Battery revision by Ik Taara

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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.

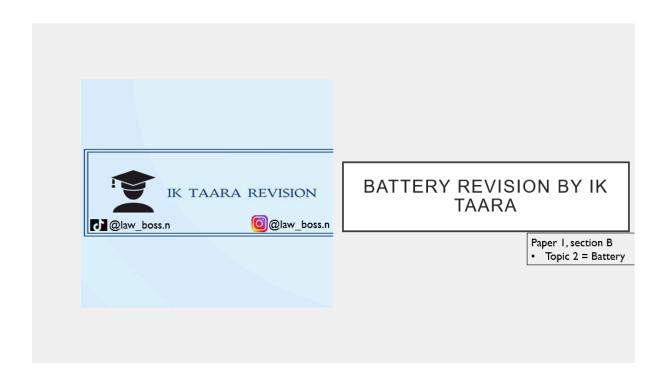
Assault Revision Structure:

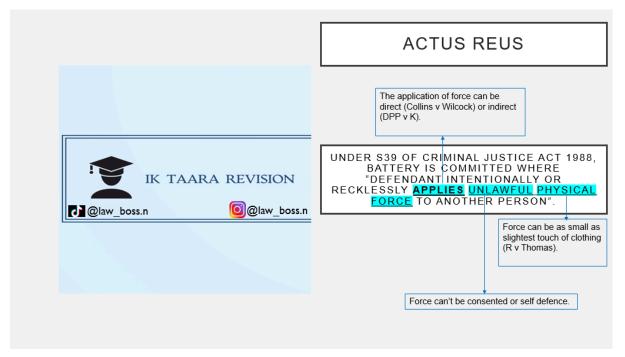
- Step 1 Understand the key words and structure
- Step 2 Memorise the keywords
- Step 3 Understand the cases
- Step 4 Practise past exam questions.
- Step 5 Get feedback on your practised answers by getting them marked by your teacher.
- Step 6 Understand the feedback and improve and boost your grades.

Step 1 - Understanding the key words and structure:

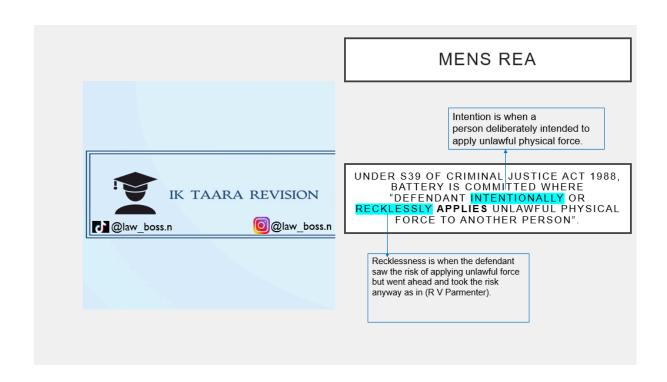
Firstly we need to mention which part of the law talks about Battery. Therefore, we start answering our question by writing **Under S39 of Criminal Justice Act 1988**. Next, we write the definition of Battery. Therefore we write; Battery is committed where "defendant intentionally or recklessly **applies** 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:



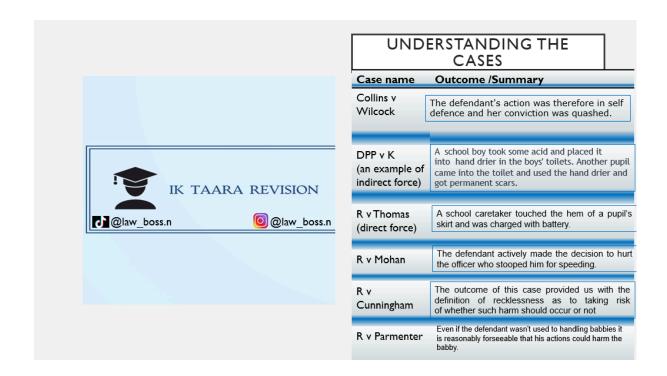


See next page for more!!!!





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



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.		