

**Explain, using case examples, the meaning of strict liability. (5 marks)**

For some offences, proving mens rea for at least one of the elements of the actus reus of the offence is not required. These are referred to as strict liability offences. The basic presumption in criminal law is that proof of mens rea is required unless it is demonstrated that it is not (**Sweet v Parsley**), Courts in **Gammon** reaffirmed the presumption of mens rea and specified the factors that a judge should consider when determining whether the presumption had been rebutted. As a result, although there are many examples, strict liability offences will not be the norm. They generally deal with social issues and are usually regulatory offences, where a fine is the likely the punishment.

One example is the prevention of environmental pollution. In **Alphacell Ltd v Woodward**, despite the precautions taken by the owners to prevent waste materials from a factory from flowing into a river, the defendant was found liable because the law was strict: no mens rea was required. It is argued that this is necessary because proving mens rea in such cases is difficult. Another example is food safety, as in **Callow v Tillstone**, where butchers were found liable for selling bad meat despite having the meat certified safe by a vet prior to the sale. Similarly, in **Smedleys Ltd v Breed**, despite having shown that they had taken all reasonable care, the defendant was guilty of selling food not to the standard required. Strict liability is also used to protect children from the dangers of tobacco, alcohol and gambling. In **Harrow LBC v Shah**, shopkeepers were found guilty of selling a lottery ticket to an under-aged child, even though they had taken precautions. Strict liability is not used in “truly criminal” offences: in **Sweet v Parsley**, the defendant’s conviction was overturned because *mens rea* was required for the offence of managing premises where drugs were being used. Furthermore, in **B v DPP** the HL said the more serious offences with greater penalties were less likely to be strict liability crimes.