

## Strict Liability

**Jaswinder owns a riverside hotel. Simon, the barman, is told not to sell alcohol to customers under 18. Simon sells lager to Tony who is 15 years old.**

Strict liability is a group of offences created by parliament and their regulatory nature. You prove it with the actus reus, it doesn't require the mens rea. The actus reus is selling alcohol to someone under 18 – and Simon has committed the actus reus by serving Tony. Jas is responsible and will be charged with strict liability as she is Simon's employer, she is vicariously responsible for his actions. Jas may argue that she has taken all due care and attention and will try and raise a defence of due diligence. Unless the section in the Act which she is being charged under has the defence and she will not be able to raise it. It's very likely this is a strict liability offence and that she will be guilty. This is similar to *MRCundy v Le Cocq 1884* Part of Simon's job is to clean the drains weekly but he often fails to do this. As a result, toxic chemicals build up in the drains and leak into the river, killing fish.

Strict liability is a group of offences created by parliament and their regulatory nature. You prove it with the actus reus, it doesn't require the mens rea. The actus reus is causing toxic chemicals to enter the river killing the fish and we know he has done this as he hasn't cleaned the drains weekly. Jaswinder is responsible and Simon is his employer – vicarious liability. Jaswinder may argue that she's taken all care and that she wants to raise a due diligence however if this defence is not in the act then she cannot raise this. This is similar to *MR Alphacell v Woodward 1972*

**Jaswinder buys meat, which a vet has checked. The meat makes the hotel customers ill.**

Strict liability is a group of offences created by parliament and their regulatory nature. You prove it with the actus reus, it doesn't require the mens rea. The actus reus is providing the unfit meat for another person's consumption and the consumer feeling sick after consuming this proves the AR. Jas is responsible and will be charged with strict liability despite the

fact that the meat had been checked by a vet. Although she has taken all care she cannot raise a due diligence as the defence is not available in the act. This is similar to *Callow v Tillstone* 1900

**Jaswinder lets a house a mile away to students.**

**The police raid the house and find that the students are growing cannabis plants.**

Strict liability is a group of offences created by parliament and their regulatory nature. You prove it with the actus reus, it doesn't require the mens rea. The actus reus is the police finding the cannabis, providing the house to students and has committed the offence with the management of premises which was being used for the purpose of smoking cannabis under s5 of the Dangerous Drugs Act 1963. she was unaware of this happening then the conviction can be acquitted as Jas will need the mens rea for the conviction of this crime. This is similar to *Sweet v Parsley* 1970. This isn't strict liability as she hasn't got the guilty mind but this is a true crime as MR is required

**Advise Jaswinder whether she has committed any strict liability offences.**

**Tom runs a café bar. He has given a customer food poisoning by serving them out-of-date prawns.**

**He was assured by the seller of the prawns that they were fresh and fit for human consumption.**

Strict liability is a group of offences created by parliament and their regulatory nature. You prove it with the actus reus, it doesn't require the mens rea. The actus reus is that he willingly gave the out of date prawns to the customer. He is guilty of strict liability. This is similar to *Callow v Tillstone* 1900

**JayZee works for Tom as the bar's DJ. He broadcasts music illegally over the radio which interferes with the emergency services' radio frequency.**

Strict liability is a group of offences created by parliament and their regulatory nature. You prove it with the actus reus, it doesn't require the mens rea. The actus reus is him broadcasting the music illegally which he has therefore committed a strict liability offence. Tom is responsible – vicarious liability because JayZee works for Tom. Tom can raise a due diligence defence but for Tom to be able to raise this there must be a due diligence defence in the act however for this case there is no defence as broadcasting music illegally interferes with the emergency service. This is similar to R v Blake 1996

JayZee's friend Beyonce works in a betting shop and allows Venus who is 15 to place a bet on a horse. Her employer, Marcus, has warned her not to allow underage gambling. Strict liability is a group of offences created by parliament and their regulatory nature. You prove it with the actus reus, it doesn't require the mens rea. The actus reus is allowing Venus to place a bet. Jayzee is responsible and will be charged with a strict liability offence as she is his employer. Marcus may be able to argue that he's taken all care and will try raise a defence of due diligence. Unless the section in the Act which he is being charged under has the defence and she will not be able to raise it. Its very likely this is a strict liability offence and that she will be guilty. This is similar to London Borough of Harrow v Shah and Shah 2000

**Advise Tom and Marcus whether they have committed any strict liability offences.**