

Silence in this Lecture

Turn off your mobile - Take notes
Raise your hand if you have a question
PRECIS NOTES WILL BE CHECKED

**No Food or Drink in this
Classroom**

Please place any litter in the bin.

**Leave your chair neatly under
the desk when leaving.**

1

Inchoate Offences

Offences that are incomplete

The parties may well have desired that a crime should go ahead, but circumstances beyond their control may have prevented this.

There are broadly three separate factual situations

Incitement, conspiracy, and attempts.

2

Law of attempts

- Now governed by the **Criminal Attempts Act 1981**
- **S1(1)** states that a person will be guilty of attempt if:

‘With intent to commit an offence to which this section applies, a person does an act which is more than merely preparatory to the commission of an offence’

S4(1) ‘the attempt is punishable to the same extent as the substantive offence.’

3

Actus reus of attempt

- This exists where the party ‘does an act which is more than merely preparatory to the commission of the offence’.

In **DPP v Stonehouse [1978]**, H of L approved of the early description in **Eagleton [1855]** - ‘acts remotely leading towards the commission of the offence are not to be considered as attempts to commit it, but acts immediately connected with it are.’ **4**

More than merely preparatory ...

- Read and discuss **Jones [1990]**, **Gullefer [1990]**, **Campbell [1991]** and **Geddes [1996]**. Treat the cases as guides to the necessary *actus reus* of attempt.

Note the Court of Appeal decision in **Attn Gen Reference (No1 of 1992) [1993]** – i.e. in relation to attempted rape. **5**

The *mens rea* of attempt

- Look back to **s.1(1) of the Criminal Attempts Act 1981** – What is the required mens rea for a criminal attempt? What does this suggest in relation to reckless behaviour?

Clue: The answer can be found in the case of **Millard and Verson [1987]** – page 63 of the text. **6**

While the general rule seems to be that recklessness is not applicable ...

- There are a few crimes where a lesser mens rea (i.e. recklessness) may suffice in relation to the circumstances in which the crime was committed.

Essentially, these few crimes are those of rape and attempted arson. See the cases of Khan and others [1990] and AG's reference (No 3 of 1992) [1994] (see the textbook).

7

Attempting to commit the impossible

- Suppose D attempts to sell Cocaine to a plain clothes policeman for £50. D is arrested and it turns out – to everyone's surprise - that the substance is talcum powder. **Can D be guilty of the attempted supply of illegal drugs?**

Break into Law Firms to prosecute and defend D. Use the cases on pages 63-65 of the 'Criminal Law for A2' textbook.

8

- **Summarise the key issues associated with attempt and produce case notes for what you consider are the most important six or seven law cases (use a Criminal Law Cases and Materials book or the Intranet).**

Email your word processed answer to your Law Tutor within seven days.

9

Student exercise ...

- Students should break into three Law Firms to produce the following ...
- Give a **PowerPoint presentation** (with handouts for all students in the class) on either ...

(1) Conspiracy or (2) Incitement

All students should also produce notes on the 'Reform of Inchoate Offences' (remember that reform issues are vital for the examination).

10

Activity and Self-Assessment Questions

- In class, undertake the 'Activity' on page 65 and plan/undertake the 'examination questions' on page 66 of 'Criminal Law for A2' by Jacqueline Martin.

11

For revision

- Read/recall all important cases.
- Remember - you **MUST** revise the areas associated with reform

12
