

Handout 1: Offence Structure

Offence structure

The structure of the offence consists of three elements:

Objective elements

The objective elements include all the apparent circumstances. Did the accused apparently commit the offence described in the law?

Subjective elements

Covers that which is going on in the person's mind. Did the accused commit the offence intentionally? Was he/she aware of the circumstances which qualify the act as an offence?

Responsibility

Responsibility is based on circumstances which may exclude a person's responsibility even if the objective and subjective elements are present. Are there any circumstances which may exclude responsibility? For example, did the person act in self-defence?