

Elements of Offences

The next question is what does the prosecution have to make the jury sure of? The answer is the **offence** they are charged with. The jury is *not* there to decide whether somebody has been generally 'bad' or even if they have committed any criminal offence.

All criminal offences are carefully and precisely defined (usually in the Statute that created them but also by the interpretations of that Statute by the courts). The definition will include a number of different **elements**.

To prove a criminal charge the prosecution have to prove (so that the jury are sure) each and every element of the offence.

Whether you are prosecuting or defending, therefore, you need to consider carefully each element of the offence to see if it is **made out** - if there is evidence that proves that element or if there is a defence that attacks that aspect of the case.

Battery or Common Assault (s39 CJA)

1

2

3

4

5



Assault occasioning actual bodily harm (s47 CJA)

1

2

3

4

5

6

The trial you will be dealing with may concern the following offences from the **Theft Act**



Theft
(s1 Theft Act 1968)

- 1
- 2
- 3
- 4
- 5
- 6

Robbery
(s8 Theft Act 1968)

- 1
- 2
- 3
- 4
- 5
- 6

Burglary
(s9 Theft Act 1968)

- 1
- 2
- 3
- 4



Think: both theft and burglary contain the element theft. How do you prove theft? How many elements are there really in Robbery and Burglary?