

**Briefly Explain The Meaning Of These  
Terms: Actus Reus And Mens Rea**

Actus Reus means the 'guilty act' this must be voluntary. For example if a swarm of bees enter a car window and the drivers swerves, injuring someone, then he will not be liable because it wasn't voluntary. The Actus Reus may be an act, a failure to act or a state of affairs. The act may be direct or indirect action. Examples of a direct act could be battery or rape where the defendant makes contact with the claimant. An example of an indirect act could be where somebody shoots another, for this they would need to establish a chain of causation; to decide that pulling the trigger led to the claimant's injury. The defendant does not need to be aware of any medical conditions, for example if a swarm of bees left a honey farm and stung an allergic car driver causing him to have an anaphylactic shock and die, the owner of the bees would still be charged, this is known as the "thin skull rule". In another case a Jehovah Witness refused a blood transfusion after being stabbed, she later died, the person who stabbed her was still convicted with manslaughter because his actions led to her death and she would have died even if had not gone to hospital.

The failure to act is known as omission; the principle of this is that failure to act is not liable except if it is someone's contractual responsibility to act. For example if you see someone drowning, failing to rescue them will not result in you being liable, however, if you are a lifeguard it is your contractual responsibility to act and save them. A state of affairs is being in a particular state or place, which makes you automatically liable for the offence. For example being drunk on a public highway makes you automatically liable for the offence.

Mens Rea is the guilty state of mind and refers to the intention element of a crime. The level of blameworthiness varies from crime to crime; there is intention, recklessness, and negligence. Mens Rea can mean on purpose or deliberately, although it is much broader than the layperson realises because it can also mean the person knowingly or maliciously caused the event. Mens Rea does not need a motive as in the case of Maloney where a man shot his father-in-law; the House of Lords stated that foresight of the consequences is not intention but only evidence of intention. "Reasonable foresight" of consequences is also enough to prove intention. In the case of Shepherd and Hancock, two miners pushed a block of concrete off a bridge through the windscreen of a taxi, this led to the driver being killed and the miners were convicted of murder because they could have foreseen the consequences. A defendant can also be convicted on "probability" of consequences like in the case of Nedrick where he posted paraffin through a letterbox causing a fire and killing the baby. Recklessness is another type of Mens Rea needed to prove a defendant to be guilty of certain crimes. The defendant is aware of an unjustifiable risk occurring as a result of their actions yet still carry on. There are two types of recklessness, Caldwell and Cunningham. Cunningham (or subjective) recklessness can be defined in the case of R v Cunningham where the defendant broke into a house to steal money from the gas meter and was charged with "maliciously administering a noxious thing as so to endanger life." The defendant realised there was a risk of harming someone yet still carried on. The third type of Mens Rea is negligence; this is where the defendant has acted carelessly resulting in damage or injury occurring. There are only a few examples of this but they included driving offences and manslaughter.

