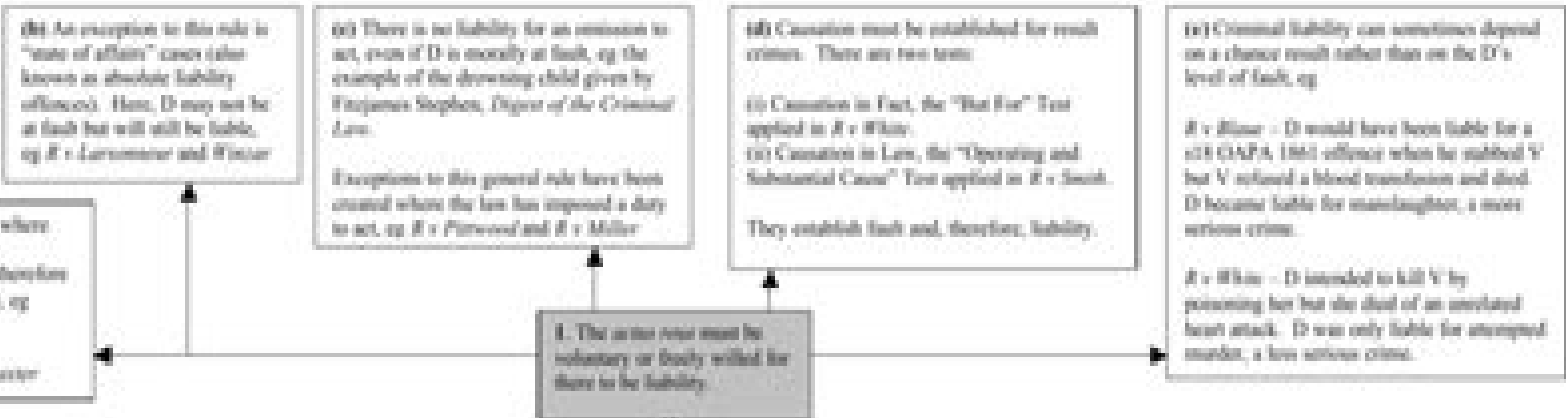


Act/Totals



(a) There are situations where the actor may well be involuntary and D will therefore not be at fault nor liable, eg
Assault: *R v Quick*
Rabies infection: *Hill v Baxter*

(a) The court will consider aggravating and mitigating factors.
(b) There can be a discount for an early plea of guilty - D admits a fact or is at fault.
(c) Fault sentencing reflects D's blameworthiness.
(d) Minimum sentences, in some circumstances, were introduced by the Crime (Sentences) Act 1997.

(a) Liability can be reduced because of extenuating circumstances, which reflect a lower level of fault, eg the Homicide Act 1957 creates two partial defences to murder:
(i) Provocation - D must fulfil the requirements of the *Duffy Test* and the *Reasonable Person Test*: *Compton and Smith*.
(ii) Diminished Responsibility which is based upon an abnormality of mind, eg *Dyson and Adjevala*.

(a) Liability can be extinguished by a complete defence, eg
(i) Self-defence, where a killing will be lawful if reasonable force is used to defend oneself: *Bedford v R*.
(ii) Insanity under the *M'Naghten Rules*. D suffers from a defect of reason and so is not at fault (but still under the control of the court).

THE MEANING AND IMPORTANCE OF FAULT IN CRIMINAL LAW

An act may be a crime but more is required. An act does not make a man guilty of a crime unless his mind is also guilty.

4. Fault is relevant to the sentencing process whether D pleads guilty or is found guilty.

2. Mens rea must be established for most offences and shows blameworthiness.

(a) There are three types of mens rea, decreasing in the level of fault required:
(i) Intention, which can be either direct, where D desires the consequences of his/her actions, as in *at fault* and therefore liable, or oblique where D foresees the consequences of his actions as virtually certain and continues: *R v Nedrick* and *R v Woollin*.
(ii) Recklessness, which can be subjective, as D must be shown to have realised the risk: *R v Cunningham*, or objective, as D is compared to the reasonable person: *R v Caldwell*. Objective recklessness requires less fault as shown by *Elliot v C*.
(iii) Negligence, which is falling below the standard of the ordinary reasonable person. This is sufficient for manslaughter: *R v Adomah*.

(a) Some crimes do not require mens rea for every part of the actor's crime. They are offences of strict liability, eg *R v Prince*.
The criteria for establishing strict liability were explained in *Gunn's Case*.
Consider the arguments for and against crimes of strict liability.
(See module 3 notes)

3. An example of a crime requiring fault is murder, the unlawful killing of a human being under the Queen's Peace with malice aforethought.

Asif Tufal Law Teacher Net

Sabine Zange



Asif Tufal Law Teacher Net:

This book delves into Asif Tufal Law Teacher Net. Asif Tufal Law Teacher Net is an essential topic that needs to be grasped by everyone, from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Asif Tufal Law Teacher Net, encompassing both the fundamentals and more intricate discussions.

1. This book is structured into several chapters, namely:

- Chapter 1: Introduction to Asif Tufal Law Teacher Net
- Chapter 2: Essential Elements of Asif Tufal Law Teacher Net
- Chapter 3: Asif Tufal Law Teacher Net in Everyday Life
- Chapter 4: Asif Tufal Law Teacher Net in Specific Contexts
- Chapter 5: Conclusion

2. In chapter 1, the author will provide an overview of Asif Tufal Law Teacher Net. This chapter will explore what Asif Tufal Law Teacher Net is, why Asif Tufal Law Teacher Net is vital, and how to effectively learn about Asif Tufal Law Teacher Net.

3. In chapter 2, the author will delve into the foundational concepts of Asif Tufal Law Teacher Net. This chapter will elucidate the essential principles that must be understood to grasp Asif Tufal Law Teacher Net in its entirety.

4. In chapter 3, this book will examine the practical applications of Asif Tufal Law Teacher Net in daily life. The third chapter will showcase real-world examples of how Asif Tufal Law Teacher Net can be effectively utilized in everyday scenarios.

5. In chapter 4, the author will scrutinize the relevance of Asif Tufal Law Teacher Net in specific contexts. This chapter will explore how Asif Tufal Law Teacher Net is applied in specialized fields, such as education, business, and technology.

6. In chapter 5, this book will draw a conclusion about Asif Tufal Law Teacher Net. The final chapter will summarize the key points that have been discussed throughout the book.

This book is crafted in an easy-to-understand language and is complemented by engaging illustrations. It is highly recommended for anyone seeking to gain a comprehensive understanding of Asif Tufal Law Teacher Net.

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