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Abstracts by author(s) named **RAMAGE** and with first name **SALLY**

Records 1 - 26 of 26 matches

1	<p><u>Criminality on the Internet</u> <u>Sally S Ramage</u> <i>Date Posted:</i> December 22, 2008 <i>Last Revised:</i> December 29, 2008 Working Paper Series</p>
2	<p><u>Annotations of the United Kingdom Safeguarding Vulnerable Groups Act 2006</u> <u>Sally S Ramage</u> Society of Legal Scholars; Society for the Study of Social Problems (University of Tennessee); United States Patent and Trademark Office; International Network for the Promotion of the Rule of Law (Institute of Justice); European Corporate Governance Institute (ECGI); British Association of Women in Policing; American Psychology-Law Association; International Network for the Promotion of the Rule of Law; SSSP (University of Tennessee); Sally Ramage (TM); INPROL <i>Date Posted:</i> September 9, 2008 <i>Last Revised:</i> September 20, 2008 Abstract: The Safeguarding Vulnerable Persons Act requires a person to apply for his own record from the National Criminal Bureau. The disclosure must be a qualifying disclosure and the Employment Rights Act 1996 defines a qualifying disclosure as information, in the reasonable belief of the disclosing worker, shows one or more of the following six categories of wrongdoing: 1. That a criminal offence has been committed is being committed or is likely to be committed. 2. That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject. 3. That an injustice has occurred is occurring or is likely to occur. 4. That the health or safety of any individual has been is being or is likely to be endangered. 5. That the environment has been is being or is likely to be endangered. 6. That information tending to show any matter falling within any one of the preceding paragraphs has been is being or is likely to be deliberately concealed. The safeguarding Vulnerable Groups Act 2006 details this category by creating a category of Barred Persons from regulated activity with children and vulnerable adults and sets out in detail what regulated activity is. A Barred Person commits an offence if he seeks to engage in regulated activity from which he is barred, on pain of imprisonment of up to five years and/or a fine. The Safeguarding Vulnerable Persons Act 2006 also sets out conditions under which a person may engage in regulated activity but be subject to monitoring. This difficult, expensive and controversial statute has not yet been fully implemented. Keywords: employment, register, cost, vulnerable persons, Register, law JEL Classifications: J61, K10, K14</p>
3	<p><u>Case Study of Christopher Foster's Ulva Ltd.</u> <u>Sally S Ramage</u> <i>Date Posted:</i> September 9, 2008 <i>Last Revised:</i> September 25, 2008 Case Study of Christopher Foster's Ulva Ltd. Society of Legal Scholars; Society for the Study of Social Problems (University of Tennessee); United States Patent and Trademark Office; International Network for the Promotion of the</p>

Rule of Law (Institute of Justice); European Corporate Governance Institute (ECGI); British Association of Women in Policing; American Psychology-Law Association; International Network for the Promotion of the Rule of Law; SSSP (University of Tennessee); Sally Ramage (TM); INPROL

Abstract:

Case study of the complex case of business liquidation, Special Purpose Vehicles, Evasion of Income Taxes, Murder, Suicide and Arson as occurred on 26th August 2008 in the United Kingdom.

Keywords: criminal law, blackmail, arson, conspiracy, murder, suicide, liquidation, evasion

JEL Classifications: K40, K41, K42, K34, K21, L71, L95, M37, K30, K14

4 [Case Study of Special Purpose Vehicles in the United Kingdom - and Ensuing Results](#)
[Sally S Ramage](#)

Date Posted: September 9, 2008

Last Revised: September 20, 2008

Working Paper Series

Society of Legal Scholars; Society for the Study of Social Problems (University of Tennessee); United States Patent and Trademark Office; International Network for the Promotion of the Rule of Law (Institute of Justice); European Corporate Governance Institute (ECGI); British Association of Women in Policing; American Psychology-Law Association; International Network for the Promotion of the Rule of Law; SSSP (University of Tennessee); Sally Ramage (TM); INPROL

Abstract:

Christopher Foster's company was in compulsory liquidation after a weird set of events including Special Purpose Vehicles, tax evasion, murder plots, blackmail and litigation, and culminated on 26th August in murder, arson and suicide. There are lessons to be learnt here.

Keywords: criminal law

JEL Classifications: K14

Working Paper Series

Ramage, Sally, *Case Study of Special Purpose Vehicles in the United Kingdom - and Ensuing Results* (August 26, 2008). Available at SSRN: <http://ssrn.com/abstract=1264450>

5 [Covert Surveillance](#)
[*Criminal Lawyer, No. 181, April 2008*](#)
[Sally S Ramage](#)

Date Posted: June 6, 2008

Last Revised: September 20, 2008

Abstract:

Focusing on the issue of privacy in the UK and the US among other countries, the use of covert surveillance in the UK is considered, particularly bugging prisoners by the police. The Paper concludes that such bugging is foul play, especially in cases in which solicitors' conversations with their prisoner-clients are recorded covertly. Cases cited:

Semayne's Case (1604) 5 Co Rep 91 (QB) :

R. v Koc (Yuksel) (2008) EWCA Crim 77 (CA (Crim Div)) :

Chairman and Governors of Amwell School v Dogherty (Unreported, September 15, 2006) (EAT) :

R. v Rosenberg (Linda) (2006) EWCA Crim 6; (2006) Crim LR 540 (CA (Crim Div)) :

R. v Button (Christina Marina) (No.1) (2005) EWCA Crim 516; (2005) Crim LR 571 (CA (Crim Div)) :

R. v H (2004) UKHL 3; (2004) 2 AC 134 (HL) :

Lewis v United Kingdom (1303/02) (2004) 39 EHRR 9 (ECHR) :

Attorney General's Reference (No.2 of 2001), Re (2003) UKHL 68; (2004) 2 AC 72 (HL) :

R. v Mason (Adrian Craig) (2002) EWCA Crim 385; (2002) 2 Cr App R 38 (CA (Crim Div)) :

R. v Loveridge (William) (2001) EWCA Crim 973; (2001) 2 Cr App R 29 (CA (Crim Div)) :

Khan v United Kingdom (35394/97) (2001) 31 EHRR 45 (ECHR) :

R. v P (Telephone Intercepts: Admissibility of Evidence) (2002) 1 AC 146 (HL) :

Florida v Riley 488 US 445 (1989) (Sup Ct (US)) :

Golder v United Kingdom (A/18) (1979-80) 1 EHRR 524 (ECHR)P

Katz v United States 389 US 347 (1967) (Sup Ct (US)):

Olmstead v United States (1928) 277 US 438 (Sup Ct (US)):
Boyd v United States 116 US 616 (1886) (Sup Ct (US)).

Keywords: civil liberties law

6 [**Criminality Potential in Virtual Worlds**](#)

[Sally S Ramage](#)

Date Posted: September 9, 2008

Last Revised: September 9, 2008

Criminality Potential in Virtual Worlds

7 [**Data Protection and Criminal Justice**](#)

Criminal Lawyer, No. 168, January 2007

[Sally S Ramage](#)

Date Posted: September 9, 2008

Last Revised: September 9, 2008

Data Protection and Criminal Justice

Abstract:

Considers the Draft EU Framework Decision and the United Kingdom as part of this Framework, the UK National Criminal Bureau and the automatic processing of personal data.

Keywords: data, criminal justice, privacy, EU

JEL Classifications: K20

8 [**Fannie Mae and Freddie Mac in Administration**](#)

[Sally S Ramage](#)

Date Posted: September 8, 2008

Last Revised: September 20, 2008

Fannie Mae and Freddie Mac in Administration

Abstract:

This updated 2005 Paper relates how Fannie Mae and Freddie Mac have failed to improve after findings of fraud in both companies in 2003-4, resulting in administration in September 2008.

Keywords: fraud banking, mortgage, securitization

- 9 [Fraudulent Trading](#)
'THE CRIMINAL LAW' JOURNAL, pp. 1-4, Tottel Publishing, United Kingdom, March 2009
[Sally S Ramage](#)

Date Posted: April 24, 2009

Last Revised: June 26, 2009

Fraudulent Trading

'THE CRIMINAL LAW' JOURNAL, pp. 1-4, Tottel Publishing, United Kingdom, March 2009

Abstract:

The Department for Business, Enterprise & Regulatory Reform, ('BERR'), formerly called the Department of Trade and Industry ('DTI') can bring a case of fraudulent trading contrary to section 458 of the Companies Act 1985 (now section 993 of the new Companies Act 2006). If the prosecution use seized computer disks of the companies to ascertain fraudulent trading, they must then obtain hard evidence thereof as computer disks are still classed as hearsay evidence in English courts as in *R v Coventry Justices ex parte Bullard* and another. If, from the financial data on the disks, the prosecution team are able to recreate the management information that was available to the directors and produce for the court management accounts that formed an audit trail by analyzing the movement of debtors, creditors and cash, they would have a good case.

Keywords: Criminal law, fraud

JEL Classifications: K10, K11, K14, K42

- 10 [In Support of Fraud Trials Without a Jury](#)
[Sally Serena Ramage](#)

Date Posted: September 9, 2008

Last Revised: September 20, 2008

In Support of Fraud Trials Without a Jury

Abstract:

The United Kingdom's Parliamentary Bill 'Fraud Trials (Without a Jury) 2007', failed. Nevertheless, fraud trials without a jury do take place and there is much evidence to support this.

Keywords: Criminal, fraud, law, trials, jury, United Kingdom

- 11 [Insanity Plea: A Retrospective Examination of the Verdict of 'Not Guilty on the Ground of Insanity'](#)
Law Working Paper
[Sally Serena Ramage](#)

Date Posted: September 9, 2008

Last Revised: September 20, 2008

Abstract:

This paper argues that insanity should be eliminated as a separate defence, but that the effects of mental disorder should still carry significant moral weight in that mental illness should be relevant in assessing culpability only as warranted by general criminal law doctrines concerning mens rea, self-defence and duress. This study was triggered by the case *R v. Central Criminal Court, ex parte Peter William Young*. Peter Young had been charged with dishonestly concealing material facts contrary to s47 (1) Financial services Act 1986. The case considered Peter Young's intentions, not in relation to dishonesty, and not in relation to the purpose of the making of the representations, but as to the state of the defendant's intention in relation to the facts.

Keywords: criminal insanity, fraud, law

JEL Classifications: K20

[Issues in the UK Fraud Act 2006 - False Representation](#)
Criminal Lawyer, July 2007

- 12 [Sally S Ramage](#)
Date Posted: September 9, 2008
Last Revised: September 20, 2008
Issues in the UK Fraud Act 2006 - False Representation
Abstract:
The United Kingdom Fraud Act 2006 came into force in January 2007. Potential problems with the non-codified Act are coming to light.
Keywords: fraud, false representation
- 13 [Motor Insurance Frauds](#)
Criminal Law News, December 2008
[Sally S Ramage](#)
Date Posted: April 24, 2009
Last Revised: April 24, 2009
Abstract:
Research findings are that when new car insurance customers purchase policies, and they choose a low deductible premium, there are more accidents and higher total losses to the insurer. It seems that new policyholders might have had little opportunity to obtain private information about their risk type and thereby to gain an informational advantage over the insurer. This seems to be the case for new customers who have had three or more years of driving experience – and who have had an opportunity to learn about their risk type. In the car insurance market, insurers are required to share information about their customers with other insurers. Research found that policyholders who leave the insurer are disproportionately ones who had a bad record with the insurer and who could benefit from switching to an insurer they hope might know less about them.
Keywords: fraud, criminal law
JEL Classifications: K10, K11, K14, K42
- 14 [Music-Related Offences](#)
[Sally S Ramage](#)
Date Posted: September 1, 2008
Last Revised: September 20, 2008
Abstract:
Examines offences in the music industry such as counterfeiting, piracy and breaches of copyright.
Keywords: counterfeiting, sentencing, piracy, mp3, ISP
JEL Classifications: J40
- 15 [Police Search Warrants](#)
CRIMINAL LAW NEWS, British Library, February 2009
[Sally S Ramage](#)
Date Posted: April 24, 2009
Last Revised: April 24, 2009
Abstract:
Section 8 provides magistrates with the power to issue search warrants to search premises. Section 8 sub-section 1 provides the conditions under which a section 8 search warrant will be granted. There must be reasonable grounds for believing that an indictable offense under the Immigration Act 1971 has been committed and that there is relevant material on the premises that will assist the investigation of the offense. Of course, such material excludes legal privilege material.

Subsection (1A) provides for the warrant to cover more than one premises and subsection (1C) provides that the warrant may cover more than one visit to the premises. Subsection 2 authorizes the police to seize and retain anything for which the search has been authorized. Subsection 3 gives the conditions under which the section 8 search warrant is applied for. The section 8 search warrant may be sought if it is not practicable to communicate with the owner of the premises or that it is known that entry will be refused without a search warrant or that if entry is applied for from the owner, the purpose of the search will be frustrated. Annex B of PACE provides additional guidance on s8 PACE search warrant provisions. Search warrant provisions are an important part of the legislation, making the search warrant compatible with human rights.

Keywords: Police, criminal law, UK

JEL Classifications: K10, K11, K14, K42

Suggested Citation

Ramage, Sally. S, *Police Search Warrants* (February 1, 2009). *CRIMINAL LAW NEWS*, British Library, February 2009. Available at SSRN: <http://ssrn.com/abstract=1393799>

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[Revisiting Pepper v. Hart](#)

Criminal Law News, pp. 1-16, April 2009

[Sally Serena Ramage](#)

Date Posted: April 24, 2009

Last Revised: May 29, 2009

Abstract:

'Our misapprehension of the nature of language has occasioned a greater waste of time, and effort, and genius, than all the other mistakes and delusions with which humanity has been afflicted. It has retarded immeasurably our physical knowledge of every kind, and vitiated what it could not retard. The misapprehension exists still in unmitigated virulence; and though metaphysics, a rank branch of the error, is fallen into disrepute, it is abandoned like a mine which will not repay the expense of working, rather than like a process of mining which we have discovered to be constitutionally incapable of producing gold.' Johnson's philosophical interests centred upon language, whose misunderstanding he regarded as responsible for endless confusion and error. He distinguished the 'sensible' meaning of terms, tied closely to the experiences to which they refer, from merely 'verbal' meaning. The sensible meaning of a sentence is given by what would now be thought of as the verification conditions or asserted conditions of a sentence, he said. But this can be termed free interpretation today, in the jurisdiction of the European Union (a civil law area of the world) to which the United Kingdom, a common law jurisdiction, belongs. This dichotomy raises its head today when English judges try to insert non-statutory interpretations to the law, making for challenges, though rarely correctly taken up by English lawyers.

This paper argues that although *Pepper v. Hart* was an important step in legal procedure but that the judges in English courts have gone ahead to make their own extrapolations to this precedent and write in English court decisions, for posterity, inserting certain writers' names from certain journal articles, giving these authors unmitigated and positive publicity. This is an unfair manipulation of English law.

Keywords: *Pepper v Hart*, statute law, criminal law. **JEL Classifications:** K10, K11, K14, K42

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[Safeguarding Vulnerable Groups Act 2006, S.12](#)

'THE CRIMINAL LAWYER', *Tottel Publishing, UK*, pp. 1-2, June 2009

[Sally S Ramage](#)

Date Posted: April 24, 2009

Last Revised: April 24, 2009

Safeguarding Vulnerable Groups Act 2006, S.12

Abstract:

The Safeguarding Vulnerable Groups Act 2006, Chapter 47, is an Act to make provision in connection with the protection of children and vulnerable adults. Section 12 states:

(1) Schedule 6 (employment businesses: failure to check) has effect.

(2) The Secretary of State may by order make provision (including provision amending this Act) corresponding to Schedule 6 in relation to the supply of persons by a personnel supplier otherwise than in the course of carrying on an employment business.'

The onus is on the supplier or job agency to make this check on a potential employee, even though there could be dual vicarious liability as in a recent case *Hawley v Luminar Leisure*. The supplier or job agency can check online or use an enhanced disclosure request, which provides more information than an online check and can help employers assess whether an individual is suitable for a particular position. Enhanced disclosure is required in sectors involving very close contact with children, such as schools and children's homes.

Keywords: criminal law

JEL Classifications: K10, K11, K14, K42

18

[The Defence of Insanity in English Law](#)

[Sally S Ramage](#)

Date Posted: September 9, 2008

The Defence of Insanity in English Law

Abstract:

An examination of English cases of insanity plea.

Keywords: criminal law, defence, English law

JEL Classifications: K14

19

[The French Bank Fraud, the United States' Regulatory Fraud, the United Kingdom's Takeover Exposure and Their Relation to the Global Financial Recession](#)

[Sally S Ramage](#)

Date Posted: September 9, 2008

Last Revised: September 20, 2008

Abstract:

In January 2008, the French bank Societe General, one of the world's biggest banks and the biggest equity derivatives house in the world, lost 5 billion Euros due to an internal fraud. It is believed that Societe Generale's unwinding of its rogue employee's transactions possibly increased the fall in the European equities market and pushed share prices lower. The fraud uncovered at Société Générale is a serious operational risk failure for the French bank. The trader responsible had previously worked in a middle office position, in a risk control position where he learned how to evade controls, which enabled him to conceal his positions - a fact that the bank had presumably not identified as, or considered to be, a significant source of risk. As with the Barings Bank fraud, knowledge gained from working in the back office enabled the fraudster to conceal his trading activity and continue the pretence for some time. Banks should have ensured that this was not able to happen again.

Keywords: FRAUD

JEL Classifications: A10, K20, K30, K33, K44, K40, K49

20

[The UK Fraud Bill - A Critical Analysis](#)

The Criminal Lawyer, No. 152, MAY 2005

[Sally S Ramage](#)

Date Posted: September 9, 2008

Last Revised: September 9, 2008

Abstract:

Examination of the United Kingdom's proposal for reforming the law of fraud. Considers the confusion that will remain after such a Statute has been passed in the UK Parliament with regard to territoriality of fraud and the Criminal Justice Act 1993 which was drafted entirely with the common law offence of "conspiracy to defraud" in mind and the abolishing or not of the UK "conspiracy to defraud" common law offence.

Keywords: fraud, criminal law, United Kingdom

JEL Classifications: K20

21

[The United Kingdom Fraud Act 2006](#)

FRAUD ACT 2006, CURRENT LAW STATUTES, Sweet & Maxwell, London, 2006

[Sally S Ramage](#)

Date Posted: September 9, 2008

Last Revised: September 9, 2008

Abstract:

The United Kingdom suffers some thirty five billion pounds of fraud each year in recent years. The reasons for its non-codified Fraud Act 2006, in force since January 2007, are explored.

Keywords: fraud

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Trafficking for Prostitution

The Criminal Lawyer, No. 171, April 2007

Sally S Ramage

Date Posted: September 9, 2008

Abstract:

The global sex industry is worth some seven to twelve billion US dollars each year and this money feeds directly into the black economy of illicit drugs, illegal immigration and terrorism and other crimes. Trafficking for prostitution is a highly organised crime. Human trafficking involves people who intimidate victims and force them to work against their will. Such conduct amounts to modern-day slavery. Human trafficking is not always easy to detect. Trafficking can masquerade as a variety of other offences but essentially, it is an assault on fundamental human dignity. Identifying and pursuing human trafficking crimes is an effective crime control strategy. Recent studies demonstrate a link between trafficking in people and trafficking in drugs and arms. Organized crime syndicates may be involved in all three illicit activities, or use trade routes already established by related illicit organizations to facilitate their criminal enterprise. Organized crime groups have been associated with human trafficking schemes and operate across borders. The intelligence required to dismantle such groups often draws upon the resources and assistance of numerous agencies. Human trafficking is not confined to areas with large immigrant populations. In those cases where victims themselves face possible criminal liability on account of their participation in illicit activity, such as prostitution or immigration fraud, police protect rather than prosecute such victims.

A number of other statutes are available to combat trafficking in persons. Prosecutors use immigration statutes, labour law statutes, tax codes, and other criminal laws to supplement trafficking charges. But trafficking charges, where appropriate, provide for higher sentences and clearly identify the conduct for what it truly is, exploitation of a human being.

In identifying a trafficking situation, it is important to remember that the victim need not be chained or restrained or even beaten. Modern-day slavery means that the defendants use force or threats of harm to coerce work from the victim. Patterns in trafficking reveal that strip clubs, massage parlours, brothels, sweatshops where garments are manufactured, agricultural sites employing migrant labour, restaurants employing workers to bus tables and wash dishes, and homes employing domestic help exploit a disproportionate number of trafficking victims. Seemingly benign businesses such as nail shops and massage parlours may also offer commercial sex. In many trafficking cases, key players have a variety of aliases.

Keywords: Trafficking, criminal law, finance, organised crime

JEL Classifications: K20

23

UK Serious Fraud

Sally S Ramage

Date Posted: September 9, 2008

Last Revised: September 9, 2008

Abstract:

Investigation and prosecution of serious fraud in the United Kingdom through continued Human Rights derogation.

Keywords: serious fraud

JEL Classifications: K14

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United Kingdom Interception of Communications (as Evidence) Bill 2006: An Unsuccessful Private Bill, Nevertheless Annotated

Sally S Ramage

Date Posted: September 9, 2008

Abstract:

The interception of communications causes much emotional dissent and debate. However, its legitimate use as evidence in criminal cases was not appreciated and the Bill failed. It had the capacity to address much unregistered crime and would have brought many an accessory to

crime to task. Concerns about privacy are largely unfounded and an opportunity was lost to bring this matter to the statute books.

Keywords: law, communications, intercept evidence, UK, statute

JEL Classifications: K40, K41

- 25 [United Kingdom and Russian Cybercrime](#)
The Criminal Lawyer, No. 170, March 2007
[Sally S Ramage](#)
Date Posted: September 9, 2008
Abstract:
Explores UK company data losses and other data losses, including data losses to terrorists. Considers how criminals damage information systems and national resources including the Russian central banking system.
Keywords: Cybercrime, data theft, criminal law, Russia, United Kingdom
JEL Classifications: K20
- 26 [What Criminality Can Be Committed in the Area of Design Intellectual Property?](#)
Criminal Law News, pp. 4-12, October 2008
[Sally S Ramage](#)
Date Posted: April 24, 2009
Abstract:
A design is an artistic work. An artistic work means a graphic work; a photograph; a sculpture; a collage, all irrespective of artistic quality. A work of architecture is an artistic work. Graphic work includes any painting, drawing, diagram, map, chart, plan, engraving, etching, lithograph, woodcut or similar work.
Intellectual property (IP) can allow you to own things you create in a similar way to owning physical property. You can control the use of your IP, and use it to gain reward. This encourages further innovation and creativity. Designs protect the visual appearance or eye appeal of products. The United Kingdom Patent Office is now called the UK IP Office and is situated at Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ, and United Kingdom. To register a design, the application form and fee must be sent to the UK Intellectual Property Office, Designs Registry, Cardiff Road, NEWPORT, South Wales, NP10 8QQ.
Keywords: intellectual property, design, criminal law, offence
JEL Classifications: K10, K11, K14, K42