

BOOK REVIEWS

HARRIS'S CRIMINAL LAW. 22nd Edn. By Ian McLean & Peter Morrish.
[London: Sweet & Maxwell. 1973. Ixvi + 903 pp.]

Few would realise that the 1st edition of *Harris* was published in 1877, and therefore, the present 22nd edition has appeared on the market ninety-six years after the publication of the first edition. Thus, whatever its critics may say, *Harris* has withstood the test of time.

Although *Harris* is not a prescribed book for either the Bar Examinations or most University Examinations in criminal law, it is well known that it has been used fairly extensively by students of Criminal law. However, as the present editors have pointed out in their Preface, it is also used extensively by court officials and police officers. It is accordingly understandable that *Harris* is different in approach and content from other standard text books on Criminal law like *Smith and Hogan*, *Cross and Jones* or *Kenny*.

We therefore find that the editors have devoted much time and material to Part Five of the book which is the procedural part, and is entitled "Procedure upon Prosecution of Indictable and Summary Offences". In fact, Part Five comprises more than one-third of the book and most Chapters in this Part have been re-written and up-dated. In fact, for the benefit of police officers, the present editors have completely revised the approach to the investigation of and prosecution of criminal offences (Chapters 44-46), and have added a comprehensive outline of police powers in Chapter 44. For the benefit of Court officials, most of whom have no legal knowledge or experience, the editors have also revised the sections on both the magistrate's courts and the Crown Court—the latter being a new institution introduced by section 6 of the Courts Act, 1971.

This drastic revision of Part Five relating to procedure and administration of the criminal law has been made necessary because of the sweeping changes in the relevant legislation during the past five years, the most important being, of course, the Courts Act, 1971. Many important changes were also made by the Children and Young Persons Act, 1969, the Administration of Justice Act, 1970, and the Attachment of Earnings Act, 1971. The editors have also taken into account the changes made by the Criminal Justice Act, 1972, which is relevant both in the realm of criminal procedure and criminal law. With reference to procedure, the Act increases immensely the options available to the Courts, and alters comprehensively the law relating to compensation and suspended sentences. These aspects have been admirably dealt with in Chapters 54 to 56 of Part Five.

It is therefore evident that the new Part Five in the book will not only be of great use to the police officer and the court official, but also to the law student who has to study Criminal Procedure as well. Indeed, it is re-assuring to see that the editors have not only dealt with the new statutory changes mentioned above, but also have dealt with new concepts like "plea bargaining", which was for the first time properly considered in *R. v. Turner* [1970] 2 Q.B. 321. This concept, which has been in use in the U.S.A. for some time, is gaining increasing importance in England, and in fact is known in many Commonwealth countries, including Singapore.

In the realm of criminal law also, changes in the contents and approach can be seen. This trend has been perceptible since the 21st edition, which was published in 1968 and the editor of which was Mr. Anthony Hooper. The efforts made by Mr. Hooper in bringing the work into line with modern requirements, have been continued with great vigour by the present editors. It is obvious that many Chapters

on criminal law had to be re-written in the present edition and new chapters introduced. This is also mainly due to the very extensive new legislation which was passed in the last five years. In the forefront of the new Acts which were passed are the Theft Act, 1968, the Criminal Damage Act, 1971, the Road Traffic Act, 1972 and the Firearms Act, 1968. Thus, Chapters 21-22 have been greatly re-arranged, while Chapters 35-42 have been completely re-written.

It is also to be noted that the Chapter relating to "Offences against the Public Order" (Chapter 17) has also undergone & wholesale revision. This has been made necessary because of recent decisions on obscenity, and legislation such as the Fire Precautions Act, 1971, the Trade Descriptions Act, 1968 and 1972, the Unsolicited Goods and Services Act, 1971, and the Deposit of Poisonous Waste Act 1972.

The Gaming Act, 1968, the Theatres Act, 1968, the Industrial Relations Act, 1972, are other examples of new legislation which has required extensive revision of the text.

It is heartening to note that the editors have paid considerable attention to the problem of obscenity (Chapter 17) and the use of drugs (Chapter 20). Both problems need careful thought in view of the changing attitudes of society, and one has to watch whether case-law and legislation are in line with such changing attitudes. Regarding obscenity, three recent rulings are noted, namely, *R. v. Anderson* [1972] 1 Q.B. 304; *D.P.P. v. White* [1972] 2 All E.R. 12, and *Knuller v. D.P.P.* [1972] 3 W.L.R. 143. As all these decisions are of considerable importance (especially the last one), it is disappointing that the editors did not devote more space in the text explaining the issues involved in them. Regarding the use of drugs, the editors have explained fairly well the offences promulgated in the new Misuse of Drugs Act, 1971. This Act is of great significance, as some Commonwealth countries, including Singapore, have passed legislation, or are contemplating legislation, based on it. To those interested in the rule of law and the liberty of the individual, the question of *mens rea* involved in the offences is worth studying. In particular, it is to be noted that section 28 of the Act imports specific *mens rea* for the offences in certain sections, and protects an "innocent possessor" of a receptacle containing drugs.

Before concluding, one might note that in spite of the re-writing and re-arrangement of many Chapters in the present edition, the editors are still hampered in their style by the previous contents and approach in *Harris*. For example, it is noteworthy that in the 21st edition, inspite of efforts of modernisation by Mr. Hooper, one had the feeling that piracy and blasphemy still took precedence over homicide and fraud. The present editors have accordingly tried to delete some of the more archaic materials from this edition. Thus, although piracy is given a new lease of life (about 3 pages only), the contents have been modernised by linking it with the Tokyo Convention Act, 1967, and the Hijacking Act, 1971. Blasphemy and disturbing public worship have been relegated to about one page each.

All in all, one can say that *Harris* can now be considered as a very good introduction to Criminal Law and Procedure, and the modernisation process continued by the present editors should greatly enhance the reputation of the book which already stands high in many circles