

Maliciously

This shall mean either intentionally or being subjectively reckless to the harm caused by the act

Mens rea

The actus reus must be done 'maliciously', but it was confirmed in **Cunningham 1957** that this means intention as well as subjective recklessness.

Mowatt 1976 – this case established that D will be liable under s 20 should he intend or foresee 'some physical harm, albeit minor in character'.

S18 OAPA

S18 provides that,

'whosoever shall unlawfully and maliciously by any means whatsoever wound or cause GBH to any person with the intent to do GBH, or have intent to resist arrest in doing so, shall be liable for imprisonment for life'.

Actus reus

The actus reus of s18 includes everything regarding the actus reus of s20. It does also include the wounding or causing GBH when resisting arrest.

Mens Rea

The level of mens rea required is the vital difference between s20 and s18. Recklessness is not sufficient for a s18 offence. Furthermore, it is not enough to foresee some harm, but an intention to cause GBH is required, even when the resulting injury is wounding.

When considering s18 and resisting arrest, the mens rea is simply to resist arrest. It is sufficient that the D intends or is reckless as to cause some harm. This is that same level of mens rea required for s20, as in **Morrison 1989**.

Oblique intention will suffice for s18. The virtual certainty test will be applied as in **Nedrick 1986** where if the D foresaw that GBH was a virtually certain result of his act then he will be liable.