

Glossary

Accessory (or 'secondary party')

An accessory participates in the commission of a criminal offence by the principal. An accessory encourages or assists the principal offence (*R v Jogee* [2016] UKSC 8), or aids, abets, counsels, or procures the principal offence (s.8, Accessories and Abettors Act 1861).

Actual bodily harm

The degree of harm required for the offence under s.47, Offences Against the Person Act 1861.

Actus reus

The elements of a criminal offence which do not relate to the state of mind of the defendant.

Attempt

An inchoate offence which involves doing an act which is more than merely preparatory towards the commission of the full offence under s.1, Criminal Attempts Act 1981.

Basic intent

A term used to describe an offence which can be committed with a lesser form of *mens rea* than intention (i.e., recklessness). Compare to 'specific intent' below.

Burden of proof (or 'legal burden')

An obligation imposed upon a party in proceedings to prove a fact in issue.

Causation

Where the offence is a result crime, the prosecution must prove that the defendant caused the result.

Charge

A term used to describe the formal accusation that the defendant has committed a criminal offence. A defendant is charged with a criminal offence at the police station.

Conspiracy

An inchoate offence which involves agreeing with another person to commit an offence.

Controlled drug

A list of drugs found in Schedule 2 of the Misuse of Drugs Act 1971 or drugs denoted by a Temporary Class Drug Order which are the subject of offences under the Misuse of Drugs Act 1971.

Conviction

A term used to indicate that a defendant has either been found guilty of an offence after a trial or has pleaded guilty to an offence.

Diminished responsibility

A partial defence to murder under s.2, Homicide Act 1957 (as amended by s.52, Coroners and Justice Act 2009).

Direct intent

One's aim or purpose. Compare to oblique intent.

Evidential burden

An obligation to adduce some evidence to make an issue a 'live' one.

Grievous bodily harm (GBH)

The degree of harm required for offences under ss.20 and 18, Offences Against the Person Act 1861. Also described as 'really serious harm' or 'serious harm'.

Homicide

An umbrella term used to describe offences involving unlawful killing (e.g., murder, manslaughter).

Inchoate

Incomplete or undeveloped. Refers to liability for conspiracy, attempt, and encouraging and assisting crime.

Involuntary manslaughter

A form of manslaughter which applies where the defendant unlawfully causes the death of the victim but has no intention to kill or cause GBH.

Joint enterprise

An old doctrine under which two or more people who embarked upon the commission of a criminal offence, were liable for any offence committed in pursuance of their common purpose. See *R v Jogee* [2016] UKSC 8 on recent changes to the law on accessorial liability.

Loss of control

A partial defence to murder under s.54, Coroners and Justice Act 2009.

Malicious

Intentionally or recklessly.

Mens rea

The mental element of a criminal offence (e.g., intention and recklessness).

Murder

Unlawfully killing a person with the intention to kill or cause GBH.

Objective

An objective approach compares the defendant's actions or state of mind with that of a hypothetical reasonable person.

Oblique intent

A less common form of intention than direct intent. It requires the consequences of the defendant's actions to be virtually certain to occur and the defendant must appreciate that they are so.

Recklessness

A form of *mens rea*. A subjective test of recklessness is applied which requires the defendant to foresee the possibility of a consequence occurring and go ahead and take that (unjustifiable or unreasonable) risk.

Specific intent

A term used to describe an offence which requires intention as the *mens rea*. Compare to 'basic intent'.

Standard of proof

The degree of certainty that the tribunal of fact must have when deciding upon an issue of fact.

Strict liability

A term used to describe offences which lack at least one element of *mens rea*.

Subjective

A subjective approach examines what the defendant himself saw or perceived as a consequence of his actions.

Voluntary manslaughter

A form of manslaughter which applies where the defendant unlawfully causes the death of the victim and has an intention to kill or cause GBH, but successfully pleads a partial defence, such as loss of control or diminished responsibility.