

## Common Law Assault: Battery

### AR

A voluntary act of unlawfully, without justification or excuse, applying force that results in direct physical contact with another person, however slight, may amount to battery (*Collins v Wilcock*). No harm or injury is required.

### MR

Making physical contact is intentional or reckless. For the element of recklessness, the accused must foresee the probability of making physical contact and proceed anyway.

### Unlawful Force

The application of threatened force must be without lawful justification or excuse

## Section 16: Serious Injury intentionally

### Actus Reus

#### 1. A voluntary act

A voluntary act that must be willed (*Ugle v R*), and a **willed** act, done consciously and deliberately, that results from the accused's control of their physical movements (*R v Schaeffer*).

#### 2. Causation

**The accused's act must be a substantial cause of death.** (*R v Hallett*)

- **Intervening acts must break the chain of causation (novus actus interveniens)** to relieve the accused of liability.
- **Foreseeable consequences won't break the chain** – If the victim's death was a reasonably foreseeable result of the accused's actions, the chain of causation remains intact.
- **Natural events won't break the chain if they were foreseeable** – For example, in *Hallett*, the tide coming in (which drowned the victim) was a natural and predictable event.

- *R v Blaue* [1975] 1 WLR 1411
  - **Thin Skull Rule:** The defendant must "take their victim as they find them."
  - This includes **physical, psychological, and religious characteristics**.
  - A victim's refusal of treatment, no matter the reason, does not absolve the attacker.

### 3. Consequence (serious injury to another person) DEFINE

The act caused a serious injury to the victim. S.15 of the CA defines 'serious injury' as an injury that endangers life or is substantial and protracted, including the cumulative effect of more than one injury.

- However, it does not require the offender to foresee the precise 'result' that occurred on the facts, or the precise sequence of events that caused the 'result'.
- *Fagan v Commissioner of Metropolitan Police* [1969] 3 All ER 442
  - The court held that the 'act' was not simply driving the car onto the foot. It included leaving the foot on the car, and at that point, the accused developed the requisite *mens rea*.
- *R v Thabo Meli* [1954] 1 All ER 373
  - Defence argued that at the moment the victim died, there was no coincidence of *mens rea*.
  - The court held that physical and fault elements did not need to coincide precisely.

## Mens Rea

Intention to cause serious injury (TALK ABOUT MOTIVE, weapons used, areas struck)

- The accused intended the act (*R v Westaway*)