

SPECIFIC AND BASIC INTENT

There is a difference between crimes of "basic" intent and crimes of "specific" intent.

BASIC INTENT

A basic intent crime is one where the *mens rea* is intention or recklessness and does not exceed the *actus reus*. In simple terms this means that the defendant does not have to have foreseen any consequence, or harm, beyond that laid down in the definition of the *actus reus*. For example:

- * In the "simple" offence of criminal damage (contrary to s1(1) of the Criminal Damage Act 1971), the *actus reus* comprises the damage or destruction of another's property; the *mens rea* need not go beyond an intention to do criminal damage.
- * The *actus reus* of malicious wounding (contrary to s20 of the Offences Against the Person Act 1861), is wounding and a defendant can be convicted without proof of his having intended to do anything more than wound the victim.

SPECIFIC INTENT

A specific intent crime is one where in theory the *mens rea* goes beyond the *actus reus*, in the sense that the defendant has some ulterior purpose in mind. For example:

- * In the "aggravated" offence of criminal damage (contrary to s1(2) of the Criminal Damage Act 1971), the offence is committed where a defendant causes damage or destruction to property with the intention of endangering life. The *actus reus* is almost identical to that of the simple offence, the differentiating factor is the further or "specific" intent that the defendant must possess, to endanger life.
- * The *actus reus* of wounding with intent to do some grievous bodily harm (contrary to s18 of the Offences Against the Person Act 1861) is wounding. However, the defendant must be shown not only to have had the *mens rea* for wounding but also a further or "specific" *mens rea*, in the form of an intention to do some grievous bodily harm.

Hence the reference to the "*mens rea* going beyond the *actus reus*".

SUMMARY

The present position may be summarised as follows:

BASIC INTENT CRIMES

- * Common law assault and battery
- * Sections 47, 20 and 23 of the Offences Against the Person Act 1861
- * Manslaughter
- * Rape
- * "Reckless" criminal damage (contrary to ss1(1) and 1(2) of the Criminal Damage Act 1971).

SPECIFIC INTENT CRIMES

- * Inchoate offences
- * Murder
- * Sections 18 and 24 of the Offences Against the Person Act 1861.
- * Criminal damage with intent to endanger life (contrary to s1(2) Criminal Damage Act 1971).
- * Sections 1, 8, 9(1)(a), 15, 16, 21, 22 and 25 of the Theft Act 1968
- * Sections 2(1)(b) and 3 of the Theft Act 1978.