

GCE

LAW: OFFENCES AGAINST THE PERSON

ASSAULT AND BATTERY SUGGESTED IDEAS FOR TEACHING AND LEARNING



SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:	
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Course:	A Level Law
Topic:	Offences against the person
Session:	ASSAULT AND BATTERY

Component:	A Level Components 2 and 3
Ref. to specification:	Criminal Law
Suggested time allocation:	2 - 3 hours

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

- **Explain** the actus reus and mens rea of the offences of assault and battery.
- **Illustrate** the component parts of both offences with reference to appropriate authority.
- **Understand** that these are common law offences, although they are contained within statute with the penalty provisions.

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce the topic by asking students whether they can give a definition of assault, whether they think that battery is different from assault, what offences can amount to assault or battery, etc. The idea here is to get their opinions and then introduce the legal definitions which are often quite different from people's perceptions and also introduce the aims and objectives of the session.
- Using PowerPoint presentation, explain the offence of assault with reference to the cases of Ireland (1998), Constanza (1997) and Smith –v- Chief Superintendent of Woking Police Station (1983) – questions and answers throughout.
- Using PowerPoint presentation, explain the offence of battery with reference to the cases of Collins –v- Wilcock (1984) Fagan –v- MPC (1968), DPP –v- K (1990), DPP –v- Santana-Bermudez (2003) and DPP –v- Majewski (1976) – questions and answers throughout.
- Divide students into small groups and get them to produce a role play that highlights the differences between assault and battery that they can share with the whole group ensuring that each group is checked on throughout and asking questions to consolidate learning.
- Divide students into small groups and get them to work through scenarios to decide whether there has been an assault or a battery with feedback to the whole group.
- Set short answer questions for students to complete at home to consolidate their learning.

Student Activities:

- Participate in whole group discussion to provide perceptions of what constitutes either assault or battery or both.

- Make notes and ask and answer questions throughout all presentations.
- Small group work to produce role plays to demonstrate the offences of assault and battery to present to the whole group – whole group discussion relating to each presentation.
- Small group work to discuss scenarios on handout with feedback to whole group.

Suggested links / resources:

- Aims and objectives on PowerPoint/IWB/whiteboard
- PowerPoint presentations
- Handout with scenarios
- Reference use to good A Level Law texts

Assessment

During the lesson	Participation in whole and small group work. Continual evaluation through questioning by the teacher/lecturer.
Subsequent to lesson	Students to complete short answer questions on assault and battery for next session to consolidate their learning.

TOPIC: **ASSAULT & BATTERY**

Questions:		Expected answers:
1.	What sort of actions could constitute a common assault or a common battery?	At the beginning of this session many students will say that physical force, including fairly serious actions like punching, would be sufficient for these offences.
2.	What are the facts in the Ireland, Constanza and Smith -v- Chief Superintendent of Woking Police Station cases?	Students will find the answer to this question in textbooks – allow them to read and respond with details.
3.	Comment on these cases and whether the actions by the defendants should, in your opinion, be considered illegal.	This could lead to a wide discussion which will be subjective. There could be discussion on whether these actions should fall under the heading of 'assault' or whether some other offence should be instituted. There is likely to be some discussion about whether the penalty given would be sufficient.
4.	How are common assault and common battery charged?	Reference should be made to the CJA 1988 s 39; that these are summary offences (remind students of work studied during the AS course and the powers of the Magistrates); 6 months imprisonment or a fine.
5.	How is battery different from assault?	Students should state that the essential difference is that assault just requires that the victim is put in fear of violence being used towards them but that battery requires the application of some force.
6.	Does case law support the theoretical differences between these two offences?	This should lead to a whole group discussion about the facts of each of the cases covered. Students should pick up on the fact that both offences require very little action on behalf of the defendant. However, in some cases the defendant has carried out a long campaign against the victim, e.g. Ireland. Again there could be discussion about whether the offences in each case should fall into assault or battery or something else.
7.	What are the mens rea requirements for these two offences?	Refer to intention and subjective recklessness. Try and get students to link this back to previous learning on mens rea.