

Battery revision by Ik Taara

Battery answer:

Under S39 of Criminal Justice Act 1988, Battery is committed where “defendant intentionally or recklessly **applies** unlawful physical force to another person”. Battery is a summary offence and is punishable by 6 months imprisonment or a fine of up to £5,000. Firstly, for actus reus to be satisfied for Battery there must be **application of unlawful physical force**. The application of force can be direct (Collins v Wilcock) or indirect (DPP v K). Next, Force can be as small as the slightest touch of clothing (R v Thomas). Next, for mens rea the unlawful physical force must be applied intentionally (Mohan) or recklessly (Cunningham). Therefore, force can't be consented or self defence. . Intention is when a person deliberately intended to apply unlawful physical 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). However, force can't be consented or self defence.

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 Battery. Therefore, we start answering our question by writing **Under S39 of Criminal Justice Act 1988**. Next, we write the definition of Battery. Therefore we write; Battery is committed where “defendant intentionally or recklessly **applies** unlawful physical force to another person”. Next, if you are aiming for full marks u can add details about battery such as **Battery 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 battery and adding cases to each part. The definition of battery 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.

Below are mind maps, flash cards and revision tables to help you revise and BOOST your grade:

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BATTERY REVISION BY IK TAARA

Paper 1, section B
• Topic 2 = Battery

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ACTUS REUS

The application of force can be direct (Collins v Wilcock) or indirect (DPP v K).

UNDER S39 OF CRIMINAL JUSTICE ACT 1988, BATTERY IS COMMITTED WHERE "DEFENDANT INTENTIONALLY OR RECKLESSLY **APPLIES UNLAWFUL PHYSICAL FORCE** TO ANOTHER PERSON".

Force can be as small as slightest touch of clothing (R v Thomas).

Force can't be consented or self defence.

See next page for more!!!!



MENS REA

Intention is when a person deliberately intended to apply unlawful physical force.

UNDER S39 OF CRIMINAL JUSTICE ACT 1988, BATTERY IS COMMITTED WHERE "DEFENDANT **INTENTIONALLY** OR **RECKLESSLY APPLIES** UNLAWFUL PHYSICAL FORCE TO ANOTHER PERSON".

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).



MEMORISING THE KEY WORDS

Keyword	Definition
Battery	Battery is committed where "defendant intentionally or recklessly applies unlawful physical force to another person"
Intentionally	Deliberately doing something
Recklessly	when the defendant saw the risk of applying unlawful physical force but went ahead and took the risk anyway
Unlawful Force	Illegal Force

See next page for case Law (Case law is the key to unlock highest grades!!)



UNDERSTANDING THE CASES	
Case name	Outcome /Summary
Collins v Wilcock	The defendant's action was therefore in self defence and her conviction was quashed.
DPP v K (an example of indirect force)	A school boy took some acid and placed it into hand drier in the boys' toilets. Another pupil came into the toilet and used the hand drier and got permanent scars.
R v Thomas (direct force)	A school caretaker touched the hem of a pupil's skirt and was charged with battery.
R v Mohan	The defendant actively made the decision to hurt the officer who stooped him for speeding.
R v Cunningham	The outcome of this case provided us with the definition of recklessness as to taking risk of whether such harm should occur or not
R v Parmenter	Even if the defendant wasn't used to handling babbies it is reasonably foreseeable that his actions could harm the baby.

Battery Flashcards:

Question (Front)	Answer (Back)
State what part of law does Battery come under?	Battery comes under S39 of Criminal Justice Act 1988
Define Battery	Battery is committed where "defendant intentionally or recklessly applies unlawful physical force to another person
What is the punishment for committing Battery?	Battery is punishable by 6 months imprisonment or a fine of up to £5,000
What are elements of actus reus for Battery?	There has to be: - application of force - the force must be physical unlawful force
What are the elements of mens rea for Battery?	- intention OR -recklessness
Are there any defences to Battery?	If the force is legal or self defence then defendant wouldn't have committed battery.

