This chapter provides an overview of mens rea, loosely translated as ‘guilty mind’. Whereas the actus reus of an offence focuses on the accused’s conduct, the results of that conduct, and the circumstances in which it takes place (external elements), mens rea focuses on what is going on in the accused’s mind (internal elements). The chapter first considers the elements of criminal liability under mens rea versus actus reus before discussing the legal meaning of central mens rea terms such as ‘intention’, ‘negligence’, ‘dishonesty’, and ‘recklessness’ and how these terms work in the context of a whole offence. It also describes certain offences that require actus reus elements with no corresponding mens rea and vice versa. Finally, it outlines a structure for analysing the mens rea of an offence when applying the law in a problem-type question. Relevant cases are highlighted throughout the chapter.
3. Mens rea

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