

Attempted taking of a child (abduction)

A person commits an offence if, without lawful authority or excuse, he takes a child under the age of sixteen so as to remove him or her from the lawful control of a person having lawful control.

Without lawful authority or excuse

There is no suggestion that D** had any lawful authority or excuse to do anything in connection with C**. So, in this case you do not have to consider these words.

takes

A person is regarded as taking a child if he causes or induces the child to accompany him. That involves some movement. It is enough for a man to get a child to accompany him, even if it is only over a short distance.

A child is “taken” if he or she is deflected by some action of the defendant from that which with the consent of his or her parents he or she would otherwise have been doing into some activity induced by the defendant.

a child under the age of sixteen

It is agreed that C** was under the age of sixteen. So, in this case you do not have to consider these words.

so as to remove him her from the lawful control of her mother, the person having lawful control

What matters is the effect of a man’s actions, not his intention.

But in this case D** is not charged with taking a child so as to remove him or her from the person having lawful control. He is charged with attempting to do that.

Before you can convict him, you must be sure of two things: first that he intended to take C** from the lawful control of his/her mother; and second, that, with that intention, he did something which was more than mere preparation for committing that offence.

The prosecution case is that D**.
He denies this. He says that **.

So, the key questions for you to answer, having regard to all the evidence and the directions which I give you, are these

Did D***?

While doing that, did he intend to take C** somewhere or get him/her to do something beyond that which his/her parents would have agreed?

If you are sure that the answers to both questions are “yes”, the defendant is guilty. If the answer to either question may be “no”, he is not guilty.