An overview of trends in crime and criminal justice in Scotland. Based on research carried out for the Scottish Office Central Research Unit, this text describes the distinctive features of the Scottish criminal justice process and penal system and illustrates long-term changes in patterns of recorded crime in Scotland. The indigenous institutions of criminal justice are covered, including descriptions of the Scottish system of policing and public prosecution, criminal procedure, the criminal courts, bail and legal aid, sentencing trends and procedures for dealing with miscarriages of justice. The use of penal sanctions is explored, including a description of how prisons operate in Scotland, of the type of offender most likely to be sent to prison and of recent changes in prison regimes. The book also considers the unique Scottish Children's Hearing system and provides an account of the recent changes that have affected it.

Enlightenment, Legal Education, and Critique deals with broad themes in Legal History, such as the development of Scots Law through the major legal thinkers of the Enlightenment, essays on Roman law and miscellaneous essays on the literary and philosophical

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 Fingerprint 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.

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, this book is a comprehensive introduction to this important subject, and by providing a firm grounding, both assists and encourages more detailed study.

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 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.

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 test 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.

A course on the Scottish legal system is a compulsory part of undergraduate degrees in Scots Law. The Scottish Legal System sets out to present the 'legal system and law of Scotland as a unique and constantly changing human enterprise' and places the Scottish legal system in its broader political and social contexts. This is achieved by covering not only the central aspects of the system, such as the courts and the legal profession, but also the borders with constitutional law and jurisprudence. This fifth edition includes new case law on devolution and human rights issues in Scotland. This well established text provides an up-to-date treatment of all significant developments affecting the Scottish legal system.

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.

Studies the law on rights of personality in Scotland compared to other jurisdictions. Taking a comparative perspective, this book explores the trends and issues affecting the law on rights of personality in jurisdictions drawn from the families of common law, civilian law, and mixed legal systems. The main focus is on the private law of personality rights, with due regard paid to the impact of constitutional legislation and other instruments protecting human rights.

The textbook on Scots criminal law now reaches its third edition. The text is fully updated, containing all developments in Scots criminal law since the first edition was published in 1992. This includes the implications of the Human Rights Act 1998 and the Druery, Galbraith and Watt cases

This guide is a practical and concise summary of Scottish criminal law. Published in a handy and accessible format, it is an essential source of reference for all criminal court practitioners. This edition incorporates the considerable legislative changes in Scottish criminal law since publication of the previous edition. All sections have been thoroughly updated to incorporate essential developments in Scottish case law. The book is written in a user-friendly way and includes parallel columns of commentary, case law, and statute under both substantive and procedural headings. Contents include: substantive law, principles, procedure, special defences, evidence, sentencing, miscellaneous, bibliography

Using a wide range of prosecution and trial records, along with more recent newspaper coverage of court proceedings, this book furnishes a fascinating insight into the relationship between the law, sex, and society in modern Scotland. Case studies of sex-related offences, including abortion, bestiality, brothel-keeping, child sexual assault, and wilful HIV transmission, reveal how the legal process both reflected and reinforced contemporary moral panics and how far it was shaped by the interplay between law officers and forensic experts, by the prejudices of the local community and civic leaders, and by Scotland's distinctive legal and moral identity. The law in practice is seen to have sustained important norms of sexual behaviour and masculinity along with an enduring double moral standard with respect to female sexuality. This volume thus affords a remarkable new perspective on the sexual behaviours and ideologies of Scottish society across the twentieth century and into the new millennium.

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, castration, 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.

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 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 encourage the tendency towards ever more ethnocentric theorising south of the border.

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.

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systems. Meant for those involved with mental health and the law in Scotland, this title provides analysis of the Mental Health legislation.

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