



THE LAW

FROM THE HUMAN RIGHTS
ACT THROUGH TO
NEGLIGENCE
AND INTO CRIMINAL – ‘A
HINDERANCE OR HELP’



THIS PRESENTATION WILL COVER THREE DISTINCT AREAS OF LAW

- HUMAN RIGHTS ACT
- CIVIL LAW
- CRIMINAL LAW

FIRSTLY A LEGAL QUESTION:

- WHAT IS THE DIFFERENCE BETWEEN ILLEGAL AND UNLAWFUL?





HUMAN RIGHTS ACT 1998

- THE HUMAN RIGHTS ACT 1998 SETS OUT THE FUNDAMENTAL RIGHTS AND FREEDOMS THAT EVERYONE IN THE UK IS ENTITLED TO.



IN THIS SECTION “PUBLIC
AUTHORITY” INCLUDES
A COURT OR TRIBUNAL, AND
ANY PERSON CERTAIN OF
WHOSE FUNCTIONS ARE
FUNCTIONS OF A PUBLIC
NATURE

A black background with several realistic water droplets of various sizes scattered across the top and bottom edges. The droplets have highlights and shadows, giving them a three-dimensional appearance.

ARTICLE 3: FREEDOM FROM
TORTURE AND INHUMAN OR
DEGRADING TREATMENT

ARTICLE 8: RESPECT FOR YOUR
PRIVATE AND FAMILY LIFE



THE LAW OF NEGLIGENCE – A CIVIL WRONG

Any act or omission which falls short of the standard to be expected of the "reasonable person"

establish that a duty of care was owed by the defendant to the claimant

that the duty was breached

that the claimant's loss was caused by the breach of duty and

was a foreseeable consequence of the breach of duty.

DONOGHUE
V
STEVENSON

“You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law, is my neighbour? The answer seems to be persons who are so closely and directly affected by my act that I ought reasonably to have them “



**IN ORDER TO SUCCEED AT TRIAL, THE CLAIMANT
HAS TO SATISFY THE LEGAL TEST THAT ON THE
BALANCE OF PROBABILITIES, THE DAMAGE HAD
BEEN CAUSED NEGLIGENTLY**

CRIMINAL LAW

Common Assault

Assault Occasioning Actual Bodily Harm

Grievous bodily harm

Manslaughter

Gross negligence manslaughter

Murder

The background of the slide is a light gray gradient with numerous water droplets and bubbles of various sizes scattered across it. The droplets are rendered with soft shadows and highlights, giving them a three-dimensional appearance. The text is centered on the page.

AN ASSAULT IS

COMMITTED WHEN THE DEFENDANT
INTENTIONALLY OR RECKLESSLY CAUSES
ANOTHER TO APPREHEND IMMEDIATE
AND UNLAWFUL VIOLENCE AND

A BATTERY IS

COMMITTED WHEN A DEFENDANT
INTENTIONALLY OR RECKLESSLY INFLICTS
UNLAWFUL FORCE

TUBERVILLE V SAVAGE (1669)

- THE DEFENDANT GOT INTO A VERBAL DISPUTE WITH THE CLAIMANT. THE DEFENDANT TOLD HIM THAT IF IT WERE NOT 'ASSIZES TIME' (A TIME WHEN MEDIEVAL JUDGES WERE IN THE LOCAL AREA HEARING CRIMINAL CASES) HE WOULD 'NOT TAKE SUCH LANGUAGE'. THE DEFENDANT'S HAND WAS ON THE SWORD AT HIS HILT AT THE TIME.



ISSUES

Can words negate an assault?

The court held for the Defendant – there was no assault

Words can negate an assault

The principles are equally applicable to the criminal law, as well as the tort of assault.

CASE STUDY

Olaseni Lewis

Robinson
(Appellant) v Chief
Constable of West
Yorkshire Police
(Respondent)



NOW FINALLY CAN I RETURN
TO MY FIRST LEGAL
QUESTION

