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Changes in Approach to Criminal Liability: Trump's Executive Order Regarding Criminal Regulatory Offenses

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Criminal Liability In Regulatory Contexts Criminal Liability In Regulatory Contexts

Jeremy Horder, Peter Alldridge



Criminal Liability In Regulatory Contexts Criminal Liability In Regulatory Contexts:

Criminal liability in regulatory contexts Great Britain: Law Commission, 2010-08-25 In this consultation paper the Law Commission sets out the case for reducing the scope for criminal law to be used in regulated fields such as farming food safety banking and retail sales Criminal sanctions should only be used to tackle serious wrongdoing and it is out of proportion for regulators to rely wholly on the criminal law to punish and deter activities that are merely risky unless the risk involved is a serious one There has been a steep increase in the number of criminal offences created since the late 1980s to penalise risk taking The areas regulated cover a wide range of risk posing activities and involve millions of people and thousands of businesses By turning to civil penalties for minor breaches regulators could reduce costs to themselves and the criminal justice system by 11 million a year In some cases criminal prosecution can cost almost twice what the courts obtain in fines The paper proposes that i regulatory authorities should make more use of cost effective efficient and fairer civil measures to govern standards of behaviour ii a set of common principles should be established to help agencies consider when and how to use the criminal law to tackle serious wrongdoing and iii existing low level criminal offences should be repealed where civil penalties could be as effective Where criminal offences are created in regulatory contexts they should require proof of fault elements such as intention knowledge or a failure to take steps to avoid harm being done or serious risks posed

Criminal Liability in Regulatory Contexts Great Britain. Law Commission, 2010 Company Law Eva Micheler, 2021-10-21 This book advances a real entity theory of company law in which the company is a legal entity which acts autonomously in law and company law establishes procedures facilitating autonomous organisational decision making The theory builds on the insight that organisations or firms are a social phenomenon outside of the law and that these are autonomous actors in their own right They are more than the sum of the contributions of their participants and they act independently of the views and interests of their participants This occurs because human beings change their behaviour when they act as members of a group or an organisation in a group we tend to develop and conform to a shared standard and when we act in organisations habits routines processes and procedures form and a culture emerges These take on a life of their own affecting the behaviour of the participants Participants can affect organisational behaviour but this takes time and effort Company law finds this phenomenon and supplies it with a structure supporting autonomous action by organisations The real entity theory advanced in this book explains company law as it stands at a positive level Legal personality overcomes the problems that organisations are social rather than brute facts and that there is no unique physical manifestation permanently associated with an organisation The corporate constitution is not a contract it is best characterised as an instrument adopted on a statutory basis through private action Shareholders cannot limit the capacity of companies or the authority of the board to bind the company in contract and companies are liable in tort and crime The statute creates roles for shareholders directors a company secretary and auditors and so facilitates a process leading to organisational action The

law also integrates the interests of creditors and stakeholders

The Realm of Criminal Law R A Duff, 2018-06-27 We are said to face a crisis of over criminalization our criminal law has become chaotic unprincipled and over expansive This book proposes a normative theory of criminal law and of criminalization that shows how criminal law could be ordered principled and restrained The theory is based on an account of criminal law as a distinctive legal practice that functions to declare and define a set of public wrongs and to call to formal public account those who commit such wrongs an account of the role that such practice can play in a democratic republic of free and equal citizens and an account of the central features of such a political community and of the way in which it constitutes its public realm its civil order Criminal law plays an important but limited role in such a political community in protecting but also partly constituting its civil order On the basis of this account we can see how such a political community will decide what kinds of conduct should be criminalized not by applying one or more of the substantive master principles that theorists have offered but by considering which kinds of conduct fall within its public realm as distinct from the private realms that are not the polity's business and which kinds of wrong within that realm require this distinctive kind of response rather than one of the other kinds of available response The outcome of such a deliberative process will probably be a more limited and a more rational and principled criminal law

The Routledge Handbook of Criminal Justice Ethics Jonathan Jacobs, Jonathan Jackson, 2016-07-01 The enormous financial cost of criminal justice has motivated increased scrutiny and recognition of the need for constructive change but what of the ethical costs of current practices and policies Moreover if we seriously value the principles of liberal democracy then there is no question that the ethics of criminal justice are everybody's business concerns for the entire society The Routledge Handbook of Criminal Justice Ethics brings together international scholars to explore the most significant ethical issues throughout their many areas of expertise anchoring their discussions in the empirical realities of the issues faced rather than applying moral theory at a distance Contributions from philosophers legal scholars criminologists and psychologists bring a fresh and interdisciplinary approach to the field The Handbook is divided into three parts Part I addresses the core issues concerning criminal sanction the moral and political aspects of the justification of punishment and the relationship between law and morality Part II examines criminalization and criminal liability and the assumptions and attitudes shaping those aspects of contemporary criminal justice Part III evaluates current policies and practices of criminal procedure exploring the roles of police prosecutors judges and juries and suggesting directions for revising how criminal justice is achieved Throughout scholars seek pathways for change and suggest new solutions to address the central concerns of criminal justice ethics This book is an ideal resource for upper undergraduate and postgraduate students taking courses in criminal justice ethics criminology and criminal justice theory and also for students of philosophy interested in punishment law and society and law and ethics

Modern Bribery Law Jeremy Horder, Peter Alldridge, 2013-04-25 This critical analysis of the Bribery Act 2010 provides international and EU comparisons and evaluates its enforcement and asset recovery prospects

Environmental Law: Text, Cases & Materials Elizabeth Fisher, Bettina Lange, Eloise Scotford, 2013-04-25 This new title offers a compact and complete resource for students featuring extracts from leading cases and articles alongside clear explanations and insightful analysis from an experienced author team This unique approach places environmental law in context enabling you to develop a clear and sophisticated understanding of this dynamic area **Landmark Cases in Consumer Law** Jodi Gardner, Iain Ramsay, 2024-01-11 This book analyses the history of the common law foundations of consumer law and encourages readers to rethink the role that consumer law plays in our society Consumer law is often constructed as purely statute based law However as this collection will demonstrate this is far from the truth Much of the history of the common law concerns consumer transactions and markets Case law has often established or modified the ground rules of consumer markets has had a patterning effect on the economic organisation of markets and has expressed cultural visions of the market and consumers An analysis of landmark cases of consumer law allows many traditional cases to be viewed through a new and distinct lens providing significant academic and intellectual value The collection also includes a unique socio legal perspective considering the role that consumer law has played in addressing racial discrimination LGBTQ challenges and the rights of women This collection of landmark cases demonstrates the theoretical and practical significance of consumer law through a wide range of contributions by distinguished authors from the United Kingdom Europe the United States and Australia Company Law in Context David Kershaw, 2012-06-28 Company Law in Context is an ideal main text for company law courses David Kershaw places company law in its economic business and social context making more accessible and relevant the cases statutes and other forms of regulation A running case study provides a practical perspective

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