

Michael J Allen and Simon Cooper

Elliott and Wood's Cases and Materials on Criminal Law

Tenth Edition



SWEET & MAXWELL

ELLIOTT AND WOOD'S CASES AND MATERIALS ON CRIMINAL LAW

TENTH EDITION

By

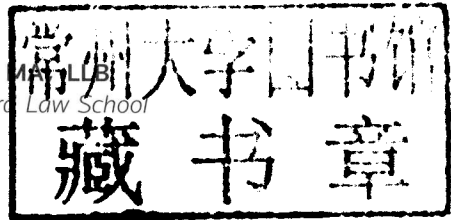
MICHAEL J. ALLEN LL.M.

Commissioner, Criminal Cases Review Commission

and

SIMON COOPER M.A., LL.B.

Senior Lecturer in Law, Salford Law School



D. W. Elliott & J. C. Wood, First Edition 1963
Second Impression 1967
D. W. Elliott & J. C. Wood, Second Edition 1969
Second Impression 1971
D. W. Elliott & J. C. Wood, Third Edition 1974
D. W. Elliott & Celia Wells, Fourth Edition 1982
D. W. Elliott & Michael J. Allen, Fifth Edition 1989
D. W. Elliott & Michael J. Allen, Sixth Edition 1993
Michael J. Allen, Seventh Edition 1997
Second Impression 1999
Michael J. Allen, Eighth Edition 2001
Reprinted 2001, 2002 (twice), 2003
Michael J. Allen & Simon Cooper, Ninth Edition 2006
Michael J. Allen & Simon Cooper, Tenth Edition 2010

Published in 2010 by Thomson Reuters (Legal) Limited
(Registered in England & Wales, Company No 1679046.
Registered Office and address for service:
100 Avenue Road, London, NW3 3PF) trading as
Sweet & Maxwell

Typeset by YHT Ltd, London.
Printed in the UK by Ashford Colour Press, Gosport.

No natural forests were destroyed to make this product;
only farmed timber was used and replanted

British Library Cataloguing in Publication Data

A CIP catalogue record for this book
is available from the British Library

ISBN 9781847039200

*All rights reserved. No part of this publication may be reproduced or transmitted,
in any form or by any means, or stored in any retrieval system of any nature,
without prior written permission, except for permitted fair dealing under the Copyright,
Designs and Patents Act 1988, or in accordance with the terms of a license issued by the
Copyright Licensing Agency in respect of photocopying and/or reprographic reproduction.
Application for permission for other use of copyright material including permission to
reproduce extracts in other published works shall be made to the publishers. Full
acknowledgment of author, publisher and source must be given.*

**ELLIOTT AND WOOD'S
CASES AND MATERIALS ON CRIMINAL LAW**

PREFACE

In the four and a half years since the last edition there has, as usual, been a considerable judicial and statutory activity in numerous areas of the criminal law. This edition sees a significant number of major revisions which have necessitated a complete review of several chapters. New statutory provisions include the Fraud Act 2006; Corporate Manslaughter and Corporate Homicide Act 2007; Criminal Justice and Immigration Act 2008; and the Coroners and Justice Act 2009. Amongst the wealth of new case law included in this edition is *Kennedy (No 2)* on causation; *Saik* on the mens rea for conspiracy; *Rahman* on joint enterprise; *Heard* on intoxication; *Bree* on intoxicated consent and *Jheeta* on deception and consent, in the Sexual Offences Act 2003. The publishers have introduced a new page format and layout to assist the reader in digesting and understanding the context. The new format is, we hope, kinder on the eye and makes the text much more user-friendly for the reader.

We would like to express our gratitude to the team at Sweet & Maxwell for their support.

The manuscript was delivered to the publisher in January 2010 and the law is stated as at January 2010.

Mike Allen and Simon Cooper

January 2010

ABBREVIATIONS

Blackstone	<i>Commentaries on the Laws of England</i> , by Sir William Blackstone (1765) (Chitty's edn, 1826).
Butler Committee	Report of The Committee on Mentally Abnormal Offenders, Cmnd. 6244, 1975.
C.L.J.	<i>Cambridge Law Journal</i> .
C.L.R.C.	Criminal Law Revision Committee.
C.L.R.	<i>Columbia Law Review</i> .
Crim.L.Q.	<i>Criminal Law Quarterly</i> .
Crim.L.R.	<i>Criminal Law Review</i> .
Fletcher	<i>Rethinking Criminal Law</i> , by George P. Fletcher (1978).
Glazebrook	<i>Reshaping the Criminal Law</i> , P. Glazebrook (ed.) (1978).
Griew	<i>The Theft Acts 1968 and 1978</i> , by Edward Griew (6th edn, 1990).
Hale	<i>Pleas of the Crown</i> , by Sir Matthew Hale (1682).
Hall	<i>General Principles of Criminal Law</i> , by Jerome Hall (2nd edn, 1960).
Harv.L.R.	<i>Harvard Law Review</i> .
Kenny	<i>Kenny's Outlines of Criminal Law</i> (19th edn, by J.W.C. Turner, 1966).
L.Q.R.	<i>Law Quarterly Review</i> .
M.L.R.	<i>Modern Law Review</i> .
Model Penal Code	American Law Institute, <i>Model Penal Code</i> (1962).
Russell	<i>Russell on Crime</i> (12th edn, by J.W.C. Turner, 1964).
Smith	<i>The Law of Theft</i> , by J.C. Smith (7th edn, 1995).
<i>Smith and Hogan</i>	<i>Criminal Law</i> , by J.C. Smith and Brian Hogan (8th edn, 1996).
Stephen, H.L.C.	<i>A History of the Common Law of England</i> , by Sir James Fitzjames Stephen (1883).
Williams, C.L.G.P.	<i>Criminal Law, The General Part</i> , by Glanville Williams (2nd edn, 1961).
Williams. Proof of Guilt	<i>The Proof of Guilt, A Study of the English Criminal Trial</i> , by Glanville Williams (3rd edn, 1963).
Williams, T.C.L.	<i>Textbook of Criminal Law</i> , by Glanville Williams (2nd edn, 1983).

ACKNOWLEDGEMENTS

Grateful acknowledgment is made to the following authors and publishers for permission to quote from their works:

Copyright Permissions

Aldridge, P, "The Coherence of Defences" [1983] *Criminal Law Review* pp.665–666

Andrews, J, "Robbery" [1966] *Criminal Law Review* pp.524–5

Ashworth, A, "Belief, Intent and Criminal Liability" in Eekelaar, J and Bell, J (eds) *Oxford Essays in Jurisprudence* (1987) p.l, Clarendon Press, ISBN 0198255071

Ashworth, A, *Principles of Criminal Law* (3rd edn 1999) pp.24–27, 132, 141–144 OUP, ISBN 0198765576

Ashworth, A, "Taking the Consequences" in Shute, S, Gardner, J, and Horder, J (eds), *Action and Value in Criminal Law* (1993) pp.107, 108–110, 113–114, 116–117, 120, 123–124, Clarendon Press, ISBN 0198258062

Brett and Waller, *Criminal Law Text and Cases* (4th edn 1978) p.145, Butterworths, Australia

Cross, R, "Murder under Duress" (1978) 28 *University of Toronto Law Journal*, p.377, University of Toronto Press Inc.

Fitzgerald, PJ, "A Concept of Crime" [1960] *Criminal Law Review* 257, 259, Sweet & Maxwell, ISSN 0011 135X

Fletcher, GP, *Rethinking Criminal Law* (1978) pp.362, 368, 396–7, 421, 798–800, 810–812 Boston: Little Brown

Galligan, "The Return of Retribution in Criminal Theory" in *Crime, Proof and Punishment: Essays in Memory of Sir Rupert Cross* (1981) pp.144, 146 et seq., Butterworths, ISBN 0406569991 (Reproduced by permission of Reed Elsevier (UK) Limited.)

Glazebrook, PR, "Criminal Omissions: The Duty Requirement in Offences Against the Person" (1960) 76 *Law Quarterly Review* p.387

Gobert, J, "The Fortuity of Consequence" (1993) 4 Criminal Law Forum p.l, Rutgers University School of Law, ISSN 1046-8374

Griew, E, "Consistency, Communication and Codication: Reections on Two Mens Rea Words" in Glazebrook, P, *Reshaping the Criminal Law* (1978) pp.57-59, Stevens & Sons

Gross, H, *A Theory of Criminal Justice* (1979) pp.13-14, OUP (New York) ISBN 0195023498, 0195023501

Hart, HLA, *Act of Will and Responsibility* in The Jubilee Lectures of the Faculty of Law, University of Sheffield, Stevens, 1960.

Hester, S and Eglin, P, *A Sociology of Crime* (1992) p.27, Routledge, ISBN 0415073693, 0415073707 (pbk)

Hogan, B, "Omissions and the Duty Myth" in Smith, P, *Criminal Law: Essays in Honour of J.C Smith* (1986) Butterworths, ISBN 0406501106 (Reproduced by permission of Reed Elsevier (UK) Limited.)

Horder, J, "Pleading Involuntary Lack of Capacity" (1993) 52 Cambridge Law Journal pp.298-302, 313-317

Horder, J, "Occupying the Moral High Ground? The Law Commission on Duress" [1994] Criminal Law Review pp.334, 339 & 340-342

Hutchinson, AC, "Note on *Sault Ste Marie*" (1979) 17 Osgoode Hall Law Journal p.429

Kenny, AJP. *Freewill and Responsibility* (1978) pp.36-38, Routledge

Lacey, N, "Contingency and Criminalisation" in Loveland, I (ed.) *Frontiers of Criminality* (1995) pp.4 & 14-15, Modern Legal Studies, Sweet & Maxwell, ISBN 0421526300 (pbk.)

Leigh, K, *Strict and Vicarious Liability* (1982) pp.58-61, Sweet & Maxwell, ISBN 0 421 26770 4

Lindgren, J, "Unravelling the Paradox of Blackmail" (1984) 84 Columbia Law Review p.670

Lloyd, D. *Introduction to Jurisprudence* (4th ed., 1979) pp.54-59, Sweet & Maxwell

Mackay, RD and Kearns, G, "More Fact(s) about the Insanity Defence" [1999] Criminal Law Review pp.722-723

Mackay, RD, *Mental Condition Defences in Criminal Law* (1995) pp.155-56, OUP

Mackenna, B, "Blackmail: a Criticism" [1966] Criminal Law Review p.466

Norrie, A, "Oblique Intention and Legal Politics" [1989] Criminal Law Review pp.794-796

Omerod, D, and Forston R, "Serious Crime Act 2007: The Part 2 Offences" , [2009] *Crim.L.R.* 389, 414.

Packer, H, *The Limits of the Criminal Sanction* (1969) pp.261 et seq, Stanford University Press

Patient, IHE, "Transferred Malice—A Misleading Misnomer" (1990) 54 *Journal of Criminal Law* 116–124

Paulus, I, "Strict Liability: Its Place in Public Welfare Offences" (1978) 2 *Criminal Law Quarterly* p.445, Canada Law Book Inc.

Sayre, "Public Welfare Offences" (1933) 33 *Columbia Law Review* 55

Smith, ATH, "On Actus Reus and Mens Rea", in Glazebrook, P, *Reshaping the Criminal Law* (1978) pp.95–101, 103–4, Stevens & Sons

Smith, JC, "Responsibility in Criminal Law" in Bean and Whyne (eds) *Barbara Wootton, Essays in Her Honour* (1986) p.153, Tavistock Publications (Now published by Taylor and Francis Books UK).

Smith, JC, *The Law of Theft* (8th edn, 1997) Butterworths, ISBN 0 406 89545 7, §4–31, 12–02–12–03 (Now published by OUP).

Smith, KJM, "Proximity in Attempt: Lord Lane's Midway Course" [1991] *Criminal Law Review* p.577

Smith, KJM, "Duress and Steadfastness: In Pursuit of the Unintelligible" [1999] *Criminal Law Review* pp.363 & 370

Spencer, JR. "The Metamorphosis of Section of the Theft Act" [1977] *Criminal Law Review* p.653

Spencer J, and Virgo G, "Encouraging and Assisting Crime: Legislate in Haste, Repent in Leisure", [2008] 9 *Archbold News* 7.

Temkin and Ashworth, "The Sexual Offences Act 2003: Rape, Sexual Assaults and the Problems of Consent" [2004] *Criminal Law Review* p.328

Thomas, DA, "Form and Function in Criminal Law" in Glazebrook, P, *Reshaping the Criminal Law* (1978) pp.21, 25, 30, Stevens & Sons

Tur, RS, "Subjectivism and Objectivism: Towards Synthesis" in Shute, S, Gardner, J, and Horder, J (eds), *Action and Value in Criminal Law* (1993) pp.219–222, Clarendon Press, ISBN 0198258062

Walker, N. *Crime and Criminology: A Critical Introduction* (1987), pp.140–141, OUP, ISBN 0192891936, 0192192124 (pbk.)

Wasik, M, "Duress and Criminal Responsibility" [1977] *Criminal Law Review* 453

Wells, C, "Whither Insanity?" [1983] *Crim. L.R.* pp.787–788 & 793–794

Williams, G, "The Definition of Crime" (1955) *Current Legal Problems*, pp.107, 116–118, 120–121, 123, 128–129,130, Stevens & Sons

Williams, G. *Criminal Law: The General Part* (1961) Stevens & Sons

Williams, G, *Finis for Novus Actus*" [1989] *Cambridge Law Journal* p.391, Cambridge University Press

Williams, G, "Oblique Intention" (1987) 46 *Cambridge Law Journal* pp.417– 421, Cambridge University Press

Williams, G, *Textbook of Criminal Law* (2nd ed., 1983) Stevens & Sons, pp.75, 138, 148

Williams, G, "The theory of excuses" [1982] *Criminal Law Review* p.739

Williams, G, 'Temporary Appropriation Should be Theft' [1981] *Criminal Law Review* p.129

Wootton, B, *Crime and the Criminal Law* (2nd ed, 1981) pp.46–48, Stevens

Attempt and Impossibility in Relation to Attempt, Conspiracy and Incitement (1980) Law Com. No.102

A Criminal Code for England and Wales: Commentary on Draft Criminal Code Bill (1989) Law Com No.177

Legislating the Criminal Code: Offences Against the Person and General Principles, (1993) Law Com. No.218

Legislating the Criminal Code: Involuntary Manslaughter, Law Com. No.237

Offences of Dishonesty: Money Transfers, Law Com. No.243

Legislating the Criminal Code: Fraud and Deception, (1999) Law Com. C.P. No.155

Intoxication and Criminal Liability, Law Com. No.314

Conspiracy and Attempts, Law Commission Consultation Paper No.183 (2007).

Fraud, Law Commission No. 276, Cm 5560 (2002).

Inchoate Liability for Assisting and Encouraging Crime, Law Commission No. 300, Cm 6878, (2006).

Murder, Manslaughter and Infanticide, Law Commission No.304, HC 30 (2006).

Murder, Manslaughter and Infanticide: Proposals for reform of the law, Consultation Paper CP 19/08.

Criminal Law Revision Committee, 8th Report, *Theft and Related Offences*, Cmnd 2977 (1966)

Criminal Law Revision Committee, 14th Report, *Offences Against the Person*, Cmnd 7844 (1980)

Report of the Advisory Council on the Penal System, "Sentences of Imprisonment" (Home Office) 1978

Report of the Select Committee of the House of Lords on Murder and Life Imprisonment (H.L. Paper 78-1, Session 1988-89)

Report of the Inter-Departmental Review of the Law on the Use of Lethal Force in Self-Defence or the Prevention of Crime (Home Office) 1996

Violence: Reforming the Offences Against the Person Act 1861, Home Office, 1998

Reforming the Law on Involuntary Manslaughter: The Government's Proposals, Home Office, May 2000

Setting the Boundaries: Reforming the Law on sex offences, Report of the Sex Offences Review, Home Office, July 2000

Fraud Law Reform: Government Response to Consultations, Home Office Criminal Policy Unit, 2005.

Fraud Law Reform: Consultation on Proposals for Legislation, Home Office Criminal Policy Unit, 2004.

While every care has been taken to establish and acknowledge copyright, and contact owners, the publishers tender their apologies for any accidental infringement. They would be pleased to come to a suitable arrangement with the rightful owners in each case.

TABLE OF CASES

A (Children) (Conjoined Twins: Medical Treatment) (No.1), Re; sub nom. A (Children) (Conjoined Twins: Surgical Separation), Re [2001] Fam. 147; [2001] 2 W.L.R. 480, CA (Civ Div)	98, 275, 278
A v United Kingdom [1998] 2 F.L.R. 959; [1998] 3 F.C.R. 597, ECHR	574
Abbott v Queen, The [1977] A.C. 755; [1976] 3 W.L.R. 462, PC (Trin)	254, 256
Adams v Queen, The [1995] 1 W.L.R. 52; [1995] B.C.C. 376, PC (NZ)	417
Airedale NHS Trust v Bland [1993] A.C. 789; [1993] 2 W.L.R. 316, HL	34, 35
Albert v Lavin; sub nom. Lavin v Albert [1982] A.C. 546; [1981] 3 W.L.R. 955, HL	127
Alphacell Ltd v Woodward [1972] A.C. 824; [1972] 2 W.L.R. 1320, HL	157, 161
Anderton v Ryan; sub nom. Chief Constable of Greater Manchester v Ryan [1985] A.C. 560; [1985] 2 W.L.R. 968, HL	440, 443
Andrews v DPP ; sub nom. R. v Andrews [1937] A.C. 576; (1938) 26 Cr. App. R. 34, HL	510, 521
Andronicou v Cyprus (25052/94) (1998) 25 E.H.R.R. 491; 3 B.H.R.C. 389, ECHR	308
Arrowsmith v Jenkins [1963] 2 Q.B. 561; [1963] 2 W.L.R. 856, DC	115, 118
Attorney General v Able [1984] Q.B. 795; [1983] 3 W.L.R. 845, QBD	537
Attorney General for Jersey v Holley [2005] UKPC 23; [2005] 2 A.C. 580; [2005] 3 W.L.R. 29, PC (Jer)	473, 478, 479, 480
Attorney General of Hong Kong v Nai-Keung (Daniel Chan) [1987] 1 W.L.R. 1339; (1987) 3 B.C.C. 403, PC (HK)	639
— v Reid [1994] 1 A.C. 324; [1993] 3 W.L.R. 1143, PC (NZ)	653
— v Yip Kai-foon [1988] A.C. 642; [1988] 2 W.L.R. 326, PC (HK)	723
Attorney General of Northern Ireland v Gallagher (Patrick) [1963] A.C. 349; [1961] 3 W.L.R. 619, HL .	205, 222
Attorney General of Northern Ireland's Reference (No.1 of 1975), Re [1977] A.C. 105; [1976] 3 W.L.R. 235, HL (NI)	301, 303
Attorney General of South Australia v Brown [1960] A.C. 432; [1960] 2 W.L.R. 588, PC (Aus)	189
Attorney General's Reference (No.1 of 1974), Re [1974] Q.B. 744; [1974] 2 W.L.R. 891, CA (Crim Div)	718
— (No.1 of 1975), Re [1975] Q.B. 773; [1975] 3 W.L.R. 11, CA (Crim Div)	311, 313
— (Nos.1 and 2 of 1979), Re [1980] Q.B. 180; [1979] 3 W.L.R. 577, CA (Crim Div)	641, 656, 746
— (No.4 of 1980), Re [1981] 1 W.L.R. 705; [1981] 2 All E.R. 617, CA (Crim Div)	66, 67, 68
— (No.6 of 1980), Re [1981] Q.B. 715; [1981] 3 W.L.R. 125, CA (Crim Div)	564, 574
— (No.2 of 1982), Re; sub nom. Attorney General's Reference (No.2 of 1983), Re [1984] Q.B. 624; [1984] 2 W.L.R. 447, CA (Crim Div)	642
— (No.1 of 1983), Re [1985] Q.B. 182; [1984] 3 W.L.R. 686, CA (Crim Div)	634, 655
— (No.2 of 1983), Re [1984] Q.B. 456; [1984] 2 W.L.R. 465, CA (Crim Div)	295
— (No.1 of 1985), Re [1986] Q.B. 491; [1986] 2 W.L.R. 733, CA (Crim Div)	648, 650, 653, 696
— (No.3 of 1992), Re [1994] 1 W.L.R. 409; (1994) 98 Cr. App. R. 383, CA (Crim Div)	378, 380, 394
Attorney General's Reference (No.3 of 1994), Re [1998] A.C. 245; [1997] 3 W.L.R. 421, HL .	142, 447, 454, 521
— (No.3 of 1998), Re [1999] 3 W.L.R. 1994	179
— (No.2 of 1999), Re [2000] Q.B. 796; [2000] 3 W.L.R. 195, CA (Crim Div)	361, 369
— (No.3 of 2003), Re [2004] EWCA Crim 868; [2005] Q.B. 73; [2004] 3 W.L.R. 451, CA (Crim Div)	29, 115, 121

— (No.3 of 2004), Re [2005] EWCA Crim 1882; [2006] Crim. L.R. 63, CA (Crim Div)	340
B (A Child) v DPP [2000] 2 A.C. 428; [2000] 2 W.L.R. 452, HL	125, 132, 152
B and S v Leathley [1979] Crim. L.R. 314, Crown Ct (Carlisle)	745
Barker v R. (1983) 57 A.L.J.R. 426, High Ct (Aust)	744
Beckford v Queen, The [1988] A.C. 130; [1987] 3 W.L.R. 611, PC (Jam)	129, 132, 227, 297, 301, 308
Blackburn v Bowering [1994] 1 W.L.R. 1324; [1994] 3 All E.R. 380, CA (Civ Div)	586
Blakely v DPP; sub nom. Blakely v Chief Constable of West Mercia; Joined Cases Sutton v DPP [1991] R.T.R.	
405; [1991] Crim. L.R. 763, DC	314, 327
Board of Trade v Owen; sub nom. R. v Owen (Henry Geoffrey); Joined Cases R. v Seth-Smith (Patrick Sidney)	
[1957] A.C. 602; [1957] 2 W.L.R. 351, HL	394, 421
Bratty v Attorney General of Northern Ireland [1963] A.C. 386; [1961] 3 W.L.R. 965, HL	24, 184, 190, 205
Buckoke v Greater London Council [1971] Ch. 655; [1971] 2 W.L.R. 760, CA (Civ Div)	266, 272
Bullock v Turnbull [1952] 2 Lloyd's Rep. 303, QBD	123
Callow v Tillstone (1900) 83 L.T. 411, QBD	327
Carter v Richardson [1974] R.T.R. 314; [1974] Crim. L.R. 190, QBD	327
Cassady v Morris (Reg) (Transport) Ltd [1975] R.T.R. 470; [1975] Crim. L.R. 398, DC	322
Chamberlain v Lindon [1998] 1 W.L.R. 1252; [1998] 2 All E.R. 538, DC	761
Chan Man-Sin v Attorney General of Hong Kong. See Chan Man-Sin v Queen, The.	
— v Queen, The; sub nom. Chan Man-Sin v Attorney General of Hong Kong [1988] 1 W.L.R. 196; [1988]	
1 All E.R. 1, PC (HK)	613, 634, 637, 659
Chan Wing Siu v R.; sub nom. R. v Chan Wing Siu [1985] A.C. 168; [1984] 3 W.L.R. 677, PC (HK)	332, 333, 339
Chandler (Terence Norman) v DPP; sub nom. R. v Chandler (Terence Norman) (No.1); Joined Cases R. v Pottle (Patrick Brian); R. v Allegranza (Helen); R. v Dixon (Ian Edward); R. v Hatton (Trevor Richard); R. v Randle (Michael Joseph) [1964] A.C. 763; [1962] 3 W.L.R. 694, HL	94
Chapman v DPP (1989) 89 Cr. App. R. 190; (1989) 153 J.P. 27, QBD	300
Chase Manhattan Bank NA v Israel-British Bank (London) Ltd [1981] Ch. 105; [1980] 2 W.L.R. 202, Ch D	655
Chiu-Cheung v Queen, The; sub nom. Yip Chiu-Cheung v Queen, The [1995] 1 A.C. 111; [1994] 3 W.L.R. 514, PC (HK)	94, 95, 219, 408
Cichon v DPP [1994] Crim. L.R. 918; [1995] C.O.D. 5, QBD	267
Cleary v Booth [1893] 1 Q.B. 465, QBD	574
Collins v Wilcock [1984] 1 W.L.R. 1172; [1984] 3 All E.R. 374, DC	547, 550
Collins and Fox v Chief Constable of Merseyside [1988] Crim. L.R. 247, QBD	312
Comer v Bloomfield (1971) 55 Cr. App. R. 305; [1971] R.T.R. 49, QBD	383, 384
Commissioner of Police of the Metropolis v Charles (Derek Michael); sub nom. R. v Charles (Derek Michael) [1977] A.C. 177; [1976] 3 W.L.R. 431, HL	685
— v Streeter (1980) 71 Cr. App. R. 113, DC	722
Coppen v Moore (No.2) [1898] 2 Q.B. 306, QBD	354
Corcoran v Anderton (1980) 71 Cr. App. R. 104; [1980] Crim. L.R. 385, DC	676
Cotterill v Penn [1936] 1 K.B. 53, KBD	123
Cundy v Le Cocq (1883-84) L.R. 13 Q.B.D. 207, QBD	150
Davidge v Bunnett [1984] Crim. L.R. 297, DC	654
Davies v Leighton (1979) 68 Cr. App. R. 4; [1978] Crim. L.R. 575, DC	644
Devlin v Armstrong [1971] N.I. 13, CA (NI)	290, 292
DPP v Beard [1920] A.C. 479; (1920) 14 Cr. App. R. 159, HL	205, 207, 208
— v Bell (Derek) [1992] R.T.R. 335; [1992] Crim. L.R. 176, DC	270, 271
— v Daley (Frederick); Joined Cases DPP v McGhie (Burnett) [1980] A.C. 237; [1979] 2 W.L.R. 239, PC (Jam)	47, 48
— v Doot; sub nom. R. v Doot (Robert Leroy); R. v Watts (James Wesley); R. v Fay (Michael Augustus); R. v Loving (Jeffrey Richard); R. v Shanahan (Thomas); R. v Shannahan (Thomas); Joined Cases DPP v Shanahan (Thomas); DPP v Watts (James Wesley); DPP v Fay (Michael Augustus); DPP v Loving (Jeffrey Richard) [1973] A.C. 807; [1973] 2 W.L.R. 532, HL	395

– v Green [2004] EWHC 1225 (QB), QBD	771
– v Harris (Nigel) [1995] 1 Cr. App. R. 170; (1994) 158 J.P. 896, QBD	267, 272
– v Jones [1990] R.T.R. 33; (1990) 154 J.P.N. 597, DC	272
– v Lavender (Melvyn) [1994] Crim. L.R. 297, DC	660
– v M [2004] EWHC 1453 (Admin); [2004] 1 W.L.R. 2758; [2005] Crim. L.R. 392, DC	771
– v Majewski; sub nom. R. v Majewski (Robert Stefan) [1977] A.C. 443; [1976] 2 W.L.R. 623, HL	190, 203, 208, 211, 217, 218, 222, 226, 227
– v Morgan; sub nom. R. v Morgan (William Anthony); Joined Cases DPP v McDonald; DPP v McLarty; DPP v Parker [1976] A.C. 182; [1975] 2 W.L.R. 913, HL ...	122, 123, 125, 127, 131, 132, 602
– v Newbury (Neil); Joined Cases DPP v Jones (Robert) [1977] A.C. 500; [1976] 2 W.L.R. 918, HL	517, 521
– v Nock; sub nom. R. v Nock (David Michael); R. v Alsford (Kevin Charles); Joined Cases DPP v Alsford [1978] A.C. 979; [1978] 3 W.L.R. 57, HL	394, 444
– v Ray; sub nom. Ray v Sempers [1974] A.C. 370; [1973] 3 W.L.R. 359, HL	685, 690
– v Santa-Bermudez; sub nom. DPP v Santana-Bermudez [2003] EWHC 2908 (Admin); (2004) 168 J.P. 373; [2004] Crim. L.R. 471, DC	40, 547
– v Smith (Jim); sub nom. R. v Smith (Jim) [1961] A.C. 290; [1960] 3 W.L.R. 546, HL	82, 449, 579
– v Stonehouse [1978] A.C. 55; [1977] 3 W.L.R. 143, HL	381, 383
– v Withers (Ian Douglas); sub nom. R. v Withers (Ian Douglas); R. v Gearing (Helen); Joined Cases R. v Withers (Stuart Robert); R. v Withers (Helen); R. v Withers (Phyllis May) [1975] A.C. 842; [1974] 3 W.L.R. 751, HL	418
DPP for Northern Ireland v Lynch [1975] A.C. 653; [1975] 2 W.L.R. 641, HL	75, 236, 256
DPP of Northern Ireland v Maxwell; sub nom. R. v Maxwell (James Charles); Maxwell v DPP of Northern Ireland [1978] 1 W.L.R. 1350; [1978] 3 All E.R. 1140, HL	311, 321, 327, 430
Du Cros v Lambourne [1907] 1 K.B. 40, KBD	322
Eaton v Cobb [1950] 1 All E.R. 1016; (1950) 114 J.P. 271, DC	116, 123
Edwards v Ddin [1976] 1 W.L.R. 942; [1976] 3 All E.R. 705, QBD	642
Eldredge v US, 62 F. 2nd 449 (1932)	343
Environment Agency (formerly National Rivers Authority) v Empress Car Co (Abertillery) Ltd; sub nom. Empress Car Co (Abertillery) Ltd v National Rivers Authority [1999] 2 A.C. 22; [1998] 2 W.L.R. 350, HL	60, 61
F (Mental Patient: Sterilisation), Re. See F v West Berkshire HA.	
F v West Berkshire HA; sub nom. F (Mental Patient: Sterilisation), Re [1990] 2 A.C. 1; [1989] 2 W.L.R. 1025, HL	268, 272, 550
Fagan v Commissioner of Police of the Metropolis [1969] 1 Q.B. 439; [1968] 3 W.L.R. 1120, DC	42, 63, 545, 546
Ferguson v Weaving [1951] 1 K.B. 814; [1951] 1 All E.R. 412, DC	311, 315, 321, 326, 354
Floyd v DPP; sub nom. Floyd v Crown Prosecution Service [2000] Crim. L.R. 411, QBD	650
Gammon (Hong Kong) Ltd v Attorney General of Hong Kong [1985] A.C. 1; [1984] 3 W.L.R. 437, PC (HK)	158, 161
Garrett v Arthur Churchill (Glass) [1970] 1 Q.B. 92; [1969] 3 W.L.R. 6, DC	325
Germany v Kumar (No.1); sub nom. Kumar, Re [2000] Crim. L.R. 504, QBD	650
Gibbins and Proctor (1918) 13 Cr.App.R. 134	30
Gillick v West Norfolk and Wisbech AHA [1986] A.C. 112; [1985] 3 W.L.R. 830, HL	95, 97, 259, 268, 270, 276, 325, 573
Grant v Borg [1982] 1 W.L.R. 638; [1982] 2 All E.R. 257, HL	138
Griffin v Booth (1869) 11 Cox. C.C. 402	574
Haughton v Smith; sub nom. R. v Smith (Roger Daniel) [1975] A.C. 476; [1974] 2 W.L.R. 1, HL	435, 436, 440, 444, 724, 730
Henshall (John) (Quarries) v Harvey [1965] 2 Q.B. 233; [1965] 2 W.L.R. 758, DC	351
Hui Chi-Ming v Queen, The [1992] 1 A.C. 34; [1991] 3 W.L.R. 495, PC (HK)	333
Hyam v DPP; sub nom. R. v Hyam (Pearl Kathleen) [1975] A.C. 55; [1974] 2 W.L.R. 607, HL	77, 374, 375, 450
J (A Minor) (Child in Care: Medical Treatment), Re [1993] Fam. 15; [1992] 3 W.L.R. 507, CA (Civ Div)	574
JJC (A Minor) v Eisenhower; sub nom. C (A Minor) v Eisenhower [1984] Q.B. 331; [1983] 3 W.L.R. 537, QBD	578
Jaggard v Dickinson [1981] Q.B. 527; [1981] 2 W.L.R. 118, DC	224, 762, 766

James & Son v Smee; Joined Cases Green v Burnett [1955] 1 Q.B. 78; [1954] 3 W.L.R. 631, QBD	351
Johnson v Phillips [1976] 1 W.L.R. 65; [1975] 3 All E.R. 682, QBD	267
Johnston v Wellesley Hospital (1980) 17 D.L.R. (3d) 139	573
Kaitamaki v Queen, The [1985] A.C. 147; [1984] 3 W.L.R. 137, PC (NZ)	63, 589
Kilbride v Lake [1962] N.Z.L.R. 590	26
Kite and OLL Ltd, Re, unreported, December 8, 1994, Winchester Crown Ct	361
Knüller (Publishing, Printing and Promotions) Ltd v DPP; sub nom. R. v Knüller (Publishing, Printing and Promotions) Ltd; Joined Cases Keen (Graham) v DPP; Stansill (Peter) v DPP; Hall (David) v DPP [1973] A.C. 435; [1972] 3 W.L.R. 143, HL	421
Kumar, Re. See Germany v Kumar (No.1).	
Lambert v California, 355 U.S. 225 (1957)	139
Laskey v United Kingdom; Joined Cases Jaggard v United Kingdom; Brown v United Kingdom (1997) 24 E.H.R.R. 39, ECHR	564
Lawrence v Commissioner of Police of the Metropolis; sub nom. R. v Lawrence (Alan) [1972] A.C. 626; [1971] 3 W.L.R. 225, HL	619, 642
Lewis v Cox [1985] Q.B. 509; [1984] 3 W.L.R. 875, DC	116, 118
— v Dickson [1976] R.T.R. 431; [1976] Crim. L.R. 442, DC	118
— v Lethbridge [1987] Crim. L.R. 59, DC	654
Lim Chin Aik v R. [1963] A.C. 160; [1963] 2 W.L.R. 42, PC (Sing).	25, 139, 162
Lister & Co v Stubbs (1890) L.R. 45 Ch. D. 1, CA	653
Lockyer v Gibb [1967] 2 Q.B. 243; [1966] 3 W.L.R. 84, DC	171, 645
Low v Bleasde [1975] Crim. L.R. 513; (1975) 119 S.J. 695, DC	640, 750
Luc Thiet Thuan v Queen, The [1997] A.C. 131; [1996] 3 W.L.R. 45, PC (HK)	470, 471
Machent v Quinn [1970] 2 All E.R. 255; (1970) 114 S.J. 336, DC	640
McAngus, Re [1994] Crim. L.R. 602, DC	753
McCann v United Kingdom (A/324) (1996) 21 E.H.R.R. 97, ECHR	307, 308
Macleod v Attorney General of New South Wales [1891] A.C. 455, PC (Aus)	421
Mancini v DPP [1942] A.C. 1; [1941] 3 All E.R. 272, HL	479
Marjoram. See R. v M (Richard) (A Juvenile).	
Mawji v Queen, The; Joined Cases Mawji (Laila Jhina) v Queen, The [1957] A.C. 126; [1957] 2 W.L.R. 277, PC (EA)	395
Maxwell v DPP of Northern Ireland. See DPP of Northern Ireland v Maxwell.	
Meli v Queen, The [1954] 1 W.L.R. 228; [1954] 1 All E.R. 373, PC (Basutoland)	64, 65
Meridian Global Funds Management Asia Ltd v Securities Commission [1995] 2 A.C. 500; [1995] 3 W.L.R. 413, PC (NZ)	360
Minor (Stephen Scott) v DPP; sub nom. Minor v Crown Prosecution Service (1988) 86 Cr. App. R. 378; (1988) 152 J.P. 30, QBD	755
Moberly v Alsop [1992] C.O.D. 190; (1992) 156 J.P.N. 284, DC	680
Mohan (Ramnath) v Queen, The; sub nom. Mohan (Ramnath) v R. [1967] 2 A.C. 187; [1967] 2 W.L.R. 676, PC (Trin)	311, 312
Moore v Hussey (1609) Hob. 96	266
Moussell Bros Ltd v London & North Western Railway Co [1917] 2 K.B. 836, KBD	350, 351
Mouse's Case 77 E.R. 1341; (1608) 12 Co. Rep. 63, KB	266
Moynes v Cooper [1956] 1 Q.B. 439; [1956] 2 W.L.R. 562, DC	654
Mulcahy v Queen, The (1868) L.R. 3 H.L. 306, HL (UK-Irl)	394
NCB v Gamble. See National Coal Board v Gamble.	
National Coal Board v Gamble [1959] 1 Q.B. 11; [1958] 3 W.L.R. 434, DC	321, 323, 337, 339, 354
National Rivers Authority (Southern Region) v Alfred McAlpine Homes East Ltd [1994] 4 All E.R. 286; [1994] Env. L.R. 198, QBD	351
Ostler v Elliott [1980] Crim. L.R. 584, DC	123
Oxford v Moss (1979) 68 Cr. App. R. 183; [1979] Crim. L.R. 119, QBD	639
Palmer (Sigismund) v Queen, The 14249; Joined Cases Irving (Derrick) v Queen, The [1971] A.C. 814; [1971] 2 W.L.R. 831; [1971] 1 All E.R. 1077; (1971) 55 Cr. App. R. 223; (1971) 115 S.J. 264, PC (Jam)	301, 302, 303
Pharmaceutical Society of Great Britain v Storkwain Ltd [1986] 1 W.L.R. 903; [1986] 2 All E.R. 635, HL	155

Phillips (Glasford) v Queen, The; sub nom. R. v Phillips (Glasford) [1969] 2 A.C. 130; [1969] 2 W.L.R. 581, PC (Jam)	479
Pretty v United Kingdom (2346/02); sub nom. R. (on the application of Pretty) v DPP (2346/02) [2002] 2 F.L.R. 45; [2002] 2 F.C.R. 97, ECHR	537
Proudman v Dayman (1941) 67 C.L.R. 536	136, 149
Purdy v DPP [2009] UKHL 45; [2009] 3 W.L.R. 403; [2009] 4 All E.R. 1147	538
– v Abdul-Hussain (Mustafa Shakir); Joined Cases R. v Aboud (Saheb Sherif); R. v Hasan (Hasan Saheb Abdul); R. v Naji (Maged Mehdy); R. v Muhssin (Mohammed Chamekh); R. v Hoshan (Adnan) [1999] Crim. L.R. 570, CA (Crim Div)	134, 234, 271, 272
– v Adams [1993] Crim. L.R. 72, CA (Crim Div)	619
– v Adomako (John Asare); Joined Cases R. v Sullman (Barry); R. v Holloway (Stephen John); R. v Prentice (Michael Charles) [1995] 1 A.C. 171; [1994] 3 W.L.R. 288, HL	361, 365, 522, 525, 526, 528
– v Ahluwalia (Kiranjit) [1992] 4 All E.R. 889; (1993) 96 Cr. App. R. 133, CA (Crim Div)	461, 469, 470
– v Aitken (Thomas Adam); Joined Cases R. v Bennett (Simon Christopher); R. v Barson (Alan Robert) [1992] 1 W.L.R. 1006; [1992] 4 All E.R. 541, CMAC	228
– v Ali (Israr) [2008] EWCA Crim 716, CA (Crim Div)	247
– v Ali (Liaquat); Joined Cases R. v Hussein (Akhtar); R. v Khan (Mohsan); R. v Bhatti (Shahid) [2005] EWCA Crim 87; [2006] Q.B. 322; [2006] 2 W.L.R. 316, CA (Crim Div)	407
– v Ali (Mumtaz) (1995) 16 Cr. App. R. (S.) 692; [1995] Crim. L.R. 303, CA (Crim Div)	237
– v Allen (Christopher); sub nom. R v Allen [1985] A.C. 1029; [1985] 3 W.L.R. 107, HL	680, 681, 700
– v Anderson (Lascelles Fitzalbert) Joined Cases: R. v Morris (Emmanuel) [1966] 2 Q.B. 110; [1966] 2 W.L.R. 1195, CCA	333
– v Anderson (William Ronald) [1986] A.C. 27; [1985] 3 W.L.R. 268, HL	404, 406, 407, 408
– v Ardalan (Siamak); Joined Cases R. v Babet (Lloyd Robert); R. v Nicholson (Alfred George); R. v Sands (Basil John); R. v Royde (Patricia) [1972] 1 W.L.R. 463; [1972] 2 All E.R. 257, CA (Crim Div) ...	395
– v Asquith, Webster and Seamans. See R. v Webster (Andrew).	
– v Atakpu (Austin); Joined Cases R. v Abrahams (Alister Victor) [1994] Q.B. 69; [1993] 3 W.L.R. 812, CA (Crim Div)	619
– v Atkinson (John) [1985] Crim. L.R. 314, CA (Crim Div)	503, 504
– v Austin (Christopher Timothy); Joined Cases R. v Withers (Ian Douglas); R. v Trigwell (Barry Ronald); R. v Fieldsend (Leeland Alexander) [1981] 1 All E.R. 374; (1981) 72 Cr. App. R. 104, CA (Crim Div)	316, 319
– v Ayres (David Edward) [1984] A.C. 447; [1984] 2 W.L.R. 257, HL	417
– v Bailey (1818) R. & R. 341	738
– v Bailey (John Graham) [1983] 1 W.L.R. 760; [1983] 2 All E.R. 503, CA (Crim Div)	190, 193, 196, 198
– v Baldessare (Cyril) (1931) 22 Cr. App. R. 70, CCA	333
– v Ball [1989] Crim. L.R. 730, CA (Crim Div)	519
– v Barnes (Mark) [2004] EWCA Crim 3246; [2005] 1 W.L.R. 910; [2005] 2 All E.R. 113, CA (Crim Div)	566, 572
– v Bateman (1925) 19 Cr. App.R. 8	521
– v Battams (William Steven) (1979) 1 Cr. App. R. (S.) 15, CA (Crim Div)	717
– v Becerra (Antonio); Joined Cases R. v Cooper (John David) (1976) 62 Cr. App. R. 212, CA (Crim Div)	341, 343, 345
– v Bennett (Christine) [1995] Crim. L.R. 877, CA (Crim Div)	208
– v Bentley (1850) 4 Cox 406, CCC	585
– v Bernhard (Ilana) [1938] 2 K.B. 264; (1938) 26 Cr. App. R. 137, CCA	708
– v Bevans (Ronald George Henry); sub nom. R v Ronald George Henry Bevans (1988) 87 Cr. App. R. 64; [1988] Crim. L.R. 236, CA (Crim Div)	711
– v Bingham [1991] Crim. L.R. 433, CA (Crim Div)	193
– v Bird (Debbie) [1985] 1 W.L.R. 816; [1985] 2 All E.R. 513, CA (Crim Div)	298
– v Birmingham (David) [2002] EWCA Crim 2608, CA (Crim Div)	579
– v Blaue (Robert Konrad) [1975] 1 W.L.R. 1411; [1975] 3 All E.R. 446, CA (Crim Div)	33, 49, 50, 54, 59
– v Bloxham (Albert John) [1983] 1 A.C. 109; [1982] 2 W.L.R. 392, HL	724, 728
– v Bonner (George Andrew); Joined Cases R. v Anderson (William); R. v Town (Michael Barry); R. v Town (Anthony Stuart) [1970] 1 W.L.R. 838; [1970] 2 All E.R. 97 (Note), CA (Crim Div)	646
– v Bonollo [1981] V.R. 633	673

— v Bourne [1939] 1 K.B. 687, Central Crim Ct	268, 270, 316
— v Bourne (Sydney Joseph) (1952) 36 Cr. App. R. 125, CCA	318
— v Bournemouth Community and Mental Health NHS Trust Ex p. L; sub nom. L, Re [1999] 1 A.C. 458; [1998] 3 W.L.R. 107, HL	270
— v Bowen (Cecil) [1997] 1 W.L.R. 372; [1996] 4 All E.R. 837, CA (Crim Div)	237
— v Boyea (1992) 156 J.P. 505; [1992] Crim. L.R. 574, CA (Crim Div)	564
— v Brain (1834) 6 C. & P. 349	447
— v Bree (Benjamin) [2007] EWCA Crim 804; [2008] Q.B. 131; [2007] 3 W.L.R. 600, CA (Crim Div)	591
— v Briggs (Linda Joan) [2003] EWCA Crim 3662; [2004] 1 Cr. App. R. 34; [2004] Crim. L.R. 495, CA (Crim Div)	631
— v British Steel Plc [1995] 1 W.L.R. 1356; [1995] I.C.R. 586, CA (Crim Div)	360
— v Brook [1993] Crim. L.R. 455, CA (Crim Div)	729
— v Brooks (Edward George); Joined Cases R. v Brooks (Julie Ann) (1983) 76 Cr. App. R. 66; (1983) 2 Tr. L.R. 85, CA (Crim Div)	680
— v Brow [1981] V.R. 738	673
— v Brown (Anthony Joseph); Joined Cases R. v Laskey (Colin); R. v Lucas (Saxon); R. v Carter (Christopher Robert); R. v Jaggard (Roland Leonard); R. v Cadman (Graham William) [1994] 1 A.C. 212; [1993] 2 W.L.R. 556, HL	12, 564, 565, 567
— v Brown (Damien); Joined Cases R. v Stratton (Simon) [1998] Crim. L.R. 485; [1998] Crim. L.R. 505, CA (Crim Div)	208
— v Brown (Egbert Nathaniel) [1972] 2 Q.B. 229; [1972] 3 W.L.R. 11, CA (Crim Div)	479
— v Brown (Vincent) [1985] Crim. L.R. 212, CA (Crim Div)	738, 739
— v Bryce (Craig Brian) [2004] EWCA Crim 1231; [2004] 2 Cr. App. R. 35, CA (Crim Div)	325
— v Bryson [1985] Crim. L.R. 669, CA (Crim Div)	585
— v Bundy (Dennis Cyril) [1977] 1 W.L.R. 914; [1977] 2 All E.R. 382, CA (Crim Div)	753
— v Burgess; Joined Cases R. v McLean [1995] Crim. L.R. 425, CA (Crim Div)	461
— v Burgess (Barry Douglas) [1991] 2 Q.B. 92; [1991] 2 W.L.R. 1206, CA (Crim Div)	184
— v Burgess (Lee); Joined Cases R. v Byram (Jeffrey) [2008] EWCA Crim 516, CA (Crim Div)	516
— v Burns (James); Joined Cases R. v Ralph (Michael Peter); R. v Jackson (Stephen Ronald); R. v Burns (Sidney) (1984) 79 Cr. App. R. 173, CA (Crim Div)	395, 396
— v Byrne (Patrick Joseph) [1960] 2 Q.B. 396; [1960] 3 W.L.R. 440, CCA	189, 490, 492, 494
— v Cahill [1993] Crim. L.R. 141, CA (Crim Div)	660
— v Cairns (John) [1999] 2 Cr. App. R. 137; [2000] R.T.R. 15, CA (Crim Div)	134, 241
— v Caldwell (James); sub nom. Commissioner of Police of the Metropolis v Caldwell [1982] A.C. 341; [1981] 2 W.L.R. 509, HL	1, 105, 106, 115, 121, 209, 211, 361, 378, 522, 766
— v Calhaem (Kathleen Nell) [1985] Q.B. 808; [1985] 2 W.L.R. 826, CA (Crim Div)	315
— v Cambridge (David John) [1994] 1 W.L.R. 971; [1994] 2 All E.R. 760, CA (Crim Div)	461
— v Campbell (Colin Frederick) [1997] 1 Cr. App. R. 199; [1997] Crim. L.R. 227, CA (Crim Div)	470
— v Campbell (Tony) (1991) 93 Cr. App. R. 350; [1991] Crim. L.R. 268, CA (Crim Div)	388
— v Camplin (Paul); sub nom. DPP v Camplin [1978] A.C. 705; [1978] 2 W.L.R. 679, HL	238, 463, 467, 469, 471, 472, 478
— v Cascoe (Handel Barrington) [1970] 2 All E.R. 833; (1970) 54 Cr. App. R. 401, CA (Crim Div)	460
— v Cato (Ronald Philip); Joined Cases R. v Morris (Neil Adrian); R. v Dudley (Melvin) [1976] 1 W.L.R. 110; [1976] 1 All E.R. 260, CA (Crim Div)	43, 511, 512
— v Chan-Fook (Mike) [1994] 1 W.L.R. 689; [1994] 2 All E.R. 552, CA (Crim Div)	497, 577, 578
— v Charlotte Smith (1865) 10 Cox 82	31
— v Cheshire (David William) [1991] 1 W.L.R. 844; [1991] 3 All E.R. 670, CA (Crim Div)	55, 56, 57
— v Chrastny (Charlotte Barbara) (No.1) [1991] 1 W.L.R. 1381; [1992] 1 All E.R. 189, CA (Crim Div)	395
— v Churchill (Cyril David) [1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220, CCA	64, 65, 68, 509, 517
— v City of Sault Ste Marie (1978) 85 D.L.R. (3d) 161	149
— v Clarence (Charles James) (1889) L.R. 22 Q.B.D. 23, Crown Cases Reserved	566, 582
— v Clarkson (David George); Joined Cases R. v Dodd (Walter John); R. v Carroll (Joseph Arthur) [1971] 1 W.L.R. 1402; [1971] 3 All E.R. 344, CMAC	321
— v Clegg (Lee William) [1995] 1 A.C. 482; [1995] 2 W.L.R. 80, HL	303
— v Clouden [1987] Crim. L.R. 56, CA (Crim Div)	679
— v Codere (Georges) (1917) 12 Cr. App. R. 21, CCA	186, 188