

Non-Fatal Offences

Assault

Location: s39 Criminal Justice Act 1988

Definition: causing unlawful apprehension of force

AR: Cause apprehension of immediate, unlawful force

MR: Intention or recklessness that V would apprehend this force

Outcome: 6 month maximum sentence

Battery

Location: s39 Criminal Justice Act 1988

Definition: Using unlawful force on another

AR: Using unlawful force on another

MR: Intention or recklessness that unlawful force would be used

Outcome: 6 month maximum sentence

ABH

Location: s47 OAPA 1861

Definition: An assault or battery which causes ABH

AR: Carry out an assault or battery which caused ABH (more than trivial)

MR: Intention or recklessness that an assault or battery would occur

Outcome: 5 years maximum sentence

GBH without Intent

Location: s20 OAPA 1861

Definition: unlawful, malicious wounding or GBH without intent

AR: Cause a wound (break in skin) or GBH (serious injury)

MR: Intention or reckless to some harm (not serious harm)

Outcome: 5 years maximum sentence

GBH with Intent

Location: s18 OAPA 1861

Definition: any act which causes a wound or GBH intentionally

AR: Cause a wound (break in skin) or GBH (serious injury)

MR: Intention to cause serious injury or resist/prevent lawful arrest

Outcome: life maximum sentence



R v Ireland
Intentionally caused apprehension. Silence can amount to assault



Turberville v Savage
If make it clear won't happen = not assault



Collins v Wilcock
Policeman grabbed arm = unlawful force as he could have used another method



R v Miller
Any injury which interferes with health and comfort of V



R v Chan Fook
More than trivial harm



R v Savage
Throwing beer = battery and caused injury. Doesn't matter she didn't foresee.



R v Roberts
Jumped from car due to sexual advances = ABH



JCC v Eisenhower (both)
Break in continuity of whole skin i.e. 2 layers



R v Saunders (both)
GBH = serious injury (broken bones or psychiatric)



R v Mowatt (s20)
Intention or recklessness. Don't need to foresee serious harm.



R v Burstow (both)
Harassment and stalking = depression = GBH as serious harm



R v Belfon (s18)
Severe injuries due to slashing with razor = intended serious injury

Writing Guide for APPLICATION Questions

