

“Strict Liability offences are **problematic**, but **necessary** if the law is to **regulate businesses** and **protect citizens** successfully ”

Discuss the extent to which this statement is accurate

[50]

<p><b>Introduction</b> Define the area of law, and introduce one critical point, using the words of the quote.</p>	<p>AO1: What is a strict liability offence, and where do they come from? AO2: how are they 'problematic' and yet 'necessary'</p>		
<p><b>Area:</b></p>	<p><b>AO1 (25 marks)</b></p>		<p><b>AO2 (20 marks)</b></p>
<p><b>Origins/Latest law</b> Always start at the beginning!  Where does SL come from? Why have it in the first place?</p>	<p><b>Means</b> Define the area clearly.</p> <p>Developed by the Victorians to raise standards in health and hygiene.  Most are quasi-criminal offences.  Majority are from statute</p>	<p><b>Supporting evidence</b> Cases, statutes etc which you will explain to illustrate your area</p> <p>Woodrow (first use)  Cundy v Le Cocq Callow v Tillstone (first uses, illustrate scope)  Road Traffic Act 1988 Licensing Act 1872</p>	<p><b>Critical Response</b> Use the statement to comment on the application of that area in the case</p> <p><b>Counterargument</b> Consider the other side of the argument A-B link to a further case to expand your argument.</p> <ul style="list-style-type: none"> <li>Goes against general theory of liability which makes MR important – how do we sentence without MR?</li> <li>Can protect the public from harm and lead to greater vigilance.</li> <li>Can be unfair to D, and convict even though they have taken all reasonable steps.</li> <li>Courts can be inconsistent in deciding whether or not a statute creates SL (Sherras v De Rutzen)</li> </ul> <p><b>A* Common Law and Strict liability.</b></p>
<p><b>Gammon Rules of interpretation</b></p>	<p>Rules laid down by PC governing when a statute will and won't be assumed to create an SL offence:</p> <ol style="list-style-type: none"> <li>Presumption of MR</li> <li>Especially if 'truly criminal'</li> <li>Only rebut if clear</li> <li>Or lead to greater vigilance</li> </ol> <p>Other rules:</p> <ol style="list-style-type: none"> <li>Words of the Act</li> <li>Other sections</li> </ol>	<p><b>Gammon</b>  <b>Sweet v Parsley</b>  <b>Warner v MPC</b></p>	<ul style="list-style-type: none"> <li>Presumption of MR fits with courts' hatred of SL – consistent assumption (From Sherras to B v DPP), But, reading in means moving away from intentions of Parliament and going against supremacy.</li> <li>Rules only guidance, and so some 'criminal;' can still be SL (Storkwain)</li> <li>Drugs approach does protect the public, but some non-MR words seem to imply a MR e.g. possession in normal language.</li> </ul>
<p><b>Areas of SL</b></p>			
<p><b>Age in Sexual Offences &amp; SL</b></p>		<p>Under 16, over 13 Prince B v DPP (R v K; S)  12 and below: R v G  s.9 Sexual Offences Act 2003</p>	
<p><b>Due Diligence</b></p>	<p>Where D has done everything possible to prevent the outcome, but it still occurs.  No general defence, but are some statutory or common law ones.</p>		
<p><b>Reforms</b> How could we change the law for the better? Link to current case to expand.</p>			
<p><b>Conclusion</b> Use the words of the comment to sum up, and link to an example to support you.</p>			

