

Non-fatal offences against the person:

Section 16. Intentionally causing serious injury

- The prosecution must prove BRD that D intentionally caused serious injury to V.

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| AR: | |
| <p><u>Voluntariness (<i>Ugle v The Queen</i>)</u> The act has to be a positively willed conscious act.</p> <p><u>Causation (<i>R v Hallet</i>)</u> Operating and substantial cause of the injury.</p> <p><u>Serious injury (<i>s 15(1)</i>)</u> A serious injury (including the cumulative effect); (i) endangers life; or is (ii) substantial and protracted.</p> | <p>Ugle – V attacked D with a cricket bat. D grabbed knife and stabbed V.</p> <p>Hallet – D knocks V unconscious at the beach, leaves him in shallow water to drown.</p> |
| MR: | |
| <p><u>Intentional (<i>R v Westaway</i>)</u> D intended to cause serious injury.</p> | <p>Westaway – baby left in caravan with partner. Baby's head was bruised and blooded.</p> |
| Defence: | |
| <p><u>No lawful excuse</u></p> <ul style="list-style-type: none"> - Consent (<i>R v Brown OR R v Stein</i>) - Self-defence | <p>Brown – sadomasochistic sexual behaviour.</p> <p>Stein – pimp / prostitute kill man, via gag in bondage session.</p> |
| Contemporaneity: | |
| <p>There must be contemporaneity between the physical (AR) and mental (MR) elements (<i>Fagan v Metropolitan Police Commissioner</i>).</p> | <p>Fagan – man drove onto police officers foot and stayed there.</p> |

