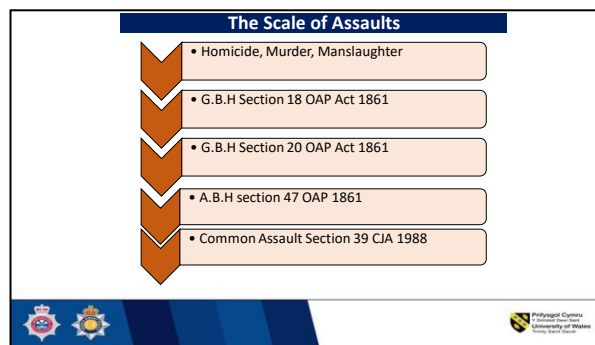




Learners who have successfully completed this lesson will be able to:

1. **Outline** legislation relating to the ascending scales of assaults and other Offences Against the Person including common assault, battery, ABH, GBH and GBH with intent)
2. **Identify** and discuss the defences to the above offences.
3. **Apply** knowledge to differentiate between all offences against the person.
4. **Apply** knowledge and discuss how these offences can become 'racially' or 'religiously' aggravated.



Historically the Offences Against The Person Act 1861 provided magistrates with the opportunity to imprison or fine anyone committing the common law offences of assault or battery.

The same statute provided the offences of Assault occasioning actual bodily harm (ABH), GBH and GBH with intent.

Assault and battery remained a common law offence until they became summary offences by S39 Criminal Justice Act 1988.

CPS decide on how to charge a defendant depending on the level of injury. In general, if there are no serious injuries then the offence charged will be common assault.

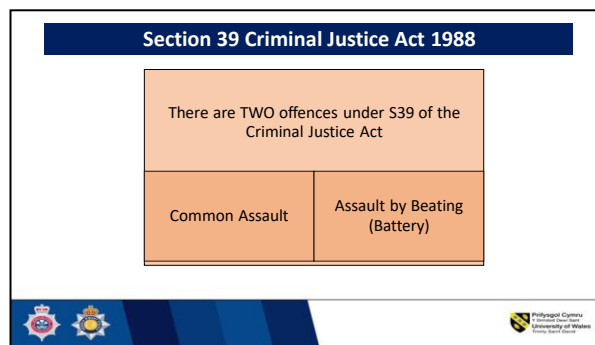
Common Assaults: The most minor form of assault

ABH: Where actual harm is caused, normally refers to physical injury.

Assault Police: Provided we are acting in the execution of our duty.

More Serious Assaults: Section 20 G.B.H or Section 18 causing G.B.H with Intent.

Homicide: Murder and Manslaughter



Under **Sec 39 Criminal Justice Act 1988** there are **two** possible offences:

Common assault – to understand common assault, we must first understand what is meant by the word “**Assault**” (see next slide)

Assault by beating – to understand this, we must first understand what is meant by “**Battery**” (see next slide)

Although any injury can be classified as actual bodily harm, the appropriate charge will generally be contrary to section 39 where the injuries amount to no more than transient or trifling, for example;

grazes; scratches;

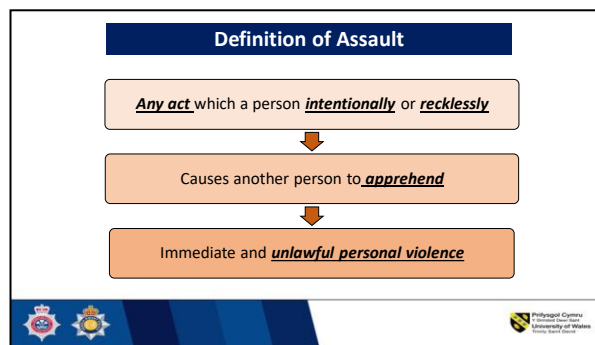
abrasions; minor bruising;

swellings; reddening of the skin;

superficial cuts; or a "black eye".

Assault and battery remained a common law offence until they became summary offences by S39 Criminal Justice Act 1988.

**Common Assault – Triable summarily only– Maximum penalty
6 months imprisonment and/or fine on conviction.**



QTS – What do you think the definition of assault is?

The word “**Assault**” must be considered first

There is no legal definition of assault, however this definition has been referred to in a court of law: R v Brown 1993

Any act – The act could be words in a letter, or a telephone call including threatening silences

No contact is required

Intentionally – Explained on next slide

Recklessly – Explained on next slide

Causes another person to apprehend – The action of the suspect leave the victim in no doubt of what he is about to face.

To apprehend is to anticipate or fear a certain act or consequence.

Apprehension can come from words, silence or conduct.

Immediate – Not necessary instantaneous but within a minute or two e.g. if a threat is made from outside a house to a victim inside a house, it would take a few moments before it could be carried out.

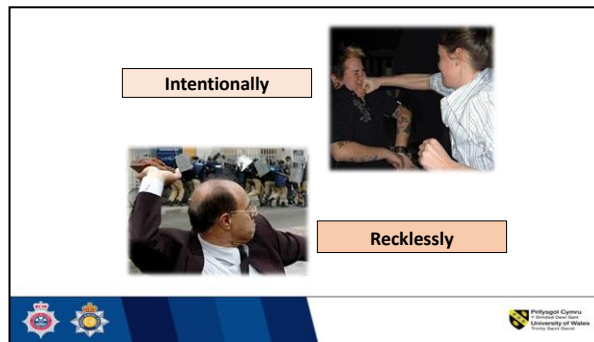
A future or conditional threat is not an assault. e.g. “I’ll punch your lights out next week”

Unlawful – A person who threatens another by shaking their fist at them or using some other threatening gesture commits an assault if they put the other in fear of immediate unlawful personal violence. It is the act of putting someone in fear rather than the injury that must be intended.

A “conditional threat” will not constitute an assault – e.g. a conditional threat would be a person saying to another “I’d chin you if there wasn’t a copper over there”

Personal violence – The person should fear a violent act being committed against him.

Words alone can constitute an offence, however other criminal offences could be possibly be considered such as Section 4, 4A or 5 Public Order Act



Intentionally – means a deliberate or purposeful act.

The suspect deliberately acts in a way that is calculated to leave the victim in no doubt that he will be subjected to personal violence.

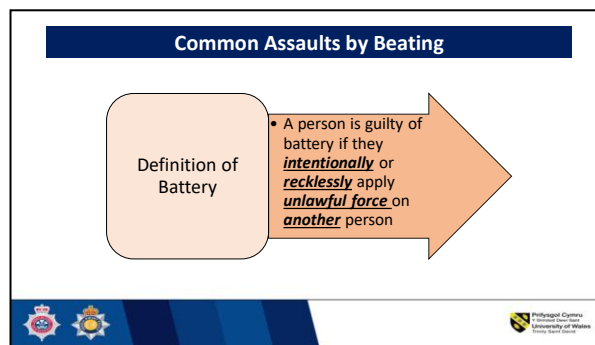
The suspect purposely takes part in some kind of conduct which applies unlawful force on another person.

Eg: a person approaches someone and punches them in the face. It is **intentionally** applied force.

Recklessly is described as being aware of the existence of risk but nonetheless had gone on and taken it. (R V Cunningham 1957)

The person foresaw that the consequence of their conduct might be the application of unlawful force against another person, but they continued anyway.

Eg: a group of people throwing pebbles in a busy street are reckless as to whether the pedestrians may suffer personal violence.



Battery is a common assault by beating

Intentionally – The suspect **purposely** takes part in some kind of conduct which applies **unlawful** force on another person.

If two persons are imitating a fight scene from a film, they both may fear immediate force but they do not assault each other because they do not intend to use immediate unlawful force.

Recklessly – The suspect foresaw that the consequence of their conduct might be the application of unlawful force against another person, but continued, e.g. if a group of people throwing pebbles in a busy street are reckless as to whether the pedestrians may suffer personal violence.

Apply – to make contact with the victim

Unlawful force – Force can be applied in many ways, it involves contact but only the slightest degree of force is required. Force can be applied **DIRECTLY**

e.g. A applies force to B or **INDIRECTLY** e.g. A applies force to B who knocks into C (thereby applying force to C)

It can include a simple punch or kick, a blow with a stick or the throwing of a stone at someone. Technically mere touching is a battery

On another – the force can be applied indirectly e.g. a suspect punches a man carrying a baby, causing him to drop the baby. Force is applied to the baby.

The difference between an assault and a battery, in simple terms is that an assault is when someone makes another think they are going to be violently harmed immediately whereas a battery is the actual physical contact or harm being done.

Offences of assault reported to the police tend to involve both an assault and a battery



Injuries consistent with battery

Minor bruising or swelling e.g. black eye

grazes; scratches; abrasions; swellings; reddening of the skin; superficial cuts;



QTS – What defences would one have to an assault? Groupwork – split into 4 groups to discuss

General Defences relating to Assault

There are several defences to offences relating to assault, such as consent or the lawful application of force, & actions used to prevent crime to effect a lawful arrest.

Consent – Being tattooed, having a piercing, or medical operation, lawful sports.

Consent cannot be given to an assault that inflicts bodily harm of a substantial nature (other than surgical operations and similar activities). A willing victim of sado-masochism cannot consent to being assaulted (see *R v Brown* 1993) but a more flexible view can be taken to, for example, some body mutilation in limited and non-aggressive circumstances, (see *R v Wilson* 1996) Much depends on individual circumstances.

This defence covers participation in all **lawful sports** which might result in injury due to their very nature, including boxing (under the Queensberry rules), soccer, rugby etc. Properly conducted sports are considered to be for the public good and therefore any assaults and batteries which take place during the course of the contest within the rules are lawful and the opposing players are taken to have given their consent to the injuries which they might suffer during the course of the match or contest. Any injury caused by a player acting outside the rules of the sport will be an assault, and criminal proceedings should be considered.

Sports such as boxing and rugby are contact sports and as such participants consent to the injuries they may receive while engaged in the sport and abiding by its rules.

However, if the rules are broken and the injuries are caused as a consequence, then this defence no longer exists

Consent does not include being reckless as to whether consent was given e.g. knowing an injury might occur and taking the risk anyway

Implied consent eg. walking in crowded streets and being bumped into

There are occasions when a police officer needs to draw attention to their presence in order to seek to ask questions or to warn or to advise a member of the public. A hand placed on a shoulder or arm could amount to an assault or battery, but it seems the courts are willing to accept that it is not an assault simply to tap on the shoulder or to take an arm. Of course, this could equally apply to any other member of the

public acting in similar circumstances. These circumstances are of course distinct from arrest where reasonable force can be used.

Self Defence:

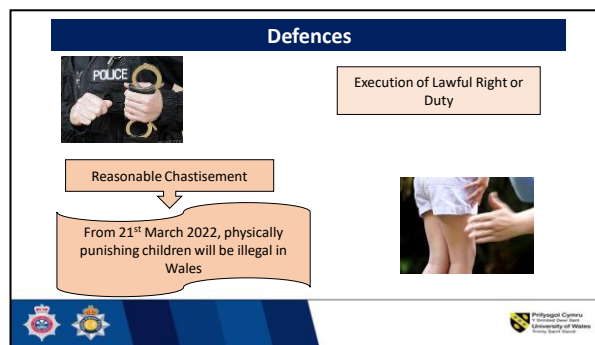
A person may defend themselves or close relative, in some cases this may include property.

Self defence will not cover situations where assailants run after the person who has ceased the initial attack and then assaulted them.

The term 'self-defence' is not defined by law and therefore it is a question of fact for the courts to decide.

A court will apply a two-part test to self-defence:

- That the individual believes that he/she was acting in self-defence
- That the individual believes that the force used was reasonable in the circumstances



Lawful right or duty

The police are not above the law and must carry out their duties exercising reasonable force.

For use of reasonable force by any person see S3 Criminal Law Act 1967.

For constables powers to use reasonable force see Section 117 PACE

Consideration will be made as to what was reasonable in the circumstances.

Reasonable Chastisement could be a defence to a common assault only - but not section 47, 18 & 20 Offences Against the Person Act 1861.

Following the enactment of S58 Children Act 2004, a parent no longer has the legal right to inflict moderate and reasonable physical punishment on their children (reasonable chastisement). The position is the same for someone who is 'in loco parentis', meaning 'in the place of a parent'. This can include a teacher, youth leader, baby sitter, etc.

Although this legal right has been removed, Parliament has decided not to make such punishment by a parent an absolute offence. Instead, the issue would only arise in cases where there has been a charge of 'common assault' under S39 Criminal Justice Act 1988. Only in this instance can the excuse of 'reasonable chastisement' be used as a defence to the charge.

The Act comes into force on 21 March 2022.

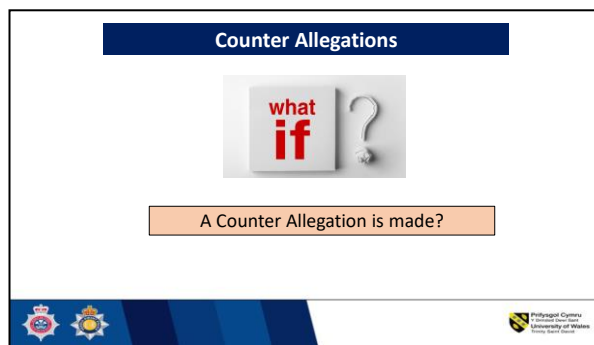
From 21 March 2022, physically punishing children will be illegal in Wales.

The change in law does not create a new offence, rather it removes a 160-year old legal defence which sent the message that it was acceptable for children to be physically punished by their parents or those with parental authority.

Removes the defence of reasonable punishment. This means that no one can physically punish children in Wales, including in the home.

- Gives children the same legal protection from assault as adults.

- Removes a legal loophole, meaning that the defence of reasonable punishment can no longer be used in unregulated settings. These unregulated settings include some places of learning, worship, play or leisure, or other locations which aren't regulated in the same way as schools or childcare settings for example.
- Brings clarity, making it easier for children, parents, professionals and the public to understand the law. This will improve the ability of professionals working with families to protect children by eliminating the current potential for confusion over what is an acceptable level of physical punishment. It will also enable professionals to provide clear, unambiguous advice to parents and carers that any level of physical punishment will be illegal in Wales.
- Helps protect children's rights and send a clear signal that physically punishing children is not tolerated in Wales.



QTS – what should you do if a Counter allegation is made?

If a counter-allegation is made against the original IP during interview, that it is not put to that IP as part of their initial or subsequent statement?

That allegation would need to be investigated on its own merit and if the original IP did in fact become a suspect, then the case could have been tainted by them being questioned about it when not under PACE.

Examples of poor practice in SWP – There have been assault allegations of varying degrees from strong ABH through to GBH. It has been the case that the original DPs either in interview or when arrested have raised defences that they were assaulted by the original IP to a worse degree and there has been either an element of self defence to their allegations or a complete denial of the original assault. The level of assault allegations by these DP have also been of strong ABH and GBH respectively.

These allegations have been dealt with by re approaching the original IP either putting these allegations to them whilst taking their initial statement of complaint and then recording a negative response or by approaching them and taking a further statement denying these cross allegations. As we know if allegations are made and someone is treated as a suspect then PACE dictates how we deal with them and this is not by putting the allegations to them without caution and recording in in their statements of complaint.

What resulted in all cases is that they were undermined. In one the IP was interviewed without caution and a decision was made around the validity of the cross allegation without following any lines of enquiry to either prove or disprove it. There was no other option other than to NFA with lack of any independent witnesses or other corroborating evidence.

Cross allegations of assault need to be dealt with in isolation and treated accordingly and we cannot show any lack of impartiality by being perceived to

believe one over another, also we cannot breach PACE in such ways to make things easier. It may well be the case that a cross allegation is being used to cloud the initial allegation. It must be treated separately and prove it to be fictitious not ignore it deal with it in the manner has been used above as this will jeopardise the initial allegation.

Taken from the CPS guidance

It may not always be straightforward to identify the primary aggressor and true complainant in cases of domestic abuse. It is possible in some cases that a primary 'complainant' of the abuse or violence may have acted in a manner in which they are then seen as the perpetrator. For example, retaliation against the primary aggressor after years of abuse.

As such, the police and CPS should take great care to consider the full facts of the offending behaviour, relevant background and history before any action is taken in arresting and/or charging the suspected offender. During this consideration, to avoid stereotyping of the individuals involved, the primary complainant should be correctly identified - e.g. - the physical appearance of the purported offender, or the ethnicity of the complainant should not be used to make any assumptions. All complaints need to be assessed on their own facts and merits by the police and CPS.

In cases where a counter allegation has been made, police officers should conduct an immediate further investigation at the scene (or as soon as is practicable) to attempt to establish the primary aggressor and to assess whether the 'primary' victim may have been justified in using a reasonable level of force to defend themselves or another person, such as a child. Police and prosecutors should be alert that some counter allegations may be made to further exploit the abuse perpetrated on the 'primary' complainant. A thorough investigation should be conducted into the background of the relationship between the complainant and alleged perpetrator to ensure that the full context of the incident is understood.

When there are counter allegations, police officers should record the following information:

the nature of the relationship between the complainant and alleged perpetrator;

whether either party, or both, are involved in other proceedings, such as civil proceedings/orders, or family proceedings;

the comparative severity of any injuries inflicted by the parties;

whether either party has made threats of future harm to others (including children, other family members, or others living in the same household);

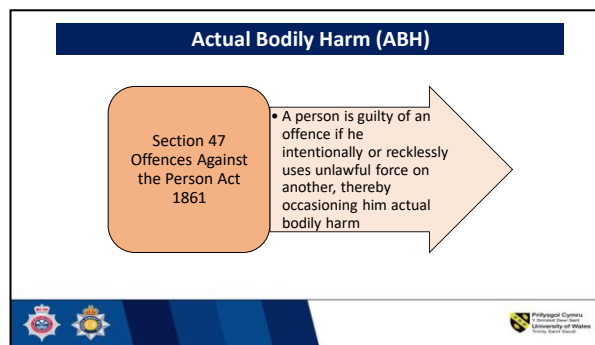
any prior history of abuse by either party;

any previous counter allegations by either party and the results of those

allegations; and,

whether either party acted defensively to protect themselves or a third party from injury.

First response officers will be able to record the behaviour of the parties or note any other information which may be of value. It is also possible that officers attending the scene may be wearing body-worn cameras which might capture vital evidence.



QTS – What do you think the definition of ABH is?

The main factor which distinguishes common assault by beating from ABH is the degree of injury.

Bodily harm – includes any hurt or injury calculated to interfere with the health or comfort of the victim. Such injury or hurt need not be permanent but must be more than merely transient. (lasting for only a short time)

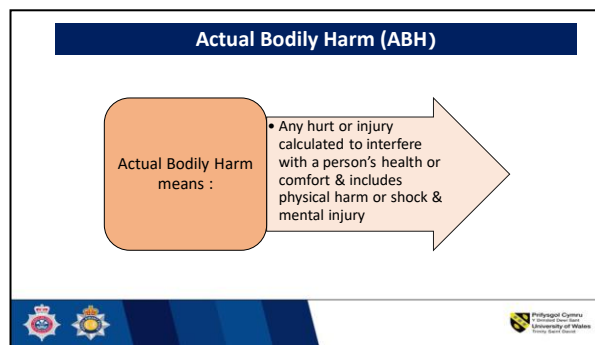
The injury must be real and must be able to be seen and felt by the victim.

Intention or recklessness are the same for ABH as they are for common assault by beating, it only needs to be proved the assault was intended or carried out recklessly.

Triable either way offence

Summary Offence – Up to 6 months imprisonment/ and or fine

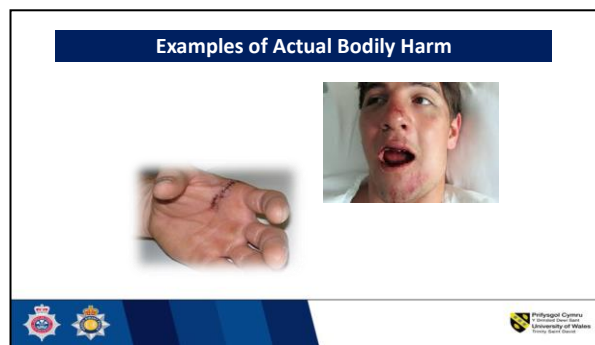
Indictable Offence – Up to 5 years or 7 years if racially aggravated



This definition is from case law R v Chan-Fook (1994)

Harm can be permanent or temporary.

Harm includes both physical harm and shock or mental injury. It can include a loss of consciousness.



Examples of ABH injuries:

Loss or breaking of a tooth.

Temporary loss of sensory functions.

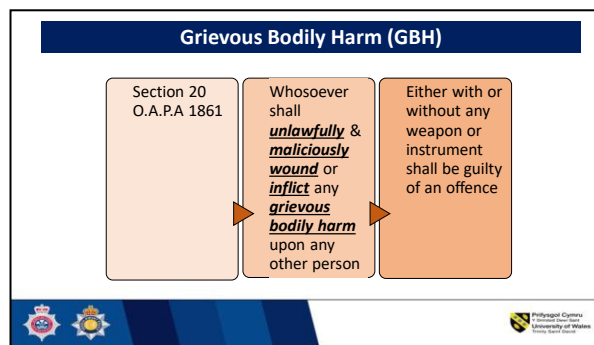
Extensive or multiple bruising.

Minor fractures and cuts requiring stitches

These injuries may need not be visible or permanent, e.g. minor fractures such as a broken nose, bruising or abrasions.

Actual bodily harm has been held to include shock , psychiatric (i.e. mental) injury , a momentary loss of consciousness and there is even a stated case, DPP v Smith 2006, the deliberate cutting of a person's hair was found to be ABH

However it does not include mere emotions such as fear, distress or panic.



Grievous Bodily Harm is ‘really serious harm’ but may not be permanent.

Examples:

- injury resulting in permanent disability or loss of sensory function
- Visible disfigurement
- Broken limbs
- Substantial blood loss – requiring a blood transfusion
- Injury resulting in lengthy treatment or incapacity
- Psychiatric injury
- Fractured skull
- Broken cheek bone, jaw or ribs

The suspect must know that the actions would result in some kind of injury , but does not necessarily have to foresee the degree of the injury.

The injuries can be caused either with or without a weapon

Unlawfully – (as per the definition of common assault) means ‘without lawful justification’ Could be lawful if someone is acting in self defence or a police officer acting with reasonable force

Maliciously – includes intentionally or recklessly - the defendant must realise that there is a risk of some harm being caused to the victim. E.g. passing on a sexual transmitted infection, the suspect would foresee that the victim might contract the infection through sexual activity, but go on to take the risk anyway.

It is only necessary to prove that the suspect **FORESAW** a **RISK** of SOME HARM and went on to use force against the victim regardless

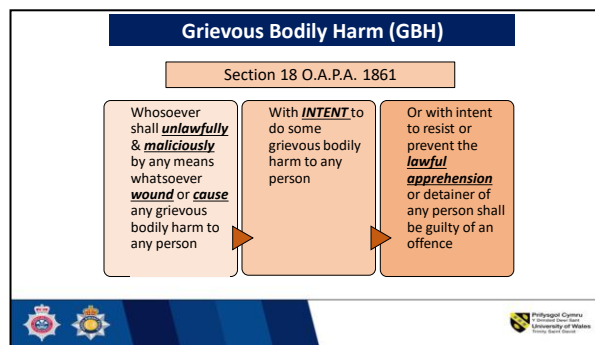
It is not necessary to prove that the suspect foresaw the EXTENT of the actual harm caused as a result – which may have been far more severe than anticipated

Example: JONES approached LEWIS and punches him to the face. LEWIS falls backwards and hits his head – fracturing his skull.

Wounding - is the breaking of the whole skin e.g. a cut which goes right through all the layers of the skin whether externally or internally.

Inflict - there does not need to be an physical contact and it must be shown that the behaviour of the defendant brought about the resulting harm – a person jumping from a window because of the threats made. There is a link between the suspects actions and the victims injuries.

Section 20: Triable either way. On indictment - 5 years' imprisonment and/or a fine. Summarily - 6 months' imprisonment and/or a fine.



This is a crime of **specific intent**

Unlawfully – means ‘without lawful justification’ Could be lawful if someone is acting in self defence or a police officer acting with reasonable force

Maliciously - includes intentionally or recklessly. It means the defendant must realise that there is a risk of some harm being caused to the victim. E.g. passing on a sexual transmitted infection, the suspect would foresee that the victim might contract the infection through sexual activity, but go on to take the risk anyway.

By any means whatsoever – harm can be produced in any way but a connection between the means and the harm must be proved.

Wound - the breaking of the whole skin e.g. a cut which goes right through all the layers of the skin whether externally or internally.

Cause – is to make something happen it is a wider term than inflict.

Intent – there requires a specific intent to wound or cause GBH. This is sometimes difficult to prove, although some obvious examples are

- a weapon is used
- repeated or planned attacks
- deliberate selection of a weapon or article adapted to cause injury – breaking a glass before an attack
- prior threats

Resist lawful apprehension – 2 elements are needed

- the arrest is lawful
- the person knows arrest is being made

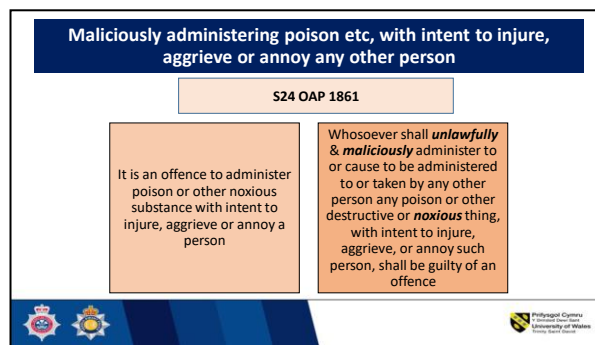
eg. if a suspect pushes a store detective who is trying to arrest them and causes them serious injury (as a result of the push) the offence has been committed

Detainer – is anyone acting in the detention of the suspect i.e. store detective, police, customs officer etc

Triable on indictment only. Life Imprisonment (max)

	<u>S.20</u>	<u>S.18</u>
Category	Either Way Offence	Indictable Only
Crown Court	5 Years Imprisonment	Life Imprisonment
Magistrates Court	6 Months and/ or fine	N/A
Racially / Religiously Aggravated	Crown Court: 7 years Imprisonment and / or Fine Magistrates Court: 6 Months and / or fine	N/A





QTS – what types of things does this offence cover?

This section creates three offences -

- 1 Administering a noxious thing to a person (substance is administered directly i.e. injected), Needle spiking
- 2 Causing a noxious thing to be administered to any other person (substance is administered by an innocent third party for example), and
- 3 Causing a noxious thing to be taken by any other person (for example noxious substance is put in food then the food is eaten).

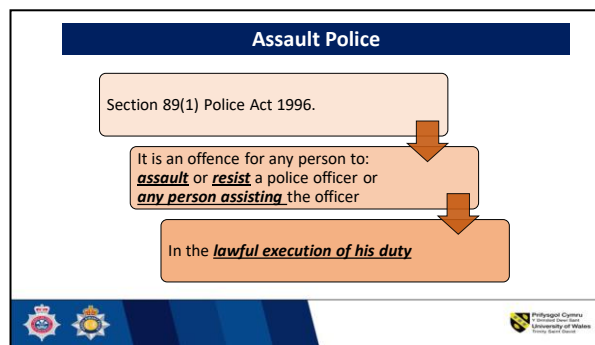
(ii) This offence has been successfully used in respect of 'spiked' drinks cases.

Unlawful - means without excuse or justification at law; illicit. In addition the consent of the victim will not prevent an act from being unlawful (R v Kennedy 2007).

Maliciously - in a statutory crime assumes foresight of consequence and requires either an actual intention to do the particular kind of harm that was done or recklessness whether such harm should occur or not (see R v Cunningham below).

Noxious - in the dictionary this means harmful to living things; injurious to health. However in legal terms a substance that maybe harmless if taken in small quantities becomes noxious if administered in sufficient quantity to injure, aggrieve or annoy. The purpose which the defendant has in view may also have bearing on the nature of the substance in question. The court has ruled that the substance need not necessarily be injurious to bodily health: it is a lot less important that poison or other destructive thing....injurious, hurtful, harmful, unwholesome. This can include that administration of a noxious thing that may not normally cause harm. For example, if sleeping tablets were put into a drink in a quantity that may not cause harm where the victim remains in the home, but if the victim was to drive or operate machinery this could be an entirely different matter with potentially disastrous consequences.

Direct students to the ‘Spiking handout’



Assault – this is similar to Common Assault by beating, the results of which are minor or no perceived injuries. If the injuries amount to actual or grievous bodily harm then this would be the preferable charge.

Resist – implies a degree of physical confrontation or struggle

Any person assisting – this could mean anyone, including colleagues, police staff (PCSOs) and members of the public.

Lawful execution of his/her duty – it is not enough to simply be on duty. An officer must be in lawful execution of that duty and acting within their powers. For example, if a police officer makes an unlawful arrest, then neither he nor anyone assisting them would be protected by this offence.

Assisting private person to eject trespasser would not fall within this offence as trespass is a civil offence.

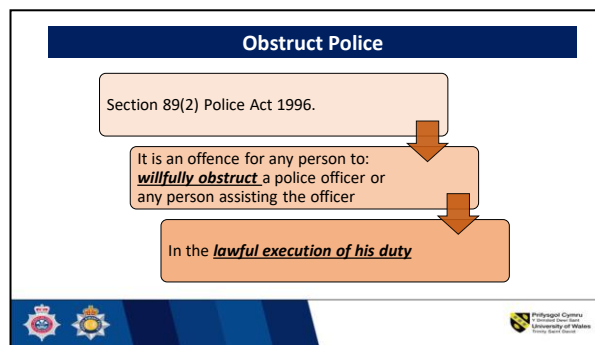
There is a stated case to support this:

An officer who went to a call of a recent burglary where it was thought the suspect had made off, entered the premises. On entering the offender ran out pushing over the officer. The offender was charged with assault police but was not convicted – officer not in lawful execution - no power of entry

Summary offence

6 months maximum and/or fine

A new Act in law has been written relating to Assaults on Emergency Workers 2018. An offence of **Common Assault On An Emergency Worker** may be a more preferable offence to consider when arresting as it is an either way offence and allows further powers to be used by the officer such as S17 powers of entry. (see slide 19)



Wilfully Obstructing - means making it more difficult for an officer to carry out his or her duty.

This does not need to be in the bodily form, such as standing in an officers way. It can be caused by omitting to do something e.g. Providing misleading information would meet the criteria.

For example:

Door-staff deliberately misleading the police by stating an offender had run off down the street when he was actually hiding in the managers office.

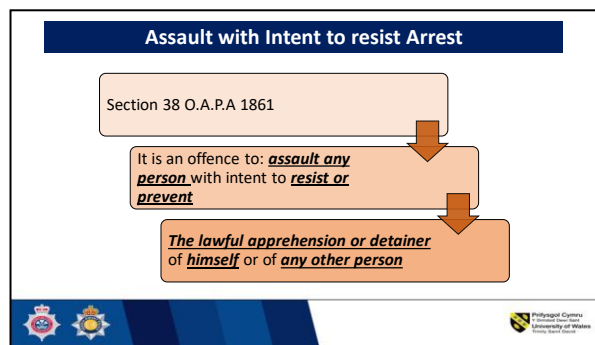
Obstruction could also be committed by drivers flashing their headlights warning other road users of a speed trap.

This offence also applies to persons assisting a PC (e.g. a PCSO)

Some extreme forms of obstruction may amount to more serious offences such as perverting the course of justice.

Summary offence

1 month maximum and/or fine on conviction



Assault any person – this could therefore include anybody, e.g. a store detective, security officer, customs officer or court representative

Resist or prevent the lawful apprehension or detainer – the arrest MUST be a lawful one.

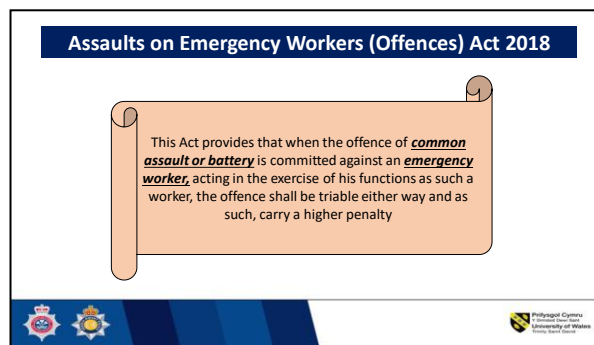
A detainer is anybody who is acting in the detention of a suspect, including a store detective, a customs officer or court representative

Himself or any other person – the assault need not be committed by the person who is being detained or arrested. For example, it could be the suspect's friend who is being detained or arrested.

If the suspect believes that the arrest is unlawful, it is still an offence. This would include a belief that the arrested person was innocent.

Summary offence

2 years maximum and/or fine on conviction



November 2018

An Act to make provision about offences when perpetrated against emergency workers, and persons assisting such workers; to make certain offences aggravated when perpetrated against such workers in the exercise of their duty; and for connected purposes

Emergency worker means -

- (a) a constable;
- (b) a person (other than a constable) who has the powers of a constable or is otherwise employed for police purposes or is engaged to provide services for police purposes;
- (c) a National Crime Agency officer;
- (d) a prison officer;
- (e) a person (other than a prison officer) employed or engaged to carry out functions in a custodial institution of a corresponding kind to those carried out by a prison officer;
- (f) a prisoner custody officer, so far as relating to the exercise of escort functions;
- (g) a custody officer, so far as relating to the exercise of escort functions;
- (h) a person employed for the purposes of providing, or engaged to provide, fire services or fire and rescue services;
- (i) a person employed for the purposes of providing, or engaged to provide, search services or rescue services (or both);
- (j) a person employed for the purposes of providing, or engaged to provide -
 - (i) NHS health services, or
 - (ii) services in the support of the provision of NHS health services,and whose general activities in doing so involve face to face interaction with individuals receiving the services or with other members of the public.

3(2) It is immaterial for the purposes of subsection (1) whether the employment or engagement is paid or unpaid.

3(3) In this section -

custodial institution means any of the following -

- (a) a prison;
- (b) a young offender institution, secure training centre, secure college or remand centre;
- (c) a removal centre, a short-term holding facility or pre-departure accommodation, as defined by [section 147](#) of the Immigration and Asylum Act 1999;

(d) services custody premises, as defined by section 300(7) of the [Armed Forces Act 2006](#);

custody officer

has the meaning given by [section 12\(3\)](#) of the Criminal Justice and Public Order Act 1994;

escort functions -

(a) in the case of a prisoner custody officer, means the functions specified in [section 80\(1\)](#) of the Criminal Justice Act 1991;

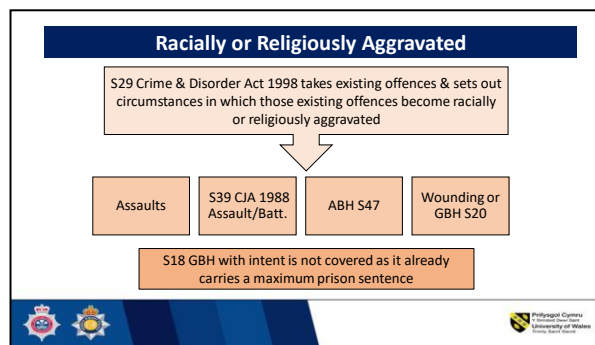
(b) in the case of a custody officer, means the functions specified in paragraph 1 of [Schedule 1](#) to the Criminal Justice and Public Order Act 1994;

NHS health services

means any kind of health services provided as part of the health service continued under section 1(1) of the [National Health Service Act 2006](#) and under section 1(1) of the National Health Service (Wales) Act 2006;

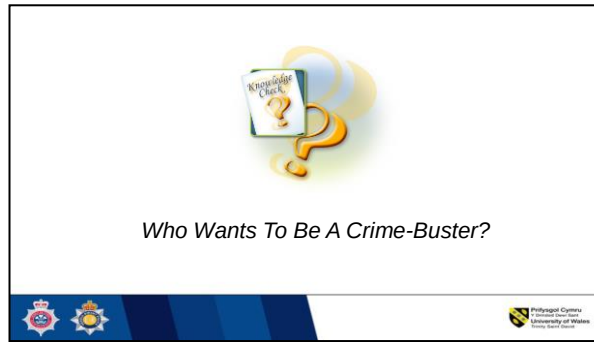
prisoner custody officer

has the meaning given by [section 89\(1\)](#) of the Criminal Justice Act 1991



The 'aggravated' form of the offence carries a higher maximum penalty than the ordinary form of the offence

Racially & Religiously aggravated offences shall be covered in another lesson



The 'aggravated' form of the offence carries a higher maximum penalty than the ordinary form of the offence

Racially & Religiously aggravated offences shall be covered in another lesson

Q1 = Has a common assault taken place here?

Smith sees Pratt in the street and says to her, "Bring back my DVD by tomorrow or I will come around and break your legs"

A Yes, Smith has committed a Common Assault on Pratt.

B Yes, as he has made threats to Pratt.

C No, there is no immediate threat of violence towards Pratt

D No, Smith has committed Threats to Kill.

C – No, there is no
immediate threat of
violence towards Pratt



Q2 = Jones the school bully threatens Hill, another 13-yr-old boy in the school yard. Jones does not mean to hurt Hill in any way but begins to shove him in the chest. Hill loses footing and subsequently falls, lacerating his arm in the process. Is Jones guilty of an offence?

A No, the injury was sustained as a result of the fall.

B Yes, assault occasioning Actual Bodily Harm (ABH)

C No, he could have not foreseen the circs when he was pushed

D Yes, common assault



B – Yes, assault
occasioning ABH



Q3 = Smith is threatened by a youth armed with a bicycle chain. He is not intimidated and easily disarms the youth, but before the youth has a chance to run away, Smith gives him a severe beating, resulting in the youth having multiple bruises, cuts and swelling to his face. Can Smith claim this assault is justified?

A Yes, this was clearly self defence

B Yes, because the youth was in possession of a weapon

C No, an assault of this nature can never be justified.

D No, the injuries were caused after the youth was disarmed



D - No, the injuries were caused
after the youth was disarmed



Q4 = Sykes is involved in an argument with a group of men in a crowded pub. During the argument he removes his belt and starts swinging it around his head. As a result of this, his friend, Roberts, is struck by the belt, causing a deep laceration to his face. Sykes did not intend to injure Roberts, but bares no remorse. Is Sykes guilty of an offence?

A Yes, Sykes is reckless in his actions

B Yes, Sykes intended to cause injury with the belt

C No, as Sykes did not intend to injure Roberts

D No, as Roberts was not threatened first



A — Yes, Sykes was reckless
in his actions



Q5 = Jones has extreme views against religion and is annoyed by persons from his local church handing out leaflets in the town centre. One afternoon, Jones throws a glass bottle with considerable force at one of the congregation, aiming at the persons face. The bottle smashes and the injury causes the person to lose sight in their left eye. What offence would you consider for Jones in these circumstances?

A Section 18 GBH

B Section 47 ABH

C Racially Aggravated Assault

D Section 20 GBH



A – Section 18 GBH
(Jones' actions intended to
inflict serious injury)



