

for the jury to decide. This would not apply to assault as no force was applied.

If assault punched Roger, he could be charged with s.47 (Actual bodily harm) under offences against the person act 1861. ABH refers to assault occasioning actual bodily harm. The actus reus is either assault or battery - Battery refers to intentionally applying unlawful force to another person. The assault or battery must have caused the ABH. ABH has been defined in Miller as any harm or injury calculated to interfere with health or comfort. Due to the fact the Rogers case has been broken down to the punch, it is likely that the actus reus would be satisfied.

The mens rea of ABH is an intention or subjective recklessness to cause assault/battery. There is no need for the mens rea to be linked to the harm. This is illustrated in

Savage v Parmenter where the defendant intended to throw a fruit at her one of the women. The glass flew out of her hand and cut the other woman's wrist. The defendant claimed that she lacked the mens rea for s.47 as she only intended to throw beer, not cause harm. The court held that the conviction should stand as she had the mens rea to apply unlawful force (throw beer) and that was sufficient. In Savage case it would seem that he ~~may~~ meant to punch Roger and so would satisfy the mens rea.

It would still not be a defence of intoxication, as it is also a basic intent offence.

If Saffery struck Eric several times causing him internal injuries. He may be charged with s.20 OAPA 1861 (Grievous bodily harm). The actus reus is either the infliction of GBH or wounding. GBH