# Answer guidance

## Essay question:

Can offences of strict liability be justified?

## Key issues:

* What does strict liability mean?
* What are its justifications?
* What are the counter-arguments?
* What is your view?

## Key law

You will find relevant legal rules in:

* Section 3.4
* *Sweet v Parsley*, *B v DPP*, *R v K* (leading judgments)
* Justifications:
  + Social concern (there are a number of examples, e.g. *Storkwain*, *Highbury Poultry*, *Alphacell v Woodward*)
  + Public safety and law enforcement (eg *Gammon, Nasir Zahid, Lim Chin Aik*)
  + Offences not ‘truly’ criminal (eg *LB Harrow v Shah*)

## Key arguments

* That strict liability is justified:
  + Social protection
  + Efficiency
  + Difficulty of proving MR
  + Not ‘real’ crimes
* That strict liability is not justified:
  + Unfairness: it is wrong to convict those who are not morally blameworthy
  + Liability is imposed even where D had done everything reasonable to avoid it
  + Some strict liability offences are serious and carry real stigma
  + Objectives could be met through imposing civil, not criminal, liability

## Hint(s):

* Summarise the key law before considering the arguments
* Ensure that you address the arguments on both sides
* Refer to the academic literature as well as the legal authorities
* Make sure that you are answering the question asked, not writing a general essay on strict liability.