6. Strict liability

This chapter focuses on identifying the circumstances in which an offence will be construed as one of strict liability—that is, where the Crown will not have to establish mens rea in relation to every element of the actus reus. The following controversies are examined: the presumption of mens rea, that is, unless Parliament has indicated otherwise, the appropriate mental element is an unexpressed ingredient of every statutory offence; how to ascertain whether an offence is in fact one of strict liability; whether strict liability infringes Article 6 of the European Convention on Human Rights (ECHR); and the merits of strict liability offences.
6. Strict liability

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