

Chapter 11 Summary: General inchoate offences

Chapter 11 explores the general inchoate offences, with particular focus on attempts, conspiracy and assisting and encouraging. These offences are 'inchoate' because they criminalise D at a point before she brings about the principal harm (eg, D conspires to murder at the point she agrees with another to commit murder, irrespective of whether murder is ever committed in the future), and they are 'general' because they apply across multiple offences (eg, attempted murder, attempted rape, attempted theft, etc).

Criminal Attempt (Chapter 11.2)

The offence of criminal attempt is defined within section 1 of the Criminal Attempts Act 1981. This offence is committed where D's acts are more than merely preparatory (key case: *Geddes*) towards the commission of an offence that she intends to complete (key case: *Pace*).

Conspiracy (Chapter 11.3)

The offence of conspiracy is defined within section 1 of the Criminal Law Act 1977. This offence is committed where D agrees with another to commit an offence (key case: *Walker*) that both intend to be completed (key case: *Saik*).

Assisting or encouraging (Chapter 11.4)

Offences of assisting or encouraging are defined within Part 2 Serious Crime Act 2007. These offences are committed where D does acts capable of assisting or encouraging another to commit an offence, foreseeing that the other might do so (key case: *Sadique*).

Substantive offences in an inchoate form (Chapter 11.6)

There has been a legislative trend in favour of inchoate liability, and we have already seen this in our discussion of fraud in Chapter 10. In this section we discuss the offence of assisting or encouraging suicide.

Reform (Chapter 11.7)

There are a number of topical debates in relation to inchoate liability. These include:

- The actus reus of attempts – when should the law intervene?
- The mens rea of attempt and conspiracy, and the uncertain position of the current law;
- The future reform of assisting or encouraging;
- The general inconsistency of law reform in this area.

Eye on assessment (Chapter 11.8)

This section provides a roadmap for applying the general inchoate offences within a problem question.