

Conspiracy to Pervert the Course of Justice

Monday, 19 September 2016

The course of justice includes an investigation and preceding that, at the point where an event has occurred following which it is expected that an investigation will follow. (R v Rowell (1977) 65 Cr App R 174).

The offence requires a positive act or series of acts, simple inaction is insufficient. The offence cannot be committed by omission. Falsely accusing a person of an offence is serious enough to warrant a charge of perverting the course of justice, even if the accusation was not pursued to prosecution following investigation. (R v Headley [1996] R.T.R. 173).

The intention that the false allegation be taken seriously by the police is sufficient proof of intention. It is not necessary to prove that the defendant intended that anybody specific be arrested. Where a false allegation is made against someone whom is deceased, then the charge would be an attempt to pervert the course of justice. (R v Brown (V.J.) [2004] Crim L.R. 665 CA, R v Cotter [2002] EWCA Crim 1033

This offence may also arise where a police officer takes a bribe or otherwise abuses his authority as a police officer so that an offender evades prosecution.

It is a question of fact for the jury to decide whether the accused had any discretion to act as he did, and where he did not, whether he might mistakenly have believed he had. (R v Coxhead [1986] RTR 411).

Pervverting the course of justice generally falls into three types of offences are:

1. threatening or interfering with witnesses (
2. concealing evidence, and(
3. false allegation of crime resulting in arrest of innocent person(