

Archbold Magistrates Courts Criminal Practice 2014

Wechselwirkungen zwischen Art. 6 EMRK und nationalem Strafverfahrensrecht Anna H. Albrecht 2020-11-17

Das Recht auf ein faires Verfahren gemäss Art. 6 der Europäischen Menschenrechtskonvention (EMRK) gewährleistet nach der ständigen Rechtsprechung des Europäischen Gerichtshofs für Menschenrechte die Fairness des Verfahrens insgesamt ("overall fairness"). Verkürzungen einzelner Verteidigungsrechte des Angeklagten können danach unter bestimmten Voraussetzungen innerhalb des Verfahrens ausgeglichen werden. Anna H. Albrecht leitet aus diesem Massstab der Gesamtfairness ab, dass sich das nationale Strafverfahrensrecht und die Anforderungen des Art. 6 Abs. 1 und 3 EMRK an ebendieses wechselseitig beeinflussen. Sie analysiert, inwieweit der Gerichtshof solche Wechselwirkungen anzuerkennen bereit ist, und arbeitet sie am Beispiel des Rechts des Angeklagten auf Anwesenheit in der erstinstanzlichen Hauptverhandlung heraus, indem sie das einschlagige englische und deutsche Recht vergleicht und in Beziehung zu der entsprechenden Gewährleistung in Art. 6 Abs. 1, 3 EMRK setzt.

Funktionelle Äquivalente der strafrechtlichen Konkurrenzlehre im Common Law Andreas Dürr 2019-04-25 Im deutschen Strafrecht wird die Zulässigkeit der kumulativen Anklage, Verurteilung und Bestrafung mehrerer Gesetzesverletzungen durch die sog. Konkurrenzlehre geregelt. Eine solche gibt es in Rechtsordnungen des Common Law zwar dem Begriff nach nicht, jedoch in der Sache. Dies zeigt Andreas Dürr anhand dreier repräsentativer Rechtsordnungen jenes Rechtskreises (England/Wales, Kanada, USA) eingehend. Er vergleicht die Rechtsordnungen und erarbeitet anschliessend einen Vorschlag

zur Neuordnung der Konkurrenz im deutschen Recht, der v.a. auf einer einheitlichen Form der Kumulativbestrafung von Tateinheit und -mehrheit beruht und der Idealkonkurrenz einen anderen Anwendungsbereich als bislang zuweist. Die Erkenntnisse des Rechtsvergleichs nimmt der Autor zum Anlass, die volkerstrafrechtliche Rechtsprechung zur Gesetzeskonkurrenz zu kritisieren und auch insoweit einen alternativen Lösungsweg anzubieten.

Archbold 1991

Human Rights in Criminal Law Ben Douglas-Jones KC 2023-02-16

The law of human rights permeates every area of law. This title focuses on the impact of human rights law at every stage of the criminal process. It addresses the principal human rights issues that apply during an investigation and prior to a suspect knowing that they are a suspect, powers of arrest and search, and treatment at the police station. It considers every stage of the criminal process, including appeal before the domestic courts and the European Court of Human Rights. Part 1 covers the fundamental principles of the European Convention on Human Rights and the Human Rights Act 1998 and their application in domestic law, particularly in relation to criminal appeals, as well as taking a case to the European Court of Human Rights. Parts 2 to 4 address the three broad phases of a criminal case - investigation, pre-trial and trial - providing an analysis of human rights law as it applies in each phase. This book offers a comprehensive analysis of the often complex interactions between criminal law and human rights; with a wide range of experienced contributors drawn from the legal profession and academia, under the general editorship of Ben Douglas-Jones KC, Daniel Bunting, Paul Mason and Benjamin Newton.

Criminal Litigation and Sentencing The City The City Law School 2014-08-28 Published in conjunction with The City Law School, the Bar Manuals are written specifically for students on the Bar Professional Training Course by expert teams of practising

barristers and current or former tutors. Each manual provides a practical guide to the law, practice, and procedure of the individual subject, and offers clear explanations of the relevant substantive and procedural law. Where appropriate, the manuals contain worked examples, sample documentation, and exercises. Criminal Litigation and Sentencing offers an excellent introduction to the criminal justice system and the rules and procedures which govern the role of the criminal advocate. The manual provides practical guidance on all aspects of a criminal case, from arrest and charge, to trial, appeals, and sentence. Full consideration is given to criminal proceedings in magistrates', youth, and Crown courts, so that the trainee barrister is fully prepared for practice.

Evidence Andrew Choo 2018 Andrew Choo's 'Evidence' provides a lucid and concise account of the principles of the law of civil and criminal evidence in England and Wales. Critical and thought-provoking, it is the ideal text for undergraduate law students.

Participating in crime Great Britain: Law Commission 2007-05-10

This is the second of two Commission reports which examine options for reform of the law relating to criminal liability for encouraging or assisting another person to commit an offence (the previous report 'Inchoate liability for assisting and encouraging crime' was published in July 2006 as Cm. 6878 (Law Com. no. 300, ISBN 9780101687829). This report focuses on the law of secondary liability and examines the problems with the law as it currently stands; the differences between inchoate liability and secondary liability; recommendations to introduce statutory schemes of secondary liability and of innocent agency and a new offence of causing the commission of a no fault offence; defences and exemptions; and extra-territorial jurisdiction. It includes the text of two draft bills: Participating in Crime Bill and Participating in Crime (Jurisdiction, Procedure and Consequential Provisions) Bill. Taken together, the recommendations contained in both

reports seek to establish a system whereby inchoate and secondary liability will support and supplement each other in a way that is rational and fair.

Comparing Tort and Crime Matthew Dyson 2015-07-02 The fields of tort and crime have much in common in practice, particularly in how they both try to respond to wrongs and regulate future behaviour. Despite this commonality in fact, fascinating difficulties have hitherto not been resolved about how legal systems co-ordinate (or leave wild) the border between tort and crime. What is the purpose of tort law and criminal law, and how do you tell the difference between them? Do criminal lawyers and civil lawyers reason and argue in the same way? Are the rules on capacity, consent, fault, causation, secondary liability or defences the same in tort as in crime? How do the rules of procedure operate for each area? Are there points of overlap? When, how and why do tort and crime interact? This volume systematically answers these and other questions for eight legal systems: England, France, Germany, Sweden, Spain, Scotland, the Netherlands and Australia.

Smith and Hogan's Criminal Law David C. Ormerod 2015 'Criminal Law' is written with the needs of the student foremost in mind to provide, more than ever, as modern and as comprehensive an exposition of the criminal law as he or she could possibly require.

Commonwealth Caribbean Criminal Practice and Procedure Dana S. Seetahal 2014-06-05 The fourth edition of this best-selling book has been thoroughly revised to take into account recent developments in the law in criminal practice and procedure across the region. The only textbook that explores criminal practice and procedure as it relates to the Commonwealth Caribbean, the book clarifies the state law in each of 11 jurisdictions, at the same time making it clear when laws are the same or similar and highlighting where differences among jurisdictions occur. Both statute law and common law are

examined in the relevant jurisdictions, which include Trinidad and Tobago, Guyana, Barbados, Jamaica and Grenada amongst others. The impact of statutory changes in the laws are analysed, as well as recent developments in the common law. Throughout the text the statutory law in the Commonwealth Caribbean is compared to similar English legislation, in the light of the analysis of such legislation in English case law. Commonwealth Caribbean Criminal Practice and Procedure is the recommended textbook for all professional law schools in the Commonwealth Caribbean and is used at regional universities as a reference book for criminal justice students. In addition, as the only book that deals specifically with criminal practice and procedure in the regions, it has proved a valuable reference tool for legal practitioners, judicial officers and police officers.

Roberts & Zuckerman's Criminal Evidence Paul Roberts

2022-08-04 Roberts and Zuckerman's Criminal Evidence is the eagerly-anticipated third of edition of the market-leading text on criminal evidence, fully revised to take account of developments in legislation, case-law, policy debates, and academic commentary during the decade since the previous edition was published. With an explicit focus on the rules and principles of criminal trial procedure, Roberts and Zuckerman's Criminal Evidence develops a coherent account of evidence law which is doctrinally detailed, securely grounded in a normative theoretical framework, and sensitive to the institutional and socio-legal factors shaping criminal litigation in practice. The book is designed to be accessible to the beginner, informative to the criminal court judge or legal practitioner, and thought-provoking to the advanced student and scholar: a textbook and monograph rolled into one. The book also provides an ideal disciplinary map and work of reference to introduce non-lawyers (including forensic scientists and other expert witnesses) to the foundational assumptions and technical intricacies of criminal trial procedure in England and Wales, and will be an invaluable resource for courts, lawyers and

scholars in other jurisdictions seeking comparative insight and understanding of evidentiary regulation in the common law tradition.

Opinion Writing and Case Preparation The City The City Law School 2016-08-25 Opinion Writing and Case Preparation equips trainee barristers with the tools and techniques they need to identify, analyse, and present convincing legal arguments, and gives a thorough grounding in the skill of writing opinions. With its systematic approach to legal research and fact management, the manual provides trainee barristers with an efficient and reliable method for preparing a client's case. The fundamental qualities of effective writing are also clearly identified and explained, helping you develop this essential skill. Particular care is taken to guide you through the appropriate ways of writing opinions in a variety of contexts.

BIALL Handbook of Legal Information Management Ms Loyita Worley 2014-08-28 The second edition of this popular handbook has been thoroughly updated by the original team of experts and some new contributors, to provide current best practice guidance on the key legal information issues for every type of service. Each of the chapters is updated to reflect general changes in law libraries and their users in the past seven years. In particular, the handbook covers new information technologies, including social networking and communication. New chapters also focus on the key topics of outsourcing, and the impact of the 2007 Legal Services Act. The second edition of this valuable handbook continues to be an important professional reference tool for managers and staff of all types of legal information services, and will help them with the challenges they face in their work every day.

Archbold Magistrates' Courts Criminal Practice 2014

Barbara Barnes 2013-08-21 This work provides comprehensive coverage of criminal law and procedure in the magistrates courts, including the Youth court, from pre-trial through to sentencing

and costs.

Criminalization Antony Duff 2014 This volume examines the political morality of the criminal law, exploring general principles and theories of criminalisation. Chapters provide accounts of the criminal law in the light of ambitious theories about moral and political philosophy - republicanism and contractarianism, or reflect upon on the success of important theories of criminalisation by viewing them in a novel light.

Criminal Litigation Handbook 2013-2014 Martin Hannibal 2013-08-08 This title offers a comprehensive and practical guide to criminal litigation. It weaves together theory and practice, making use of case studies to assist students and illustrate how to put their understanding in a practical context.

Statutory Nuisance Robert McCracken KC 2019-12-04 Guiding you through each step, Statutory Nuisance takes you from initial assessment of a potential nuisance, through document drafting to the magistrates' court and beyond to the higher courts. Clear, readable and user friendly this book provides lucid explanation, practical guidance and the primary materials needed in court - all in one handy volume. Accessible to the layman, yet illuminating to the experienced practitioner, this title expresses a view on the issues not yet resolved by the courts. The new 4th edition covers the significant legislative changes such as: - The Anti-Social Behaviour, Crime and Policing Act 2014 - *Coventry v Lawrence* [2014] - *Lorna Grace Peires v Bickerton Aerodromes Ltd* [2016] - *Forster v The Secretary of State for Communities and Local Government* [2016] - *Cocking v Eacott* [2016]

Christianity and Criminal Law Mark Hill QC 2020-05-28 This collection, by leading legal scholars, judges and practitioners, together with theologians and church historians, presents historical, theological, philosophical and legal perspectives on Christianity and criminal law. Following a Preface by Lord Judge, formerly Lord Chief Justice of England and Wales, and an introductory chapter, the book is divided into four thematic

sections. Part I addresses the historical contributions of Christianity to criminal law drawing on biblical sources, early church fathers and canonists, as far as the Enlightenment. Part II, titled Christianity and the principles of criminal law, compares crime and sin, examines concepts of mens rea and intention, and considers the virtue of due process within criminal justice. Part III looks at Christianity and criminal offences, considering their Christian origins and continuing relevance for several basic crimes that every legal system prohibits. Finally, in Part IV, the authors consider Christianity and the enforcement of criminal law, looking at defences, punishment and forgiveness. The book will be an invaluable resource for students and academics working in the areas of Law and Religion, Legal Philosophy and Theology.

The Psychology of Crime, Policing and Courts Andreas Kapardis 2016-04-28 This book brings together an international group of experts to present cutting-edge psychological research on crime, policing and courts. With contributors from the UK, Germany, Italy, Norway, Cyprus, Israel, Canada and the USA, this volume explores some of the most interesting and contemporary areas of criminological and legal psychology. The Psychology of Crime, Policing and Courts is divided into three parts. Part I explores crime and anti-social behaviour, including the concentration of offending within families, juvenile delinquency, adolescent bullying, cyberbullying, violence risk assessment, and psychopathy. Part II examines policing and the detection of deception, with chapters on interrogational practices, police interviews of children, and modern detection methods. Part III focuses on courts and sentencing, with chapters exploring wrongful convictions, the role of juries, extra-legal factors in sentencing decisions and an examination of sentencing itself. Representing the forefront of research in developmental criminology and criminological and legal psychology, this book is a comprehensive resource for undergraduate and postgraduate

students studying psychology and criminology, with particular value for those studying forensic psychology. This book is also a valuable resource for psychologists, lawyers, social scientists and law enforcement personnel.

Achieving Consistency in Sentencing Lyndon Harris

2022-09-20 The Sentencing Council of England and Wales has as its core aim to promote consistency in sentencing, with a developed system of appellate guidance at sentencing in addition to a narrative guidelines system which is now two decades old. As such, there is much to analyse and many lessons to be learned - for England and Wales and other jurisdictions. Consistency in sentencing is widely regarded to be an essential component of a fair sentencing system; but what does consistency mean exactly? In *Achieving Consistency in Sentencing*, the author maintains that consistency incorporates both substantive and procedural elements, focussing upon the proper application of principle. The notion of comparing 'like' cases is rejected as simplistic, impractical, and unprincipled. Lyndon Harris argues that a more principled approach reconciles the tension between consistency and individualised justice which has been suggested to exist. The author uses clear empirical evidence of inconsistency in sentencing to emphasize the crucial need for discretion during the sentencing exercise which, he argues, should be structured in a way that encourages sentences to be imposed in accordance with the principles underpinning the scheme while maintaining the ability to individualise sentences. Using England and Wales as a case study, this work analyses various methods of structuring discretion. The latter part of the book examines the interplay between the primary givers of guidance: Parliament, the Court of Appeal (Criminal Division), and the Sentencing Council and draws conclusions (good and bad) as to ways in which consistency can be achieved. Lyndon Harris identifies lessons to be learned while pointing out the strengths and deficiencies in the various devices used to guide sentencing judges when they are required to

exercise their discretion. The book draws attention to the need for greater flexibility and structure while emphasising the work that needs to be done to address racial and gender inconsistencies in sentencing. Thus, while providing a theoretically sound critique of the concept, this monograph is of direct practical relevance to those studying or practising in sentencing systems worldwide.

Handbook on Restorative Justice Programmes Yvon Dandurand 2006 The present handbook offers, in a quick reference format, an overview of key considerations in the implementation of participatory responses to crime based on a restorative justice approach. Its focus is on a range of measures and programmes, inspired by restorative justice values, that are flexible in their adaptation to criminal justice systems and that complement them while taking into account varying legal, social and cultural circumstances. It was prepared for the use of criminal justice officials, non-governmental organizations and community groups who are working together to improve current responses to crime and conflict in their community

The Insanity Defense Abraham S. Goldstein 1967-01-28 The insanity defense has become the most passionately debated issue in criminal law, a debate marked by slogans and stereotypes. Mr. Goldstein offers a reasoned study of that debate and the current rules behind the law, as well as a careful examination of what might be expected from any new rules now proposed.

Criminal Judges Mike McConville 2014-06-27 Against a backdrop of a dysfunctional criminal justice system, the authors bring an avalanche of legal and empirical material to question the legitimacy of the relationship between judges, lawyers, politicians and defendants in modern Britain. Examinin

Evidence Andrew Choo 2021 Choo's Evidence provides students with a lucid account of the core principles of the law of evidence in England and Wales, whilst also exploring the fundamental rationales that underlie the law as a whole. This clear and

engaging text explores current debates and draws on different jurisdictions to achieve a fascinating mix of critical and thought-provoking analysis for students and practitioners alike. Where appropriate, the author draws on comparative material and a variety of socio-legal, empirical, and non-legal material. Thorough footnoting and further reading lists provide valuable signposting to a wealth of additional sources. Digital formats The sixth edition is available for students and institutions to purchase in a variety of formats. The e-book offers a mobile experience and convenient access along with functionality tools, navigation features and links that offer extra learning support:

www.oxfordtextbooks.co.uk/ebooks

Criminal Litigation 2015-2016 Martin Hannibal 2015-07-09

Criminal Litigation offers a comprehensive and practical guide to the subject. Using realistic case studies and online resources, students are encouraged to focus on putting their understanding into a practical context. Diagrams, self-test questions, and summaries of key points ensure the text is easy to use.

[Expert evidence in criminal proceedings in England and Wales](#)

Great Britain: Law Commission 2011-03-22 This project addressed the admissibility of expert evidence in criminal proceedings in England and Wales. Currently, too much expert opinion evidence is admitted without adequate scrutiny because no clear test is being applied to determine whether the evidence is sufficiently reliable to be admitted. Juries may therefore be reaching conclusions on the basis of unreliable evidence, as confirmed by a number of miscarriages of justice in recent years. Following consultation on a discussion paper (LCCP 190, 2009, ISDBN 9780118404655) the Commission recommends that there should be a new reliability-based admissibility test for expert evidence in criminal proceedings. The test would not need to be applied routinely or unnecessarily, but it would be applied in appropriate cases and it would result in the exclusion of unreliable expert opinion evidence. Under the test, expert opinion

evidence would not be admitted unless it was adjudged to be sufficiently reliable to go before a jury. The draft Criminal Evidence (Experts) Bill published with the report (as Appendix A) sets out the admissibility test and also provides the guidance judges would need when applying the test, setting out the key reasons why an expert's opinion evidence might be unreliable. The Bill also codifies (with slight modifications) the uncontroversial aspects of the present law, so that all the admissibility requirements for expert evidence would be set out in a single Act of Parliament and carry equal authority.

PACE: A Practical Guide to the Police and Criminal Evidence Act 1984 Paul Ozin 2019-03-12 Providing practical guidance on what remains the single most important statutory basis for police duties and powers in England and Wales - the Police and Criminal Evidence Act (PACE) 1984 and its Codes of Practice - this is an essential reference source which the busy police officer or legal practitioner cannot afford to be without. The fifth edition includes all amendments to the Codes of Practice since the last edition, as well as the full text of the Act and Codes of Practice. Explanatory chapters have been updated in line with legislative changes, including the wide-ranging effect of the Policing and Crime Act 2017. With the aid of checklists, flow-charts, and illustrative examples, this book gives excellent guidance on how the procedures and requirements of the Act apply to common, everyday scenarios facing police officers, as well as other persons charged with the investigation of offences. The book forms part of the Blackstone's Practical Policing Series. The series, aimed at all operational officers, consists of practical guides containing clear and detailed explanations of the relevant legislation and practice, accompanied by case studies, illustrative diagrams, and useful checklists.

The Rise and Fall of the Right of Silence Hannah Quirk 2016-11-25 Within an international context in which the right to silence has long been regarded as sacrosanct, this book provides

the first comprehensive, empirically-based analysis of the effects of curtailing the right to silence. The right to silence has served as the practical expression of the principles that an individual was to be considered innocent until proven guilty, and that it was for the prosecution to establish guilt. In 1791, the Fifth Amendment to the US Constitution proclaimed that none 'shall be compelled in any criminal case to be a witness against himself'. In more recent times, the privilege against self-incrimination has been a founding principle for the International Criminal Court, the new South African constitution and the ad hoc International Criminal Tribunals for Rwanda and the former Yugoslavia. Despite this pedigree, over the past 30 years when governments have felt under pressure to combat crime or terrorism, the right to silence has been reconsidered (as in Australia), curtailed (in most of the United Kingdom) or circumvented (by the creation of the military tribunals to try the Guantánamo detainees). The analysis here focuses upon the effects of the Criminal Justice and Public Order Act 1994 in England and Wales. There, curtailing the right to silence was advocated in terms of 'common sense' policy-making and was achieved by an eclectic borrowing of concepts and policies from other jurisdictions. The implications of curtailing this right are here explored in detail with reference to England, Wales and Northern Ireland, but within a comparative context that examines how different 'types' of legal systems regard the right to silence and the effects of constitutional protection.

Hearsay Evidence in Criminal Proceedings J R Spencer

2014-11-01 The Criminal Justice Act 2003 re-wrote the hearsay evidence rule for the purpose of criminal proceedings, enacting the recommendations of the Law Commission together with some proposals from the Auld Review. In 2008, Professor Spencer wrote a book explaining the new law, intended for practitioners as well as academics. Following the style of his earlier book about the new law on bad character evidence, the core of the hearsay book was a section-by-section commentary on the relevant

provisions of the Act, discussing the case law that had interpreted them. Since the appearance of the first edition, the new law on hearsay evidence has been the subject of a spectacular exchange between the UK Supreme Court and the European Court of Human Rights, the effects of which the Court of Appeal has interpreted in several leading cases. In this new edition, the commentary is revised to take account of these developments. As in the first edition, the commentary is preceded by chapters on the history of the hearsay rule, and the requirements of Article 6(3)(d) of the European Convention on Human Rights. It is followed by an appendix containing the text of the statutory provisions and a selection of the leading cases.

Market Abuse and Insider Dealing Barry Rider 2022-10-28

Market abuse and insider dealing remains and always has been a real concern for all those that operate in the financial sector.

Some of the earliest laws relating to trade outlaw attempts to artificially interfere with the proper functions of the markets and ensure fairness. With recent changes to both the UK and European regimes the line between what is normal (and sensible) business practice and what may now be classified as market abuse is becoming increasingly fine. This raises questions about communications between financial institutions and investors, and about corporate and analyst access. Market Abuse and Insider Dealing provides guidance on and explanation of the range of potential legal and regulatory responses to this complex area of law. Providing a thorough analysis and assessment of the law relating to market abuse and insider dealing, the new fourth edition includes: - analysis of the impact of Brexit - significant new case law and legislation including MiFID II; Money Laundering Regulations 2017; the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017; Criminal Finances Act 2017 with Unexplained Wealth Orders; The Fifth Money Laundering Directive - the new Corporate Governance Code - new content on: control and senior

managers' responsibility/liability; the FCAs competition law jurisdiction where it is appropriate to do so in relation to market abuse; a new table of UK decided market abuse cases This title is included in Bloomsbury Professional's Banking and Finance Law online service.

Law Made Simple David Barker 2014-04-03 Are you studying for an A-Level in Law? Are you thinking about reading Law or a related subject at university? Or maybe you already have a place at Law School? If you answered 'yes' to any of the above or if you have a general interest in how the Law works, Law Made Simple is the perfect introduction to this huge and complex subject. Covering all the foundation subjects, Contract, Torts, Land, Trusts, Criminal, Public and EU Law as well as an introduction to the personnel and mechanisms that make up the English Legal System, Law Made Simple will offer you a clear and concise introduction to both the legislation and case law relating to all the major topics. This 13th edition now includes a brand new chapter on Public Law and Human Rights, a completely revised and updated chapter on Sources of Law and has been fully updated to take into account developments across the curriculum such as the ratification of the Lisbon Treaty; the Supreme Court and the Ministry of Justice; the Legal Services Act 2007; and the Fixed Term Parliaments Act 2011.

Criminal Litigation Handbook 2014-2015 Martin Hannibal 2014-08-14 The Criminal Litigation Handbook offers a comprehensive and practical guide to the subject. Using realistic case studies and online resources, students are encouraged to focus on putting their understanding into a practical context. Diagrams, self-test questions and summaries of key points ensure the text is easy to use.

Negotiated Justice and Corporate Crime Colin King 2018-05-21 This book argues that there is a strong normative argument for using the criminal law as a primary response to corporate crime. In practice, however, corporate crimes are rarely dealt with

through criminal sanctioning mechanisms. Rather, the preference - for both prosecutors and corporates - appears to be on negotiating out of the criminal process. Reflecting this emphasis on negotiation, this book examines the use of Civil Recovery Orders and Deferred Prosecution Agreements as responses to corporate crime, and discusses a variety of UK case studies. Drawing upon legal and criminological backgrounds, and with an emphasis on the conceptual frameworks of 'negotiated justice' and 'legitimacy', the authors examine the law, policy and practice of these enforcement responses. They offer an original, theoretically-informed analysis which is accessible to practitioners and researchers.

Strafprozessuale Angehörigenprivilegien im

Rechtsvergleich Mika Kremer 2018-12-07 Die Möglichkeit von Beinahetreffern bei Reihengentests verleiht Grund und Reichweite strafprozessualer Angehörigenprivilegierungen eine neue Relevanz. Mika Kremer nähert sich dem Thema rechtsvergleichend und zeigt, dass der in Deutschland selbstverständlich erscheinende Schutz naher Angehöriger des Beschuldigten in Frankreich und England deutlich schwächer ausgeprägt ist. Diese Differenzen ergeben sich vor allem aus unterschiedlichen Schutzzwecken: Während in Deutschland die Interessen des Zeugen im Mittelpunkt stehen, soll in Frankreich die Wahrheitsfindung und in England die Institution der Ehe geschützt werden. Dementsprechend ist etwa die Verwertung von Beinahetreffern in England und Frankreich ohne weiteres möglich. Auf europäischer Ebene erschweren diese Unterschiede eine uneingeschränkte gegenseitige Anerkennung und sind bei neuen Rechtsakten der EU auf dem Gebiet des Strafverfahrensrechts zu berücksichtigen.

Essential Magistrates' Courts Law Howard Riddle 2019 In this concise and valuable book the authors distil their vast expertise for the benefit of all those needing quick and targeted points of reference on key aspects of magistrates' court law, whether as

newcomers, justices, legal advisers, or criminal practitioners. Hugely informed and presented in an accessible format, it explains the central law, practice and procedure of these courts. The framework of summary justice has changed comprehensively in the past decade in terms of evidence, procedure, guidelines, sentencing, training and the fair but efficient expedition of cases. This book sets out these developments as well as inescapable aspects of case management. Gathers core information in one place. Sets out key processes in a manageable and readable way. Reviews 'Readable and blissfully concise... There are some nuggets for every reader, however much we might think we know... An excellent addition to the bookshelf at a modest price'-- The Law Society Gazette (external link). 'Howard Riddle and Robert Zara have effectively produced a must-read for any judge, magistrate or lawyer practising in the magistrates' courts. This book will become the reference book to carry to court ... We thoroughly recommend it to all new judges, deputies and magistrates'— Emma Arbuthnot, Senior District Judge (Chief Magistrate) for England and Wales; John Bache, Chairman of the Magistrates Association; Duncan Webster, Chairman, Magistrates' Leadership Executive. 'A very clear, succinct and practical guide which would be of great value to a pupil or junior practitioner finding their feet'— Anna Banfield, BPP. 'How useful your book is and how clear and well written I have found it. Undoubtedly an extremely useful resource'— Tom Lees JP, Greater Manchester.

Improperly Obtained Evidence in Anglo-American and Continental Law Dimitrios Giannouloupoulos 2019-02-21 This is the first book to offer an extensive cosmopolitan, cross-cultural insight into the perennial controversy over the use of improperly obtained evidence in criminal trials. It challenges the conventional view that exclusionary rules are idiosyncratic of Anglo-American law, and highlights the 'constitutionalisation' and 'internationalisation' of criminal evidence and procedure as a

cause of rapprochement (or divergence) beyond the Anglo-American and Continental law divide. Analysis focuses on confessional evidence and evidence obtained by search and seizure, telephone interceptions and other means of electronic surveillance. The laws of England and Wales, France, Greece and the United States are systematically compared and contrasted throughout this study, but, where appropriate, analysis extends to other Anglo-American and Continental legal systems. The book reviews exclusionary rules vis-à-vis the operation of judicial discretion, and explores the normative justifications that underpin them. It attempts to reinvigorate the idea of excluding evidence to protect constitutional or human rights (the rights thesis), arguing that there is significant scope for Anglo-American and Continental legal systems to place a renewed emphasis on it, particularly in relation to confessional evidence obtained in violation of custodial interrogation rights; we can locate an emerging rapprochement, and unique potential for European Court of Human Rights jurisprudence to build consensus in this respect. In marked contrast, remaining divergence with regard to evidence obtained by privacy violations means there is little momentum to adopt a reinvigorated rights thesis more widely. Longlisted for the Inner Temple Book Prize 2022.

Text and Materials on the Criminal Justice Process Nicola Padfield 2015-12-14 Highlighting key issues in Criminal Justice that students need to consider, the Fifth Edition of this popular text contains a wide and varied selection of materials which help to explain the evolution of the criminal justice process in England and Wales since the early 1990s. Statutes, case law, empirical research and official and unofficial reports, as well as theoretical perspectives and academic comment are woven together and contextualized by the accompanying narrative to provide an authoritative account of the recent development of the criminal justice system. Fully updated, this Fifth Edition explores the issues around: • the introduction of Police and Crime

Commissioners; • the contracting out of probation services; • the significant reforms to legal aid funding; • the challenges to trial by jury posed by the internet. This book also helpfully directs students to further reading by chapter to provide next steps for research. Written in an accessible style, *Text and Materials on the Criminal Justice Process* is a valuable resource for students of criminal justice.

Information Rights Philip Coppel 2014-12-01 This is the fourth edition of what is the leading practitioner's text on freedom of information law. Providing in-depth legal analysis and practical guidance, it offers complete, authoritative coverage for anyone either making, handling or adjudicating upon requests for official information. The three years since the previous edition have seen numerous important decisions from the courts and tribunals in the area. These and earlier authorities supply the basis for clear statements of principle, which the work supports by reference to all relevant cases. The book is logically organised so that the practitioner can quickly locate the relevant text. It commences with an historical analysis that sets out the object of the legislation and its relationship with other aspects of public law. Full references to Hansard and other Parliamentary materials are provided. This is followed by a summary of the regime in five other jurisdictions, providing comparative jurisprudence which can assist in resolving undecided points. The potential of the Human Rights Act 1998 to support rights of access is dealt with in some detail, with reference to all ECHR cases. Next follows a series of chapters dealing with rights of access under other legislative regimes, covering information held by EU bodies, requests under the Data Protection Act and the Environmental Information Regulations, public records, as well as type-specific rights of access. These introduce the practitioner to useful rights of access that might otherwise be overlooked. They are arranged thematically to ensure ready identification of potentially relevant ones. The book then considers practical aspects of information

requests: the persons who may make them; the bodies to whom they may be made; the time allowed for responding; the modes of response; fees and vexatious requests; the duty to advise and assist; the codes of practice; government guidance and its status; transferring of requests; third party consultation. The next 13 chapters, comprising over half the book, are devoted to exemptions. These start with two important chapters dealing with general exemption principles, including the notions of 'prejudice' and the 'public interest'. The arrangement of these chapters reflects the arrangement of the FOI Act, but the text is careful to include analogous references to the Environmental Information Regulations and the Data Protection Act 1998. With each chapter, the exemption is carefully analysed, starting with its Parliamentary history (giving full references to Hansard and other Parliamentary material) and the treatment given in the comparative jurisdictions. The analysis then turns to consider all court judgments and tribunal decisions dealing with the exemption. The principles are stated in the text, with footnotes giving all available references. Whether to prepare a case or to prepare a response to a request, these chapters allow the practitioner to get on top of the exemption rapidly and authoritatively. The book concludes with three chapters setting out the role of the Information Commissioner and the Tribunal, appeals and enforcement. The chapter on appeals allows the practitioner to be familiar with the processes followed in the tribunal, picking up on the jurisprudence as it has emerged in the last eight or so years. Appendices include: precedent requests for information; a step-by-step guide to responding to a request; comparative tables; and a table of the FOI Act's Parliamentary history. Finally, the book includes an annotated copy of the FOIA Act, the Data Protection Act 1998, the Environmental Information Regulations 2004, all subordinate legislation made under them, EU legislation, Tribunal rules and practice directions, and the Codes of Practice. Contributors Prof John Angel, former President

of the Information Tribunal Richard Clayton QC, 4-5 Gray's Inn Square
Joanne Clement, 11 KBW Gerry Facena, Monkton Chambers
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Criminal Litigation Lisa Mountford 2021-06-24 This title offers a comprehensive and practical guide to criminal litigation. It weaves together theory and practice, making use of case studies to assist students and illustrate how to put their understanding in a practical context.

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