

MISTAKE OF FACT IN ENGLISH LAW

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Summary: English law, practice and theory differentiate mistake of law and mistake of fact and a criterion for this demarcation is a matter referred to a wrong assumption of the perpetrator. Mistake of fact is the basis which excludes the existence of the offence. According to the traditional view, the defendant may be released only if the mistake is reasonably grounded, but in current practice and theory prevails subjective notion of mistake, according to which it is enough that a perpetrator honestly believes in the existence of relevant facts. The author has tried to answer the question, under what circumstances the defendant may rely on mistake, i.e. why a mistake of fact which is based on reasonable grounds may be relevant to criminal law.

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