

GCE

# LAW: CAPACITY DEFENCES OF INSANITY AND INTOXICATION

## SUGGESTED IDEAS FOR TEACHING AND LEARNING



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<b>Teacher /Lecturer:</b>	
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<b>Course:</b>	<b>A Level Law</b>
<b>Topic:</b>	<b>Capacity defences of insanity and intoxication</b>
<b>Session:</b>	<b>INTOXICATION</b>

<b>Component:</b>	<b>A Level Component 2 and 3</b>
<b>Ref. to specification:</b>	<b>Criminal Law</b>
<b>Suggested time allocation:</b>	<b>4 hours</b>

**Aims & Objectives:** At the end of these sessions the student will be able to:

- **Explain** the differences between voluntary and involuntary intoxication as a defence
- **Understand** the difference between crimes of basic and specific intent
- **Explain** how the courts will deal with offences that involve drunken mistake
- **Analyse** the problems with this area of law

### Main Teaching and Learning Activities

#### **Teacher/Lecturer Activities:**

- Introduce the subject with reference to the aims and objectives set out above.
- Explain that there are two types of intoxication – voluntary and involuntary and get the students to suggest what they think might constitute both and what intoxication may be caused by.
- Explain, using the PowerPoint presentation, voluntary intoxication – question and answer throughout.
- Ask the students to suggest reasons why voluntary intoxication is not considered to be a defence and explain this point.
- Explain the difference between basic and specific intent offences with reference to Attorney General for Northern Ireland –v- Gallagher (1963) and DPP –v- Majewski (1977).
- Explain, using the PowerPoint presentation, involuntary intoxication – question and answer throughout.
- Give students handout with the case details of Lipman (1970), O’Grady (1987), Hatton (2005) and allow for some discussion of students views of these cases.
- Explain how the courts will deal with the issue of drunken mistake.
- Discuss with the students the problems with this area of law – write up points raised during the discussion on the whiteboard.
- Set homework – work together in pairs or designated groups to produce a presentation to answer the following question: ‘Should intoxication be allowed as a defence and, if not, why?’ Ensure that students know to use appropriate authority to illustrate the points that they make.

### Student Activities:

- Contribute to discussion about what intoxication is.
- Write notes, ask and answer questions on voluntary and involuntary intoxication.
- Participation in whole group discussion about why voluntary should not be allowed as a defence.
- Participation in whole group discussion on drunken mistake.
- Participation in whole group discussion about problems with this area of law.

### Suggested links / resources:

- PowerPoint/IWB/whiteboard for aims and objectives
- PowerPoint presentations
- Handout of drunken mistake cases
- Whiteboard for points from discussion
- Any good A Level Law textbooks

### Assessment of Learning

During the lesson	Students will be continually assessed on their contributions to class discussions, asking and answering questions, and taking notes throughout the session. Questions will be addressed directly to individual students to confirm that they have understood the points being covered.
Subsequent to lesson	Homework – students to work in pairs or small groups to produce a presentation on intoxication as above. Students will be assessed on their contribution to the presentation to the whole group and also on their written notes to be submitted for marking.