

English legal system and skills

Law



English Legal System and Skills Case I: Rose Rose may have criminal responsibility if it can be proven that she suspected the money she kept for her brother was acquired through criminal means. According to the section 93A(1)(a) of the criminal justice act 1988, identifies that a person will be considered to have aided a criminal act if they retain or control by or on behalf of another person's estate which was acquired through criminal means. The second part outlines that this will be so if the first person knew or suspected that the second person had acquired the same money by criminal means. In her statement, Rose says that she did not suspect that her brother was doing anything criminal, but that she had become wary of the kinds of people he was keeping company with at the gym. Rose must realize that if this suspicion about the kind of people her brother was keeping company with can be related to the criminal act of the money. In *Regina v Da Silva* (2006)¹, the court held that suspicion does not necessarily have to be knowledge and that if there was a small doubt, this can be counted as suspicion. Rose can however feel safe as long as she can prove that due to her brother's good job, she never suspected that he could be involved in such a case and that it was also possible that he could afford that kind of money.

Case II: Sarah

Sarah may have a criminal responsibility of aiding and abetting crime, according to section 93A (1)(a) of the criminal justice act 1988 UK. It is clear that she was aware that her uncle John was having financial issues at the time and that he was desperate to resolve his problems. It can be argued that since Sarah knew that her uncle was having financial problems and that she was in charge of a charity, and this can be said to have been enough ground for a reasonable person to suspect that something was wrong. She

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could also have questioned the motive of her uncle requiring her to keep the money for her instead of him keeping in his bank account. In *Regina v Da Silva* (2006)², the court held that the appellant was guilty because she had enough grounds to suspect that her husband was having criminal activity or that the money that was being deposited in her account by her husband had been acquired illegally. The same case can be applied in Sarah's case because she must have suspected that her uncle who was going through financial problems could not have acquired the money in proper ways.

Bibliography:

Regina v. Da Silva [2006] EWCA Crim 1654 – S 93A CJA 1988 - [Ss 328(1) and 340(3) POCA].