

Criminal Law

Study unit 6 – p176-243

Intention:

- Criminal law term used, it means that a person commits an act
 - a. While his will is directed towards the commission of the act or the reason of the result.
 - b. In the knowledge:
The existence of the circumstances mentioned in the definitional elements of the relevant crime and
In the knowledge of the unlawfulness of the act.
- A person who acts unlawfully does not necessarily commit a crime. The act must be accompanied by fault – mens rea.
- In *S v De Blom*, the court held that there exists a presumption that fault is an essential element of crime.
- The principle of strict liability if it is reasonable to do so considering the:
 - a. Scope and object of the relevant provision
 - b. Nature of the prescribe punishment
 - c. Easiness of evading criminal liability if fault is required.
 - d. Rules of interpretation of statutes.
- **Intention:**
 - a. Conative – volitional elements: The elements consist in directing the will towards a certain act or result
 - b. Cognitive – intellectual elements: The elements consist in the knowledge of the act.
- **Intention:**
 - In a technical sense of the term can therefore be defined as the will to commit the act or cause the result set out in the definitional element of the crime.

3 Forms of Intention:

- Direct intention (*dolus directus*)

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