

Criminal Law Of Scotland Scottish University Law Institute

Scots Criminal Law " A Critical Analysis provides a clear statement of the current law for students and practitioners, with a theoretical and critical focus. This new edition has been updated to reflect changes in the law since the first edition published. This clear and up-to-date study and revision guide draws on the Claire McDiarmid's extensive experience of teaching criminal law to new Scots law students. The new edition takes account of changes to the law in Defences, Homicide, Crimes against Public Order and Sexual Offences. Summary sections of Essential Facts and Essential Cases at the end of each chapter will help students to identify, understand and remember the key elements of the subject.

Practitioners and students of Scots criminal law should continue to find the third edition of this text a useful reference to its procedural aspects. Coverage embraces the full range of criminal procedure pre-trial, at trial and thereafter, both in solemn and summary cases

This fourth edition of Scots Criminal Law takes account of case law developments, changes arising from the Sexual Offences (Scotland) Act 2009, and coverage of the Criminal Justice and Licensing (Scotland) Act 2010, including Breach of Peace. The book provides an essential introduction to criminal law for students and those with a general interest in this subject. It provides a firm grounding, both assisting and encouraging more detailed study.

A handy student guide to the Scots law of evidence. This new edition has been updated with the latest case law and the latest legislation, including the Double Jeopardy (Scotland) Act 2014, the Criminal Justice (Scotland) Act 2016 and the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2014.

Reprint of the first edition of one of the earliest systematic studies of the criminal law. Sir George MacKenzie of Rosenhugh [1636-1691], "became notable for his resistance to the pretensions of the Crown, but in 1677, he was made Lord Advocate and in the next few years prosecuted and persecuted Covenanters with such zeal as to earn the title 'The Bloody Mackenzie.' In many cases he strained the law so as to obtain a conviction.": Walker, Oxford Companion to Law 792. He is also well-known for having founded the Advocates Library, now the national law library for Scotland. In contrast to Mackenzie's behavior on the bench, the Laws and Customes is notably moderate, especially in the sections dealing with witchcraft.

'Casebook on Scottish Criminal Law' represents a concise and practical appreciation of how the law works, with analysis of the reasoning behind decisions. It includes sources and general principles, defences, and the mental element in crime.

This edition incorporates the considerable legislative changes which have come about since publication of the third edition in early 1995: namely the Criminal Procedure (Scotland) Act 1995, the Crime Sentences Act 1997 and the Crime and Punishment (Scotland) Act 1997. A Fingertip Guide, the fourth edition addresses essential developments in Scottish case law, including corroboration and the law relating to prior inconsistent statements. It also takes into account forthcoming Human Rights legislation.

Scots Criminal Law Edinburgh University Press

This book is open access under a CC BY 4.0 license. This book provides the most in-depth study of capital punishment in Scotland between the mid-eighteenth and early nineteenth century to date. Based upon an extensive gathering and analysis of previously untapped resources, it takes the reader on a journey from the courtrooms of Scotland to the theatre of the gallows. It introduces them to several of the malefactors who faced the hangman's noose and explores the traditional hallmarks of the spectacle of the scaffold. It demonstrates that the period between 1740 and 1834 was one of discussion, debate and fundamental change in the use of the death sentence and how it was staged in practice. In addition, the study provides an innovative investigation of the post-mortem punishment of the criminal corpse. It offers the reader an insight into the scene at the foot of the gibbets from which criminal bodies were displayed and around the dissection tables of Scotland's main universities where criminal bodies were used as cadavers for anatomical demonstration. In doing so it reveals an intermediate stage in the long-term disappearance of public bodily punishment.

Whether you are studying Law in Scotland or looking to convert to Scots law, this invaluable guide will quickly equip you with all the basics of the Scottish legal system. Fully updated for the third edition, it is the ideal textbook for busy law students and revising for those all-important exams. Summary sections of Essentials Facts and Essential Cases will help you to identify, understand and remember the key elements of the subject.

Presents an account of the legal issues relevant to Scottish psychiatric practice, explaining how the Scottish legal system deals with mental health issues, and outlines psychiatric care systems. Meant for those involved with mental health and the law in Scotland, this title provides analysis of the Mental Health legislation.

Crime, Justice and Society in Scotland is an edited collection of chapters from leading experts that builds and expands upon the success of the 2010 publication Criminal Justice in Scotland to offer a comprehensive and critical overview of Scottish criminal justice and its relation to wider social inequalities and social justice. This new volume considers criminal justice in the context of the Scottish politics and the recent referendum on independence and it includes a discussion of the complex relationships between criminal justice and devolution, nationalism and nation building. There are new chapters on research and policy, sectarianism, gangs, victims and justice, organised crime and crimes of the powerful in Scotland, as well as chapters reflecting on the use of electronic monitoring, desistance and practice, and major changes in the structure of Scottish policing. Comprehensive and topical, this book is essential reading for academics and students in the fields of criminal justice, criminology, law, social science and social policy. It will also be of interest to practitioners, researchers, policymakers, civil servants and politicians.

This text explains all the basic principles relating to Scots criminal law. This new edition takes account of significant changes in the substantive law, including clarification of areas of doubt in the law of attempt, theft, diminished responsibility and the mens rea of rape. It also covers developments in other areas, including reckless conduct and the doctrine of art and part, where the boundaries of criminal liability have been explored and sometimes extended. Primarily intended for students, Scots Criminal Law, is a clear and comprehensive introduction to this important subject, and by providing a firm grounding, both assists and encourages more

detailed study.

This publication contains the text, with commentary, of a draft code for the Scottish criminal law, prepared by a group of Scottish academic lawyers. It is a modernising draft based on existing substantive law, and is in the form of a Scottish Parliament Bill, called the 'Criminal Law (Scotland) bill'. The code consists of 114 sections and three schedules, and is divided into 10 parts. These relate to general aspects such as the burden of proof, presumption of innocence, causation, defences and penalties; particular offences including sexual and non-sexual offences, offences against property and economic interests, extortion and deception, public order offences and those against law government and the administration of justice, offences against animals; as well as a section dealing with rules on consent, interpretation and final provisions.

Scots law and the legal institutions of Scotland are markedly different to that in the rest of the UK, determined by its own distinctive history and its relationship with other legal systems. Written in plain English for non-lawyers, this publication examines the Scottish legal system post-devolution, covering a range of topics including: the origins and sources of Scots law; the judicial system; civil courts and civil judicial procedure; tribunals; criminal courts and the criminal justice system; legal personnel including judges and sheriffs, public prosecutors and the legal profession; the administration of the Scottish legal system; judicial review; legal aid and other sources of assistance.

The authoritative text of Criminal Law in Scotland now has a first supplement which brings The Criminal Law of Scotland third edition fully updated to June 1, 2005 with all new legislation in this legal area. It includes comments on numerous recent developments in cases and legislation.

Pamela Ferguson describes and critiques the commonly prosecuted crime of 'breach of the peace'. She traces the development of the crime from the mid-19th century to the present day, and also considers related statutory offences. The latter include those offences created by the Criminal Justice and Licensing (Scotland) Act 2010, and the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. It is argued that breach of the peace remains an overly broad and ill-defined crime - despite the appeal court's attempts at narrowing its definition.

Now in its second edition, Scots Criminal Law - A Critical Analysis provides a clear statement of the current law for students and practitioners, retaining the theoretical and critical focus of the first edition. It also considers what types of behaviours are subject to the criminal law sanction, and why. This new edition has been updated to reflect the redefined crimes of murder and breach of the peace, the broadened application of the necessity defence and the enactment of the Criminal Justice and Licensing (Scotland) Act 2010 and the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

This extensive work is now published in two volumes, Volume I in December 2000 and Volume II in 2001. Drawing together the relevant statutes and case law materials, The Criminal Law of Scotland provides a comprehensive reference work, for criminal law practitioners.

Gordon's authoritative work has been completely updated and revised by Michael Christie, with Sir Gerald Gordon having read and commented upon all revisions made. The first volume incorporates all the many significant changes in the law since the 2nd Edition. Included in the extensive amount of new material is the impact of the Criminal Procedure (Scotland) Act 1995; the Scotland Act 1998 and the Human Rights Act 1998 on Scottish criminal law.

Examines the influence of classical philosophy on revenge narratives by Shakespeare and his contemporaries

This volume is a Festschrift in honour of Sir Gerald Gordon who has been one of the most influential figures in Scottish criminal law and procedure in the last century.

"This excellent work is commended to the criminal practitioner, potential and present (R)."

This collection of essays honours the work of Sir Gerald Gordon CBE QC LLD (1929-). In modern times few, if any, individuals can have been as important to a single country's criminal law as Sir Gerald has been to the criminal law of Scotland. His monumental work *The Criminal Law of Scotland* (1967) is the foundation of modern Scottish criminal law and is recognised internationally as a major contribution to academic work on the subject. Elsewhere, he has made significant contributions as an academic, judge and as a member of the Scottish Criminal Cases Review Commission. Reflecting the academic rigour and practical application of Sir Gerald's work, this volume includes essays on criminal law theory, substantive law and evidence and procedure by practitioners and academics within and outside of Scotland, including contributions from England, Ireland and the USA.

This introductory text covers all the core aspects of Scots criminal law and is suitable as an introduction for students on LL.B. and non-LL.B. degrees who are new to this area. It presents the main aspects and principles of criminal law in a clear and comprehensive fashion, including coverage of recent developments such as aspects of devolution and the impact of the European Convention on Human Rights (in particular as regards unreasonable delay in bringing the accused to trial). There is also an introduction to aspects of computer crime. Treatment of the subject focuses on explanation and analysis of the main aspects of each topic, and emphasis is placed on modern cases in order to illustrate key principles. Each chapter is structured so as to help the student to navigate their way through the text, with clear sub-headings, chapter summaries, flow diagrams giving the skeleton structure of each main topic, self-assessment questions and graded further reading. .

This book examines the relationship between legal tradition and national identity to offer a critical and historical perspective on the study of criminal law. It develops a radically different approach to questions of responsibility and subjectivity, and was among the first studies to combine appreciation of the institutional and historical context in which criminal law is practised with a critical understanding of the law itself. Applying contemporary social theory to the particular case of nineteenth-century Scottish law, Lindsay Farmer is able to develop a critique of modern criminal law theory in general. He traces the development of the modern characteristics of criminal law and legal order, tracing the relationship between legal practice and national culture, and showing how contemporary criminal law theory fundamentally misrepresents the character of modern criminal justice.

Why did Enlightenment happen in Edinburgh?

This book, written by a team of academics, judges and distinguished practitioners from the UK and abroad discusses the implications of the incorporation of the ECHR into Scots law. The contributors consider the impact of the Human Rights Act in light of the new constitutional settlement for Scotland and their experiences of other rights regimes in Europe, the Commonwealth, and the United States. The contributions span the fields of Private, Public, European Community and Comparative law and draw on human rights law and practice in the UK, the European Community, Canada, New Zealand, South Africa, the United States and

Sweden, where the ECHR was recently incorporated. Topics include: analyses of the Human Rights Act and Scotland Act; human rights and the law of crime, property, employment, family and private life; Scottish court practice and procedure; Scots law and the European dimension; and building a rights culture in Scotland.

The existence of the separate criminal jurisdiction in Scotland is ignored by most criminological texts purporting to consider crime and criminal justice in 'Britain' or the 'UK'. This book aims to fill a gap for a text that offers a critically informed analysis and understanding of crime and criminal justice in contemporary Scotland. It considers key areas of criminal justice policy making in Scotland, and in particular seeks to discuss the extent to which criminal justice in Scotland is increasingly divergent from other UK jurisdictions. In doing so, the process of devolution is addressed, as are the wider pressures resulting from globalization, Europeanisation and new patterns of migration.

This title updates the two volumes of 'The Criminal Law of Scotland'. It includes comments on numerous recent developments in case and legislation.

Published in 1999. Scottish criminal law and procedure are very different from their counterparts elsewhere in the United Kingdom. This book is the first socio-legal account of the Scottish criminal justice process and its constituent institutions. Its aims are: to explain the operation of the various elements which make up the 'system'; to summarise the considerable volume of relevant Scottish research; and to locate this knowledge within contemporary theorising about criminal justice. To this end, the editors commissioned a team of experts to write chapters on the various stages of institutions of the Scottish criminal justice process. Given Scotland's broad social and cultural similarities to the rest of the United Kingdom, the book also provides a useful comparative perspective which should help to discourage the tendency towards overly ethnocentric theorising south of the border.

Inchoate crimes - attempts, incitement and conspiracy - are a complex area of law, affected by both common law doctrine and statutory regimes. Inchoate Crimes provides much needed guidance on the subject. The author draws on developed doctrines in other relevant jurisdictions to suggest alternative approaches for Scots law. This title also combines substantive material with discussion on the nature and justification for the punishment of such crimes. It should assist criminal lawyers in everyday practice by explaining the current state of Scots law surrounding inchoate crimes and suggesting alternative approaches where Scottish authority is deficient or entirely absent.

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