

TASK 1

The law in relation to non-fatal offences against the person is no longer fit for purpose and is in need of reform.

This subject is a wide talked about topic, even from watching movies on the television - you see people turning vigilante and trying to harm the persons who harmed first. This is a vicious cycle as it can never end if everyone is thinking with this mindset then no one would get justice or get an answer they deserve. It is never a good idea to seek your own revenge no matter how bad the persons inflicted a friend or family member.

This will not only result in more bloodshed but it will mean the person seeking revenge can face a long time in courts and jail whilst trying to grieve. This is a very sad subject as I have read many case studies and I have watched many trials on the television which show this kind of topic. It is not nice for anyone to go through court trails and jail for anyone involved or even the surrounding family members,

In this situation the best thing to do is contact the police - and let the law take it in to their hands, everything must be documented as it could help you in the future. It is my role as a lawyer to help any family members seek justice from a terrible experience. The police will track down the wrongfully person and would hopefully be taken off the streets for you to feel safer. The courts will fight for the rights of you - as a grieving family member. I have been researching many different cases to find out how they ended - during my research I found The Offences Against the Person Act 1861 to be very helpful:

"The Offences Against the Person Act 1861 was enacted in order to provide a statutory basis for non-fatal and non-sexual offences against the person which had existed at common law. At the time of drafting, the Act was widely praised for codifying the existing law. The original value of the statutory scheme lay in the fact the Act consolidated offences against the person, the elements of which had previously been scattered in various judicial authorities – some hundreds of years old. Although I do not endeavour to analyse the various offences in detail, it is worth noting that the primary offences under the Act are:

Assault occasioning actual bodily harm contrary to section 47;
Malicious wounding or infliction of grievous bodily harm contrary to section 20; and,
Wounding or causing grievous bodily harm with intent to cause grievous bodily harm or intent to evade or resist arrest contrary to section 18."

A Section 47 enquiry means that CSC must carry out an investigation when they have 'reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm

A summary of this is to protect children from occasional/weekly body harm to a child from a family member. Children must be protected as they can not speak out - any suspicion from neighbours will be taken seriously and investigated by police to assure every child is being looked after correctly.

Section 20 of the Children Act 1989 sets out how a Local Authority can provide accommodation for a child within their area if that child is in need of it, due to the child being lost/abandoned or there is no person with parental responsibility for that child.

A summary of this is to help a lost or abandoned child - the police will investigate to find out where the parent is and why they have left the child - the child will then go into care to be looked after.

Section 18 Assault – Wounding/Grievous Bodily Harm (GBH) with intent. The most serious offence of violence is Section 18 grievous bodily harm and can also be known as wounding with intent. This offence is indictable only, which means it can only be dealt with in the Crown Court.

A summary of this is heavy body harm- if a person has knowing hurt another person it is seen as GBH in some cases a person will not intend to hurt someone but an action they make ends up hurting a person it is called manslaughter and the persons could face a long prison sentence.