

W201 The Individual and the State

Questions on intent recklessness and negligence

Intent

1. Bond wishes to terminate his arch enemy Goldfinger. He places dynamite in his helicopter knowing it will kill the pilot and any other occupant instantly. Goldfinger (the pilot) and Q an undercover British agent (a passenger) die in the explosion. Bond is now on trial for the murder of Q.

How must the judge direct the jury on intent?

Recklessness

2. Sybil and Basil own a hotel. Manuel a waiter from Barcelona tired of years of insults and without thinking of the consequences sets it on fire one night. He is charged with arson.

What mental element must be proved?

If Manuel had given vent to his feelings not by setting fire to the hotel but by balancing a fire bucket over a door so that it fell on Basil's head causing a wound would the mental element required for a Section 20 offence be the same or different?

Recklessness

3. A tramp shelters under a haystack in a thunderstorm. He lights a small fire to keep warm. He stops to think briefly about whether the haystack will catch fire but rules it out because the storm has made the hay wet. He falls asleep and when he awakes the sun is shining and the haystack ablaze!

Now charged with arson how will the test for recklessness apply to the tramp?

Negligence

4. Negligence is relevant in the following offences

- Manslaughter
- Dangerous driving
- Careless driving

Is negligence an aspect of an accused's mental state or a description of his conduct?