

Assault revision by Ik Taara

Assault answer:

Under S39 of Criminal Justice Act 1988, Assault is defined as “intentionally or recklessly causing the victim to apprehend the infliction of immediate unlawful force”. Assault is a summary offence and is punishable by 6 months imprisonment or a fine of up to £5,000. Firstly, there has to be an act as seen in (R v Constanza), where it was held that words in threatening letters can amount to an assault. Furthermore, in (R v Ireland), it was held that even silent phone calls can amount to assault. Secondly, the victim has to apprehend the infliction of immediate unlawful force as seen in (R v Logdan). Next, there must be fear of immediate violence as in (Smith v Woking). Also, there must be an infliction of unlawful force. Therefore, force can't be consented or self defence. Furthermore, for mens rea there has to be intention or recklessness to cause the V to apprehend immediate unlawful personal violence. Intention is when a person deliberately intended to cause the V to apprehend the infliction of immediate unlawful force as in (R v Savage). Recklessness is when the defendant saw the risk of applying unlawful force but went ahead and took the risk anyway as in (R v Parmenter). However, words can negate an assault as seen in (Tuberville v Savage).

Assault Revision Structure:

Step 1 - Understand the key words and structure

Step 2 - Memorise the keywords

Step 3 - Understand the cases

Step 4 - Practise past exam questions.

Step 5 - Get feedback on your practised answers by getting them marked by your teacher.

Step 6 - Understand the feedback and improve and boost your grades.

Step 1 - Understanding the key words and structure:

Firstly we need to mention which part of the law talks about Assault. Therefore, we start answering our question by writing **Under S39 of Criminal Justice Act 1988**. Next, we write the definition of assault. Therefore we write; Assault is defined as “**intentionally or recklessly causing the victim to apprehend the infliction of immediate unlawful force**”. Next, if you are aiming for full marks you can add details about assault such as **Assault is a summary offence and is punishable by 6 months imprisonment or a fine of up to £5,000**. The rest of the answer just involves going back to the definition of assault and adding cases to each part. The definition of assault is separated into 2 parts actus reus and mens rea. you need to make sure you talk about both actus reus and mens rea AND apply the knowledge to the scenario given in order to be able to achieve the highest marks.

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ASSAULT REVISION BY IK TAARA

Paper I, section B
• Topic I = Assault

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ACTUS REUS

There has to be an act as seen in (R v Constanza), where it was held that words in threatening letters can amount to an assault. Furthermore, in (R v Ireland), it was held that even silent phone calls can amount to assault.

UNDER S39 OF CRIMINAL JUSTICE ACT 1988, ASSAULT IS DEFINED AS "INTENTIONALLY OR RECKLESSLY **CAUSING THE VICTIM TO APPREHEND THE INFLECTION OF IMMEDIATE UNLAWFUL FORCE**"

The victim must apprehend the infliction of immediate unlawful force as seen in (R v Logdan).

There must be fear of immediate violence as in (Smith v Woking).

There must be an infliction of unlawful force. Therefore, force can't be consented or self defence.

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MENS REA

Intention is when a person deliberately intended to cause the V to apprehend the infliction of immediate unlawful force as in (R v Savage).

UNDER S39 OF CRIMINAL JUSTICE ACT 1988, ASSAULT IS DEFINED AS "INTENTIONALLY OR RECKLESSLY CAUSING THE VICTIM TO APPREHEND THE INFLICTION OF IMMEDIATE UNLAWFUL FORCE"

Recklessness is when the defendant saw the risk of applying unlawful force but went ahead and took the risk anyway as in (R V Parmenter).

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MEMORISING THE KEY WORDS

Keyword	Definition
Assault	Intentionally or recklessly causing the victim to apprehend the infliction of immediate unlawful force
Intentionally	Deliberately doing something
Recklessly	when the defendant saw the risk of applying unlawful force but went ahead and took the risk anyway
Apprehend	Understand
Infliction	Fear
Immediate	Something that can be done within 2 seconds
Unlawful force	Illegal Force

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UNDERSTANDING THE CASES

Case name	Outcome Summary
R v Constanza	The Court stipulated that words alone can constitute an assault, without the presence of physical action, if they cause the victim to apprehend a fear of immediate violence.
R v Ireland	The court held in the affirmative that silence causing psychiatric injury could constitute assault
R v Logdan	An assault had been committed as the victim had apprehended immediate unlawful personal violence and the defendant was reckless as to whether she would apprehend such violence.
Smith v Woking	In the present case, the defendant had a clear intention to cause fear
R v Savage	It was sufficient that they intended or could foresee that some harm will result by their action.
R v Parmenter	The defendant should have foreseen that his handling of the child would result in some harm
Tuberville v Savage	The defendant put his hand on his sword and stated, 'if it were not assize-time, I would not take such language from you'. Assize-time is when the judges were in the town for court sessions

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ANY DEFENCES TO ASSAULT?

- words can negate an assault as seen in (Tuberville v Savage).
- If any part of actus reus or mens rea is missing then there will be no assault.
- For example, if there was an infliction of immediate unlawful force but the victim did not apprehend the infliction of immediate unlawful force then assault will not be satisfied.



ASSAULT ANSWER

Under S39 of Criminal Justice Act 1988, Assault is defined as “intentionally or recklessly causing the victim to apprehend the infliction of immediate unlawful force”. Assault is a summary offence and is punishable by 6 months imprisonment or a fine of up to £5,000. Firstly, there has to be an act as seen in (R v Constanza), where it was held that words in threatening letters can amount to an assault. Furthermore, in (R v Ireland), it was held that even silent phone calls can amount to assault. Secondly, the victim has to apprehend the infliction of immediate unlawful force as seen in (R v Logdan). Next, there must be fear of immediate violence as in (Smith v Woking). Also, there must be an infliction of unlawful force. Therefore, force can't be consented or self defence. Furthermore, for mens rea there has to be intention or recklessness to cause the V to apprehend immediate unlawful personal violence. Intention is when a person deliberately intended to cause the V to apprehend the infliction of immediate unlawful force as in (R v Savage). Recklessness is when the defendant saw the risk of applying unlawful force but went ahead and took the risk anyway as in (R v Parmenter). However, words can negate an assault as seen in (Tuberville v Savage).

Assault Flashcards:

Question (Front)	Answer (Back)
State what part of law does assault come under?	Assault comes under S39 of Criminal Justice Act 1988
Define Assault	Assault is defined as “intentionally or recklessly causing the victim to apprehend the infliction of immediate unlawful force”
What is the punishment for committing Assault?	Assault is punishable by 6 months imprisonment or a fine of up to £5,000
What are elements of actus reus for assault?	There has to be: - an act - apprehension -infliction of immediate unlawful force
What are the elements of mens rea for assault?	- intention OR -recklessness
Are there any defences to assault?	-Words can negate an assault