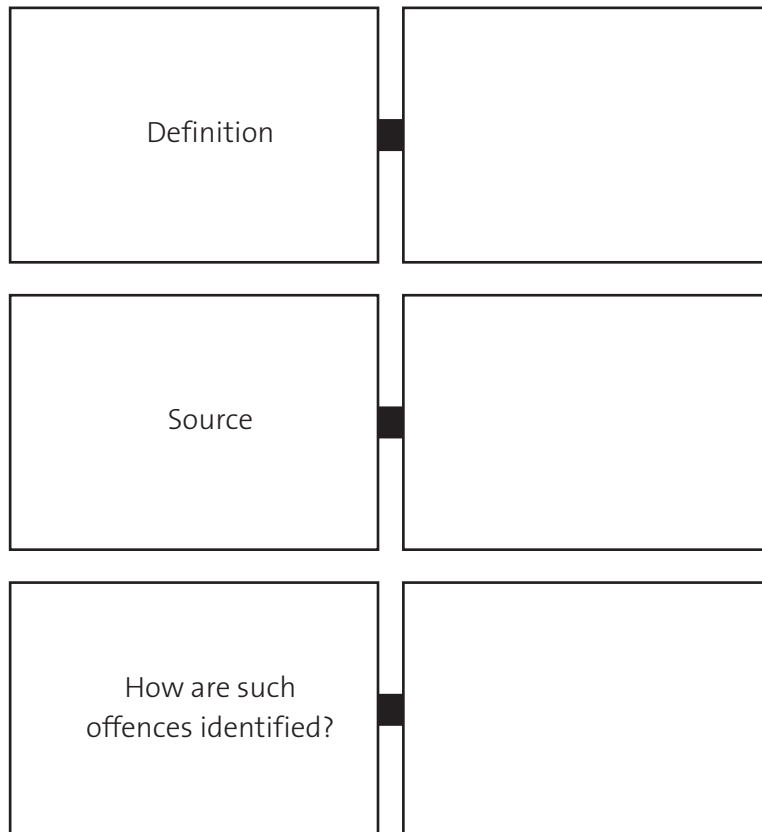


# Sequencing: strict liability

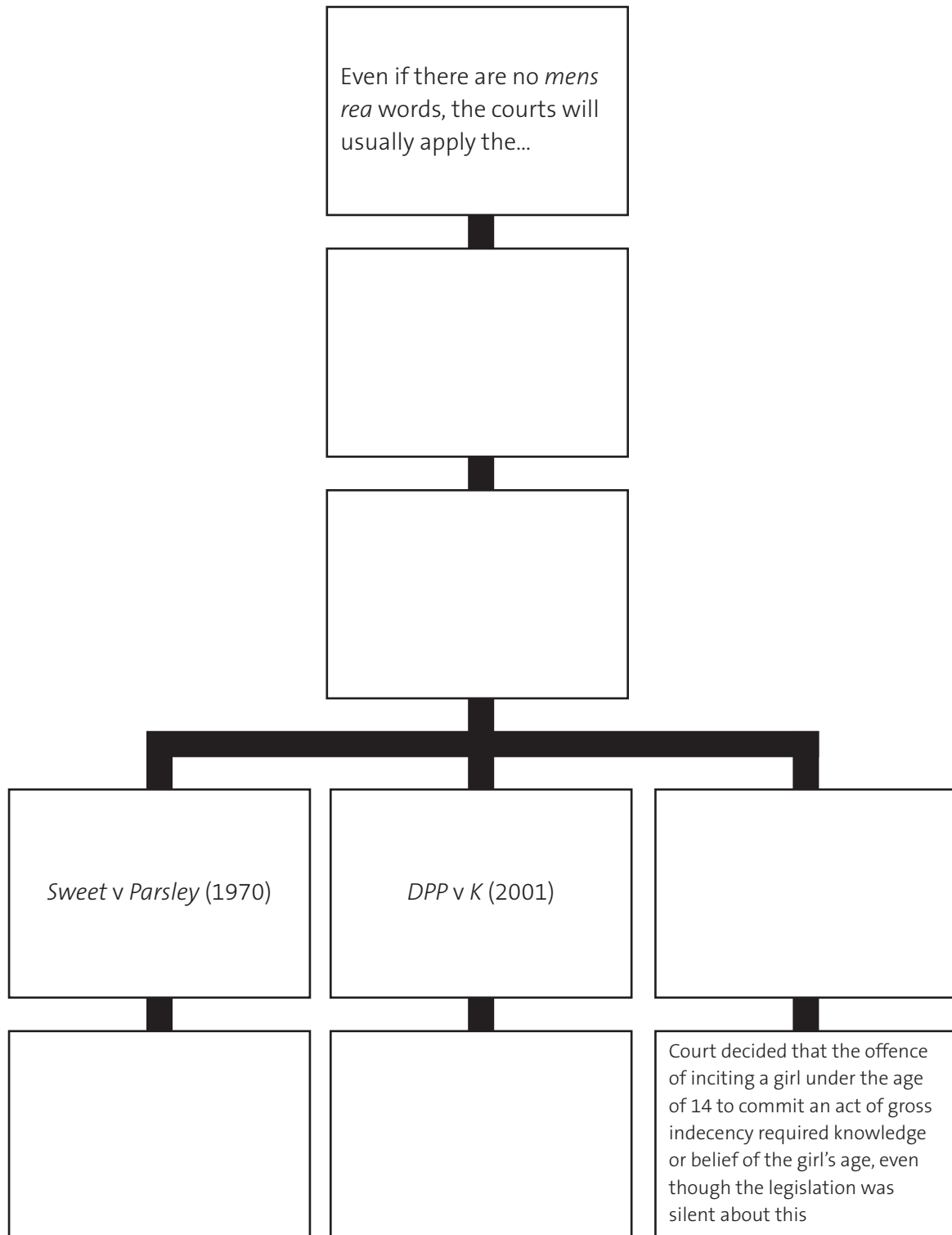


Place the cards provided by your teacher on the five boards to create a framework for answering the following essay title:

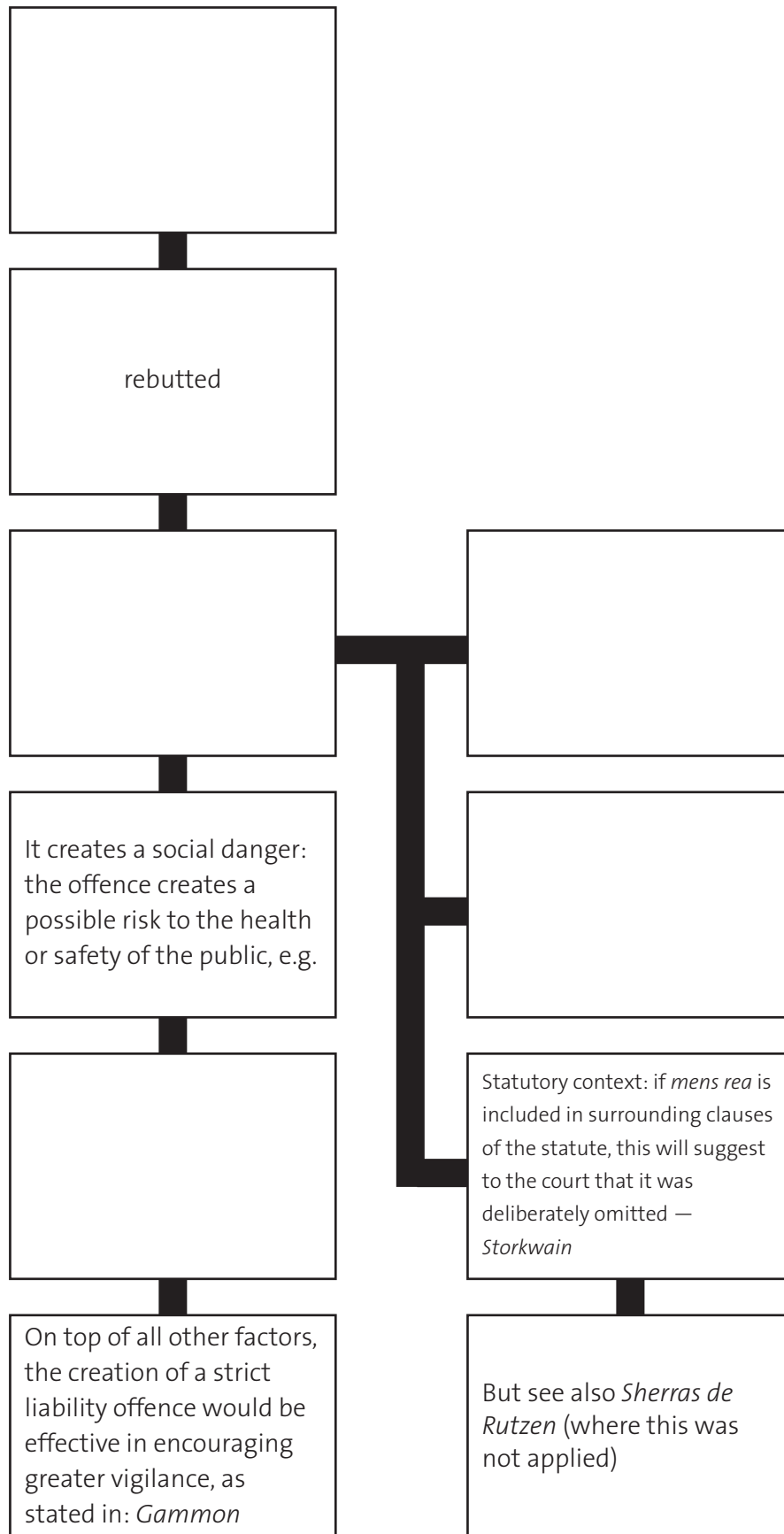
*Critically discuss the concept of strict liability and its use in the English legal system.*



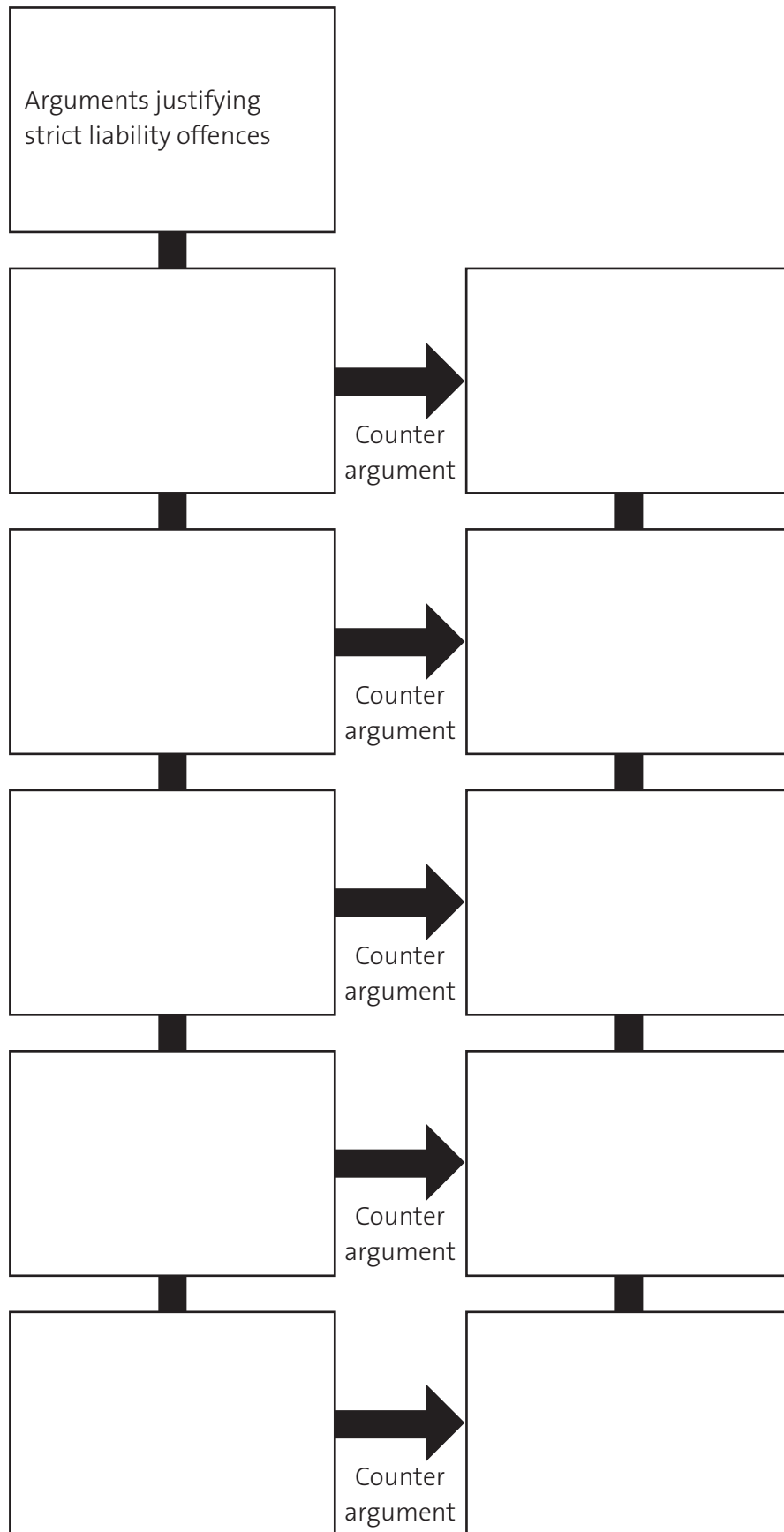
# Sequencing: strict liability



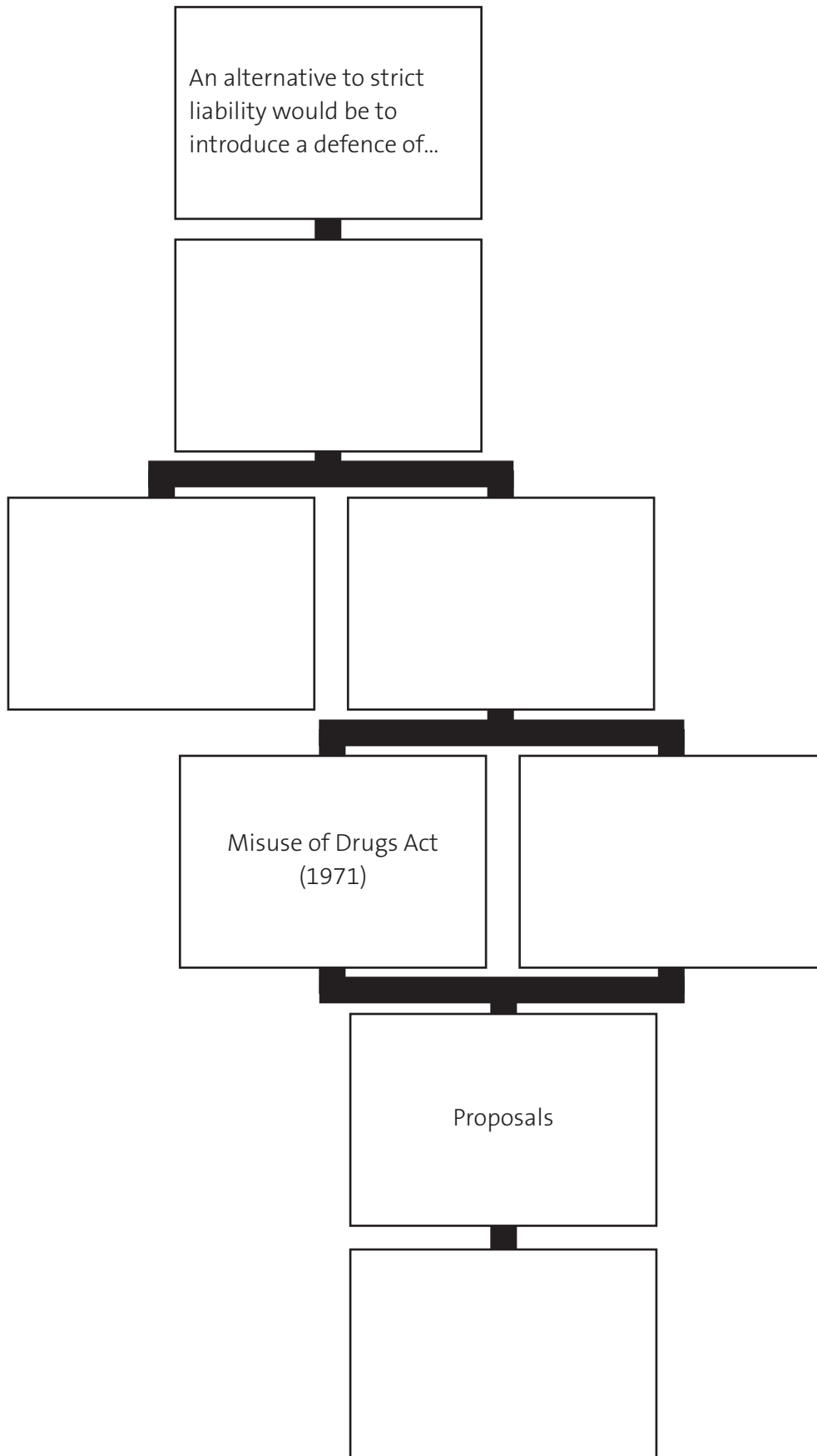
# Sequencing: strict liability



# Sequencing: strict liability



# Sequencing: strict liability



## Sequencing: strict liability

## Cards

Criminal offence that does not require <i>mens rea</i> for a conviction	Almost always created by statute	Can only apply to offences that have no <i>mens rea</i> words in their definition
...presumption of no criminal liability without blame, which means that...	...even if Parliament has not specified that <i>mens rea</i> is required, the courts will presume that it was intended; this is demonstrated in the cases of:	Court held that the offence of 'being involved in the management of premises used for the smoking of marijuana' required <i>mens rea</i> ; it imported the word 'knowingly' into the legislation
Court decided that the offence of indecent assault on girls under 16 required knowledge or belief of the girls' age, even though the legislation was silent about this	<i>DPP v B (2000)</i>	However, if the court sees evidence that Parliament intended to create a strict liability offence, then the presumption will be...
Factors that make rebuttal more likely are as follows:	<i>Alphacell v Woodward, Blake, Empress Cars v NRA</i>	Potential punishment: the maximum sentence is low, for example a fine
It is a 'regulatory offence' or 'quasi crime': it carries no real social stigma	Criminal sanctions, even in the absence of negligence, encourage extra vigilance	Strict liability offences usually have minor sentences, so convictions do not cause much injustice
Research shows that, in practice, only those with some degree of blameworthiness are actually prosecuted	Some strict liability offences have maximum sentences of several years ( <i>Howells, Gammon</i> )	Strict liability offences apply mainly to companies, against which <i>mens rea</i> is almost impossible to prove

# Sequencing: strict liability

<p>For some crimes, such as illegal parking and speeding, proving <i>mens rea</i> is impractical and would clog up the courts</p>	<p>Sentences are rarely severe enough to deter repeat offences by wealthy companies</p>	<p>If only the blameworthy are prosecuted, what is the point of having strict liability offences?</p>
<p>If a defendant is blameless, how much extra vigilance can he/she be expected to show?</p>	<p>(1) The prosecution must prove only the <i>actus reus</i>; unless the defendant raises a defence, he/she will be guilty</p>	<p>Removing the need to prove fault for administrative convenience is against basic principles of justice</p>
<p>...due diligence, in which:</p>	<p>Turn many strict liability offences into crimes of negligence; for remaining strict liability offences, introduce due diligence defence</p>	<p>(2) The defendant must prove that he/she exercised all due diligence to avoid the commission of the offence, as seen in:</p>
<p>Trade Descriptions Act (1968)</p>		