

Inchoate Offences and Conspiracy Revision Sheet

Encouraging or assisting

S44 Criminal Attempts act 1981

- Intentionally does an act capable of encouraging or assisting an offence by P

Intention here refers to direct intent only i.e. It is D's purpose.

S45

- Does an act capable of encouraging or assisting believing an offence will be committed by P and believing his own act will encourage or assist

S46

- Does an act capable of encouraging or assisting believing one or more offences will be committed and that his act will encourage or assist

S45 & 46

R v Hall 1985 – Belief refers to more than suspicion, but short of knowledge

S65(1)

Invicta Plastics v Clare 1976 – 'encouraging' includes threats or pressures

S49(1) Can commit a crime under s44, 45 and 46 whether a crime is actually committed or not.

Defences

S47(6) – Impossibility is no defence to inchoate offences

S50 – Directed reasonably in the circumstances that he knew or reasonably believed exists

S51 – Puts the principle from Tyrell 1894 in to statute – if D is the victim of the crime he is encouraging or assisting he is in a protected category.

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