

W201 The Individual and the State

Case study

R v Ireland 1997 Lords

The facts

The defendant (who pleaded guilty to three S 47 assaults) made a large number of silent phone calls over a period of several months to three women. The victims suffered psychological harm (tearfulness sleeplessness palpitations stress anxiety and breathing difficulties). Ireland appealed claiming that the judge was wrong in law to accept his guilty pleas.

The decision in the Lords

- 1 Psychiatric injury was capable of being bodily harm.
- 2 Words alone (and silence in some circumstances) can constitute an assault.
- 3 Assault requires fear of an immediate application of force. Such fear could have existed in this case if for example the victim of the silent caller had feared the possibility of immediate personal violence due to the caller's imminent arrival at her door.

Reform

Lord Steyn in **Ireland** said that "the concept of an assault involving immediate personal violence... is a considerable complicating factor in bringing prosecutions". The Law Commission's Draft Criminal Bill (1993) provides for a new S 47 offence namely: "a person is guilty of an offence if he intentionally or recklessly causes injury to another".

Questions

- 1 **Could the making of a silent phone call ever amount to a battery ?**
- 2 **What are the three legal requirements for the actus reus of S 47 assault ?**
- 3 **Which of these requirements is the decision in Ireland concerned with ?**
- 4 **If the caller is in Newcastle and the victim in Bristol can an offence of assault ever be committed ?**
- 5 **How would the Law Commission's new S 47 offence make a difference ?**