

Defences

Capacity Defences	Insanity Partial Defence	Apply the M’Naghten rules <ul style="list-style-type: none"> • Defect of reason • Which results from a disease of the mind • Which caused the D to not to know the nature and quality of his or her act or to not know what he was doing was wrong. 	M’Naghten (1843) R v Clarke (1972) R v Kemp (1956) R v Sullivan (1984) R v Hennessy (1989) R v Burgess (1991) R v Quick (1973) R v Coley (2013) R v Oye (2013) R v Windle (1952) R v Johnson (2007)
	Automatism Full Defence	An external cause or condition causes D not to have control over his or her actions.	Hill v Baxter (1958) R v T (1990) AG’s ref (No.2 of 1992) (1993) R v Bailey (1983) R v Hardie (1984)
	Intoxication Full Defence	You need to consider whether the intoxication is voluntary or involuntary and whether the offence is one of basic or specific intent Voluntary Intoxication cannot be used as a defence to a basic intent crime.	R v Sheehan and Moore (1975) R v Lipman (1970) AG for NI v Gallagher (1963) DPP v Majewski (1977) R v Kingston (1984) R v O’Grady (1987) R v Hatton (2005) Jaggard v Dickinson (1980)
]	Self-Defence/ Prevention of Crime	Was force necessary (Subjective) Was the force used reasonable (Objective) Plus the statutory defence of a ‘citizens’ arrest’ under s,3(1) Criminal Law Act 1967	R v Gladstone Williams (1987) Beckford v The Queen (1988) R v Seun Oye (2018) R v Bird (1986) R v Rashford (2005) R v Clegg (1995) R v Martin (Anthony) (2002) R v Ray (2017)
	Duress by Threats	Where a threat of death or serious harm is made to D or another identified person. D is given an instruction to carry out a specific crime and it is reasonable for D to act in the way they did. Duress cannot be used as a defence for Murder, Attempted Murder or Treason.	R v Howe (1987) R v Hassan (2005) R v Valderrama-Vega (1985) R v Graham (1982) R v Cole (1994) R v Hassan (formerly Z) (2005)
	Duress by Circumstances	When D finds himself in a situation where committing a crime may be needed to keep himself safe. In this situation there does not need to be a threat to carry out a specific crime.	R v Willer (1986) R v Conway (1988) R v Martin (1989) R v Pommell (1995) R v Cairns (1999) R v Abdul-Hussain (1999)