# Answer guidance

## Question:

Alan contacted Boris suggesting that they kill Margaret because she was their political rival. After hearing Alan’s proposals Boris secretly decided that he would not do anything to help Alan, but he told him that he would do anything he could to help as he disliked Margaret. Their conversation was overheard by Keir and Angela, who both agreed to help. Keir obtained a loaded gun and gave it to Alan, and Angela agreed to drive them to Margaret’s house. On the appointed day, Boris failed to arrive and after Angela had driven them to Margaret’s house she telephoned the police to stop Alan shooting Margaret.

Discuss the parties’ liability for inchoate offences. You do not need to discuss accessorial liability.

## Key issues:

* Alan: s44 Serious Crime Act 2007?
* Boris, Keir and Angela: s45 Serious Crime Act 2007?
* Alan, Boris, Keir, Angela– conspiracy to murder?
  + Was there an agreement?
  + Boris’s argument that he had no intention to assist? See *Anderson*, below.
  + Is Keir not guilty of conspiracy because he informed the police? See *Yip*, below.
  + Did Angela withdraw?
* Alan: attempted murder?

## Key law

You will find relevant legal rules in:

* s44 Serious Crime Act 2007 (section 12.3)
* s45 Serious Crime Act 2007 (section 12.3)
* Withdrawal (section 12.3.6)
* s1 Criminal Law Act 1977
  + *R v Anderson* (no intention to assist – not necessary to prove that there was an intention that the crime be committed as long as there is an agreement that a criminal course of conduct should be pursued). Point confirmed in *R v Siracusa* (section 12.2.2)
  + *Yip Chiu Cheung v R* – good motive does not defeat conspiracy (section 12.2.2)
* Attempt s1 Criminal Attempts Act 1981 (section 12.1)
  + *R v Whybrow* (section 12.1.3)

## Hint(s):

* Remember that in inchoate offences it is irrelevant that the crime is not carried out – the offences under the Serious Crime Act focus on the state of mind of the defendant.
* In this question, the parties could face charges under the Accessories and Abettors Act 1861. See Chapter 13.
* It is tempting to provide a general answer to this type of question as it is sometimes difficult to see the AR and MR of the crimes. Return to the definitions and work through systematically.