In HKSAR v. Chan Kam Shing [2016] HKCFA 87, Mr Justice Ribeiro PJ put up a thought-provoking response to the role of conditions within fault elements in criminal law. His honour gave (at [86]) three reasons rejecting any change to Hong Kong’s doctrine of “joint enterprise”, whereby it is easier to convict a second party of further crimes after a first, the third was, “I consider that Jogee’s introduction of the concept of “conditional intent” in its restatement of the law gives rise to significant conceptual and practical problems.” Conditional intention was not new to English criminal law in Jogee ([2016] UKSC 8), and many legal systems use a process to account for additional outcomes, beyond the direct purpose of the defendant. This seminar considers ways of doing that, and that they mean in theory and in practice. It also considers what justifications and values underpin claims of which way is better.

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Prior registration is required for this in-person event: https://bit.ly/3Vb0IS5
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