

Kidnapping

There are four elements to this common law offence:

the taking or carrying away of one person by another;

by force or fraud;

without the consent of the person so taken or carried away; and

without lawful excuse.

Often the kidnapping will be followed by the commission of further offences of sexual or aggravated assault. There is a specific offence of Child Abduction. Regardless of the severity of any act that follows (with the possible exception of murder), kidnapping is such a grave offence that it will be usual to reflect it with a count in the indictment.

False imprisonment

False imprisonment is a common law offence involving the unlawful and intentional or reckless detention of the victim. An act of false imprisonment may amount in itself to an assault. If a separate assault accompanies the detention this should be reflected in the particulars of the indictment.

If the detention was for the purpose of committing another indictable offence, and such an offence was committed, a count for the

substantive offence will usually be enough. Where the detention was for a period of several hours, or days, then it will be proper to reflect the unlawful detention with a count for false imprisonment.