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Preface

This is the fifth edition of this book. As with previous editions this book aims to read more like a story of criminal law than a textbook. Again, a number of chapters have been substantially rewritten to take into account substantive changes in the law, reform proposals and other critical and evaluative commentaries.

Some of the 'highlights' are as follows: The first few cases on the new partial defences to murder have reached the courts. Some of the potential problems referred to in the previous edition have surfaced, including, in particular, the cogency of a blanket ban on raising evidence of sexual jealousy or possessiveness as a qualifying trigger for the defence of loss of self-control and the indeterminacy of the 'recognised medical condition' provision for diminished responsibility. *R v Asmelash* is important for the interplay of intoxication and the defence of loss of self-control whereas in *R v Coley, McGhee* and *Harris* the Court of Appeal sought to clarify where the line is drawn between the law of voluntary intoxication and the law of insanity and automatism.

Some interesting developments have occurred in relation to affirmative defences, including in *Pipe*, judicial recognition that a mortal emergency is not always necessary for those wishing to rely on necessity by contrast with duress of circumstances, for which see *Daou*. On the other hand a credible threat of rape was, in *R v A*, accepted *obiter* as capable of grounding the defence of duress. The recent changes to the law of self-defence in the context of householders introduced by the amended Section 76(5A) of the Criminal Justice and Immigration Act 2008 are also examined and subjected to critical scrutiny. The chapter on sexual offences has been rewritten to give greater prominence to policy implications and a number of interesting new cases on consent are examined. Again the major problems which have emerged concern apparent consent undermined by fraud. Other chapters benefiting from substantial rewrites include Chapters 7, 18 and 19.

On matters of structure, I am pleased that the standardised and slightly altered synoptic elements of each chapter have gone down well with reviewers. At the beginning there is a brief overview of the coverage of the chapter. The longer synopsis, which hitherto was placed at the beginning of the chapter, is now placed at the end. I think the reader will find the chapters, thus configured, easier to digest and to use as revision material.

Finally, I would like to express my grateful thanks to Cheryl Cheasley, Angela Hawksbee, Dhanya Ramesh and the rest of the team at Pearson for their patience and professionalism. I would also like to thank Carla Teteris for her invaluable help with the research for this book.