

Smith & Hogan

Criminal Law: Cases and Materials

Second edition



Criminal Law: **Cases and Materials**

Second edition

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Preface

One important change that we have made in this edition is to increase the range of statutes and to collect them in chronological order at the end of the book. We hope this arrangement will make it much easier to locate a statute when it is necessary to refer to it in the course of studying the other materials in the book.

Continuing rapid development in the law accounts for the remaining extensive changes we have made. We have attempted to include all the important cases which have been decided since the first edition and so have had to eliminate some cases and to prune the extracts from others. We have tried to avoid giving the reader mere snippets from the reports and to maintain our policy of reproducing a sufficiently substantial extract to enable him thoroughly to scrutinise all relevant aspects of the decision.

In the case of two important new statutes where there is little or no case law, the Criminal Law Act 1977 and the Theft Act 1978, we have attempted to point to the problems of construction which may arise with a series of questions and problems. We hope that these will assist both teacher and student in their consideration of these new Acts.

Our thanks are again due to the holders of the copyright in the various materials who have generously given us permission to reproduce their work in this book; to Mr Mark Smith who assisted with editorial work, particularly in the preparation of the statutes; to Mr Adrian Briggs who read the proofs; and to the publishers, who have been as patient and helpful as ever. Nor must we forget the students on whom we inflicted the first edition and whose reaction has helped to mould the form of the second.

J.C. Smith
Brian Hogan
April 1980

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Juta and Company Ltd: *The South African Law Reports*.

The Law Book Company Ltd.: Commonwealth Law Reports.

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The Hon. Mr Justice MacKenna: 'The Theft Bill—Blackmail: A Criticism' in [1966] Crim LR 467 and 'The Undefined Adverb in Criminal Statutes' in [1966] Crim LR 548.

The Modern Law Review Ltd: *Modern Law Review*, vol. II, pp. 150–153, 159–160, vol. 30, pp. 622–626.

Oxford University Press: *Samples of Lawmaking*, by Lord Devlin, published by Oxford University Press. Reprinted by permission.

Sweet and Maxwell Ltd: *The Criminal Appeal Reports* and *The Criminal Law Review*.

Mr Roy Stuart: 'Law Reform and the Reform of the Law of Theft' in (1967) 30 *Modern Law Review* 609.

Professor Glanville Williams: *The Criminal Law: The General Part* (2nd edn); *The Mental Element in Crime*; 'What is a Document?' in (1948) 11 MLR 150; 'Assaults and Words' in [1957] Crim LR 219; 'Consent and Public Policy' in [1962] Crim LR 74; 'Forgery and Falsity' in [1974] Crim LR 71 and 'Necessity' in [1978] Crim LR 218.

Stevens and Sons: *Russell on Crime* (12th edn by J. W. C. Turner) and *Crime and the Criminal Law*, by Barbara Wootton.

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Bobbs-Merrill Co Inc, Indianapolis: Jerome Hall, *General Principles of Criminal Law* (2nd edn, 1960). Copyright 1960 by the Bobbs-Merrill Co Inc. Reprinted by permission. All rights reserved.

Cambridge University Press. Kenny, *Outlines of Criminal Law* (1st edn, 1902; 15th edn, 1946; 19th edn, 1966).

Justice of the Peace Ltd: *Justice of the Peace Reports*.

The Incorporated Council of Law Reporting for England and Wales: *The Law Reports*.

The Incorporated Council of Law Reporting for Northern Ireland: *The Northern Ireland Law Reports*.

Kenneth Mason Publications Ltd: *Road Traffic Reports*.

The Solicitors' Journal: *Solicitors' Journal Law Reports*.

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