

《朗文法律词典》

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内容概要

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章节摘录

arson. The common-law offence of arson (maliciously and voluntarily burning the dwelling house of another) was abolished under Criminal Damage Act 1971 , s 11 (1) . By s 1 (3) , offences committed under s 1 are charged as arson. See R v Aylesbury Crown Court , ex p Simmons [1972] 3 All ER 574 ; R v Parker [1997] 1 Cr App R (S) 259 ; R v Walker [1999] 1 Cr App R (S) 121 ; R v Akbter [2001] 1 Cr App R (S) 3. In cases relating to reckless arson , a court must apply the test in R v Caldwell [1982] AC 341 even where defendant is a child. Further , Human Rights Convention , art 6 , has no relevance to the definition of the mensrea of this offence : see R v G (2002) The Times , 1 August ; Z v UK (2001) 34 EHRR 3. articles. Clauses or rules in a document , e.g. , articles of partnership or clerkship (binding a person to serve as an articled clerk) . article of association. See ASSOCIATION ARTICLES OF. artificial insemination by donor. Known also as AID. Introduction of semen into the uterus by other than natural means. Where , as the result of the artificial insemination of a woman who at the time was a party to a marriage and was inseminated with the semen of some person other than the other party to the marriage , then , unless it is shown that the other party did not consent to the insemination , the child will be treated in law as the child of the parties to the marriage : F.L.R.A. 1987 , s 27 (1) . For the case of unmarried couples , see Human Fertilisation and Embryology Act 1990 , s 28. See U v W (No. 2) [1997] 3 WLR 739 ; R v Secretary of State for Home Department ex p Mellor (2000) The Times , 5 September. artificial insemination , information relating to. It was held in R (Rose and Another) v Secretary of State for Health (2002) The Times , 22 August , that Human Rights Convention , art 8 , was engaged , in relation to a claim by a child born by artificial insemination , for the provision of non-identifying information concerning the donor , intended to assist in the establishing of claimant's personal identity. See also Gaskin v UK (1980) 12 EHRR 36. artificial insemination , parent of child. CA held in J v C (Void marriage : Status of children) [2006] The Times , 1 June , applying the Family Law Reform Act 1987 that in order to be a parent of a child who is born through the use of artificial insemination by a donor the other parent had to be the other party to a marriage with the mother. artificial person. A body , e.g. , a corporation (q.v.) recognised by law as having rights and duties. Known also as a 'juristic person'. See I.A. 1978 , s 5 , Sch 1 ; Bumper Development Corp v CPM [1991] 4 All ER 638. See NATURAL PERSON. ASBOS , publicity relating to. Publicity may be necessary so as to allow the question of an antisocial behaviour order ; such publicity may necessitate , if the order is to be effective , names , photographs and even partial addresses : R (Stanley) v Commissioner of Police of the Metropolis (2004) The Times , 22 October. ascertained goods. Goods identified and agreed upon when a contract is made. See S.G.A. 1979 , s 16 ; The Elaf [1982] 1 All ER 208. See UNASCERTAINED GOODS. asportation. Carrying away with a view to stealing. An essential feature of larceny (q.v.) in which the slightest removal of things sufficed : R v Walsb , (1824) 1 Moo 14. assault. A crime and a tort resulting from an act by which any person directly , negligently , intentionally , or possibly recklessly , causes another to apprehend reasonably the immediate application to himself of unlawful physical violence : Fagan v Metropolitan Police Commissioner [1969] 1 QB 439. Example : where X advances towards Y , shakes his fist , threatening to beat Y there and then , so that Y is put in fear of immediate violence. The term is of ten used to include battery , in which case it is an offence under O.P.A. 1861. Common assault (and battery) are summary offences (C.J.A. 1988 , s 39) and offences of basic intent. Assault and battery are separate statutory offences : DPP v Little [1992] 1 All ER 299. For assault as a tort (which is actionable per se , see Stephens v Myers (1830) 4 C & P 349. See also DPP v Majewski [1977] AC 443 ; R v Gladstone Williams [1987] 3 All ER 411 ; R v Richardson [1998] 3 WLR 1292. See AGGRAVATED ASSAULT ; ASSAULT , RACIALLY-AGGRAVATED ; BATTERY ; BODILY HARM , GRIEVOUS ; COMMON ASSAULT.

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编辑推荐

《朗文法律词典》由英国著名出版机构——培生教育出版集团出版，“朗文词典”已成为世界著名词典品牌。《朗文法律词典》自1979年第1版面世以来，一直广受普通法学习者的追捧，它已经深深影响了世界各地众多的法学院学生、执业律师和学者。本词典第一作者L.B. 科尔森(L.B. Curzon)曾经是一位大律师、法学教授，一生著述颇丰。在第6版修订出版后不久，科尔森便过世了，仇是他对英国法各领域百科全书式的渊博理解力以及简约的词条解释力感染了身边的许多人。英国大法官部的移民法官玛格丽特·奥斯汀回忆道：“……他(科尔森)确实是一个渊博的人。我在香港执业期间一直使用他的《朗文法律词典》……我回到英国受聘于大法官部时，他又一次充当了我的良师益友……他总是能适应法律环境的改变，《朗文法律词典》的不断修订有力地证明了这一点。”本词典第二作者保罗·理查德(Paul Richards)在修订第7版时，参考了英国2001年以来新通过的各类法案，新增部分词条，修改新旧词条的解释，即传承了本词典的权威本色，又不失新鲜活力。

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