3. Mens rea: intention, recklessness, negligence and gross negligence

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This chapter focuses on Mens Rea (MR), the mental element of a criminal offence, and discusses some of the components of MR, which include intention, recklessness, negligence and gross negligence. It explains that intention can either be direct or oblique and that recklessness may be defined as the conscious taking of an unjustified risk. It also explains how to distinguish between negligence and gross negligence: negligence is unreasonable conduct that creates risk while gross negligence is a high degree of negligence deserving criminal punishment. The chapter also considers several examples of cases relevant to MR and analyses the court decisions in each of them.
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