



ARCHBOLD

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PREFACE

NOTWITHSTANDING a certain amount of pruning, this edition is even longer and, accordingly, even heavier than the last. More precisely, the 40th edition is 206 pages longer than the 39th edition and this is thanks largely to the industry of Parliament and the rewriting of Chapter 18 (Theft Acts).

Taking pride of place amongst the legislative developments during the last three years, is the Criminal Law Act 1977. Its unattractive vital statistics will by now be broadly familiar to those faced with the task of grappling with it and every effort has been made to thread its countless strands into the fabric of this work. The impact of the conspiracy provisions (Pt. 1 of the Act) cannot yet be assessed, but they will certainly be resulting in unintended consequences if the ruling of Drake J. in *R. v. Quinn* [1978] Crim.L.R. 750, is approved by the Court of Appeal.

Amongst the other new enactments which have been included in this edition are: the Bail Act 1976, the Insolvency Act 1976, the Companies Act 1976, the Sexual Offences (Amendment) Act 1976, the Oaths Act 1978, the Theft Act 1978 and the Protection of Children Act 1978. The Judges Rules 1964 were reissued and a further Home Office Circular was concerned with the use of photographs and the conduct of identification parades as methods of identifying criminals.

The optimism excited by the decision of the House of Lords in *Hyam v. D.P.P.* as to the meaning of "intent," proved initially to be somewhat ill-founded judging by the unfortunate approach of the Court of Appeal in *R. v. Belfon* and *R. v. Beer*. *R. v. Allsop*, however, was a more encouraging decision. Other notable landmarks amongst the appeal decisions since the last edition are the following decisions of the House of Lords: *D.P.P. v. Humphrys* (issue estoppel), *Hoskyn v. Metropolitan Police Commissioner* (compellability of wife), *D.P.P. v. Camplin* (provocation), *D.P.P. v. Nock* (*Haughton v. Smith* applying to conspiracy) and *D.P.P. v. Hills* (s. 1 (f) (iii)). At the time of writing, the House of Lords is about to review the scope of the judicial discretion to exclude admissible prosecution evidence (see *R. v. Sang and Mangan*) and the Privy Council has recently held that an accused person cannot be asked when cross-examined during a trial within a trial to determine the admissibility of alleged admissions, whether those admissions are true (see *Wong Kam-Ming v. R.*).

Less clear cut are some of the conclusions reached by the Court of Appeal when considering the vexed question of identifying

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(1) (4)	768q
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	933, 949
(1)	780, 780b, 2874
(2)	895
(2A)	2868i
s. 32	780b, 886
(1)	356
s. 33	947a, 2868i
s. 34	765a, 948, 956
(1)	949
(2) (3)	950
s. 35	953
(1)	969
s. 36	319, 951, 952, 957
s. 37	952, 957
(2)	319
s. 38	954
s. 42	768n
(1)	768i, 768q, 885, 956
(2)	768i, 885, 956
(3)	956
(4)	956
s. 43	957
s. 44	319, 780c, 894, 949,
	958
(2)	2868i
s. 45	858
(2)	319, 894
s. 46	911
s. 48	872, 931
s. 49	770c, 873, 950