

Intoxication

Task: Intoxication

- Scan the QR code and read the TeachLaw blog upon the defence of intoxication
- Use your knowledge to answer the challenge questions below.
- Then use your knowledge to identify whether the scenario contains voluntary or involuntary intoxication and apply the rules of intoxication to decide if the defence is successful or not.



Challenge Questions

1. Explain the rule for voluntary intoxication in relation to specific intent offences.

2. Explain the fall-back principle in cases of voluntary intoxication.

3. Explain why voluntary intoxication is not a defence for basic intent crimes.

4. Explain whether involuntary intoxication is a defence for basic and specific intent crimes.

5. Explain when involuntary intoxication can be a defence in cases of spiking.

6. Explain the rules of involuntary intoxication in relation to prescribed drugs.

Intoxication



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Mini Scenarios

- Read each mini scenario and decide:
 - Whether it involves voluntary or involuntary intoxication.
 - Which crime has been committed.
 - Whether this is basic or specific intent.
 - Apply the rules of intoxication.
 - Finally, decide whether the defence will be successful or not.

Scenario 1:

Ryan attends a party where his drink is secretly spiked with ketamine. He becomes disoriented and confused. In this state, he picks up a knife and fatally stabs and kills Leila. Later after this incident he states that he cannot clearly remember what happened. Witnesses say he appeared detached and unaware of what he was doing.

This is voluntary/involuntary intoxication because...	
The crime is....	
Is this a basic or specific intent crime?	
Apply the rules of intoxication	
Here intoxication is /is not successful	

Intoxication

Scenario 2:

Sana drinks a large amount of vodka at a nightclub. She becomes extremely intoxicated and, while stumbling outside, swings her arm wildly and hits Jacob in the chest. Sana appears barely conscious and unable to control her movements.

This is voluntary/involuntary intoxication because...	
The crime is....	
Is this a basic or specific intent crime?	
Apply the rules of intoxication	
Here intoxication is /is not successful	

Intoxication

Scenario 3:

Tyrese drinks several shots of tequila at a party. He later sees an old friend, Aaron, he decides to sort him out as he is angry with him. He then picks up a glass bottle and deliberately strikes Aaron over the head multiple times, causing Aaron to die.

This is voluntary/involuntary intoxication because...	
The crime is....	
Is this a basic or specific intent crime?	
Apply the rules of intoxication	
Here intoxication is /is not successful	

Intoxication

Scenario 4:

Meera is prescribed anti-anxiety medication, she is told to take one tablet twice a day. Meera is feeling really anxious so she decides to take four tablets in one go. She then becomes disorientated and confused, she walks out of her house and enters her neighbour Thomas's house. She picks up a laptop and stumbles back to her house. Later that day she has no recollection of what has happened.

This is voluntary/involuntary intoxication because...	
The crime is....	
Is this a basic or specific intent crime?	
Apply the rules of intoxication	
Here intoxication is /is not successful	

Loss of Control

Task: Loss of Control.

- Scan the QR code and read the TeachLaw blog on the partial defence of loss of control.
- Use your knowledge to answer the challenge questions below.
- Then use your knowledge to match the statutory sections to the correct definitions.
- Finally, create a definitions revision sheet recalling and explaining each statutory definition.
- You can also use the QR code to download free revision flashcards for loss of control.



Challenge Questions

1. Loss of control is a partial defence to murder, what does this mean?

2. What is the definition of loss of control that has been set out in Section 54 of the Coroners and Justice Act 2009?

3. How does that case of R v Jewell define a loss of self-control?

4. What does the case of R v Dawes state about the loss of control?

5. Which qualifying trigger is found under Section 55(3) of the Coroners and Justice Act 2009?

6. What does Section 54(1)(c) of the Coroners and Justice Act 2009 require the jury to decide when applying the standard of self control test?

Loss of Control



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Statutory Definition Match

- Match the correct section of the Coroners and Justice Act 2009 to the correct definition.

1. Section 54 of the Coroners and Justice Act 2009

2. Section 54(1)(a) of the Coroners and Justice Act 2009

3. Section 54(2) of the Coroners and Justice Act 2009

4. Section 54(1)(c) of the Coroners and Justice Act 2009

5. Section 55 of the Coroners and Justice Act 2009

6. Section 55(3) of the Coroners and Justice Act 2009

7. Section 55(4) of the Coroners and Justice Act 2009

8. Section 54(4) of the Coroners and Justice Act 2009

9. Section 55(6) of the Coroners and Justice Act 2009

10. Section 55(6)(a)-(b) of the Coroners and Justice Act 2009

A. The jury must consider whether a person of the defendant's sex and age, with normal tolerance and self-restraint, might have reacted in the same or a similar way.

B. The loss of control does not have to be sudden.

C. The defence cannot be used if the defendant acted out of a desire for revenge.

D. Sexual infidelity cannot, by itself, be a qualifying trigger.

E. The loss of control must result from a qualifying trigger.

F. The defendant must have lost self-control at the time of the killing.

G. A qualifying trigger can arise from things said or done which are of an extremely grave character and cause a justifiable sense of being seriously wronged.

H. The defendant cannot rely on a qualifying trigger if they deliberately incited the situation to use it as an excuse for violence.

I. A defendant will not be convicted of murder if their act resulted from loss of self-control, a qualifying trigger, and a person of normal tolerance might have reacted similarly.

J. A qualifying trigger can arise from fear of serious violence from the victim against the defendant or another identifiable person.

Loss of Control



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Definitions Revision Sheet

- Use your knowledge of the Coroners and Justice Act 2009 and the partial defence of loss of control to create a definition recall sheet.
- Explain the rule that is defined in each statutory section.
- Need help? scan the QR code to check the loss of control blog to find each definition



Section 54 of the Coroners and Justice Act 2009	
Section 54(1)(a) of the Coroners and Justice Act 2009	
Section 54(2) of the Coroners and Justice Act 2009	
Section 55 of the Coroners and Justice Act 2009	
Section 55(3) of the Coroners and Justice Act 2009	
Section 55(4) of the Coroners and Justice Act 2009	
Section 54(4) of the Coroners and Justice Act 2009	
Section 55(6) of the Coroners and Justice Act 2009	
Section 54(1)(c) of the Coroners and Justice Act 2009	
Section 55(6)(a)-(b) of the Coroners and Justice Act 2009	

The Occupiers' Liability Act 1984



Task: Occupiers' Liability Act 1984

- Scan the QR code and read the TeachLaw blog on the Occupiers' Liability Act 1984
- Use your knowledge to answer the challenge questions below.
- Then work through the application writing frame to fully apply the law to the scenario.



Challenge Questions

1. Explain who the Occupiers' Liability Act 1984 apply to and what types of harm can be claimed under the 1984 Act, explain how this is different from the 1957 Act.

2. Explain what is meant by the common humanity principle.

3. In *Wheat v Lacon* (1966), what key point did the court make about the definition of an occupier?

4. State the three part test under Section 1(3) of the OLA 1984 that must be satisfied for an occupier to owe a duty to a trespasser.

5. What did the court decide in *Tomlinson v Congleton Borough Council* (2003)?

6. Explain how an occupier can discharge their duty and not be liable under the 1984 Act.

The Occupiers' Liability Act 1984



Applying the Law

- Read and annotate the scenario below.
- Then use your knowledge of OLA 1984 and the application writing frame to fully apply the law to decide whether the occupier is liable.

During a hot summer, the disused Harborough Quarry had become a popular spot for young people to hang out and swim, despite warning signs placed around the fenced perimeter. The signs clearly stated: "Danger Deep Water and Unstable Edges. Strictly No Entry."

The quarry was owned by Harborough Council, the council safety team knew that people occasionally climbed over the fence, even though the area was marked as private property. The council safety team had carried out a safety inspection of the Quarry two months earlier and decided that the existing fencing and signage were sufficient.

One evening, Layla and her friends climbed over the fence to go swimming. Layla slipped on loose gravel near the edge and fell several metres into the water, suffering a broken leg. During the fall she ripped her expensive designer jeans and smashed her mobile phone screen.

Trespasser:

- Here the claimant is a trespasser because...

Occupier:

- Here the occupier is...
- They are the occupier because....

Premises:

- Here the premises are...

The Occupiers' Liability Act 1984



Section 1(3) OLA 1984:

- The occupier is/isn't aware that the danger exists because...
- The occupier can/cannot anticipate that trespassers may be in the vicinity of the danger because...
- The occupier is/isn't expected to offer some protection from the danger because...

Section 1(4) OLA:

- Here the occupier has/hasn't taken reasonable steps to protect against the danger because...

Discharge of duty

- Here the occupier has discharged their duty of care because... (consider if there is a warning sign that effectively warns against the danger, has the trespasser acted recklessly or accepted the risk of injury?)

Conclusion:

- Here the occupier is/isn't liable because...
- If liable the trespasser can claim for....

Challenge Questions - Answers:

1. It applies to non-visitors or trespassers, people who enter land or property without permission. The 1984 Act only provides liability for personal injury or death; property damage cannot, unlike under the 1957 Act.
2. The common humanity principle means occupiers owe trespassers a basic level of care.
3. The court decided that an occupier is anyone with sufficient control over the premises, and more than one person can be an occupier.
4. The three part test:
 - a. They are aware of the danger or have reasonable grounds to believe it exists;
 - b. They know or have reasonable grounds to believe that someone (including a trespasser) may come into the vicinity of the danger;
 - c. The risk is one against which the occupier may reasonably be expected to offer some protection.
5. The court held that the risk arose from the claimant's own actions, not the state of the premises, so no duty was owed.
6. By providing clear warnings (e.g., signs or fencing) or if the trespasser voluntarily accepts the risk (*volenti non fit injuria*).

Applying the Law- Answers:

- Trespasser: Layla is a trespasser because she entered the quarry without permission and ignored clear "No Entry" signs.
- Occupier: The Harborough Council is the occupier, because the Council owns and maintains the quarry and its safety measures, therefore has control and is the occupier under the Act.
- Premises: Here the premises are the Harborough Quarry.
- Section 1(3):
 - The Council is aware of the dangers (deep water, unstable edges), as shown by the warning signs and previous inspections.
 - The Council knew that people occasionally climbed over the fence, so it was reasonably foreseeable that trespassers might be near the danger
 - Here, the Council had already fenced the area and displayed warning signs. Further precautions (like 24-hour patrols) may not be reasonable and would be costly.
- Section 1(4): Reasonable steps were taken, Fencing restricted access and clear, specific warning signs highlighted the risks ("Danger Deep Water and Unstable Edges"). The danger arose from Layla's own decision to ignore warnings, not from the state of the premises.
- Discharge of duty: Here the occupier has discharged their duty of care because the Council took reasonable steps by carrying out safety inspections and putting up signs warning of the danger, and Layla acted recklessly by climbing the fence and ignoring warnings.
- Conclusion: The occupier is not liable under the OLA 1984 because
 - Reasonable precautions were taken;
 - The danger was obvious and clearly warned against;
 - Layla willingly accepted the risk.
 - If the occupier were to be liable (which they are not) Layla could claim for the personal injury of the broken leg but she cannot claim for property damage (jeans and phone) since under OLA 1984, only personal injury or death can be claimed.

Vicarious Liability

Task: Vicarious Liability.

- Scan the QR code and read the TeachLaw blog on Vicarious Liability.
- Use your knowledge to answer the challenge questions below.
- Then use your knowledge to apply the tests for vicarious liability to the mini scenarios, concluding liability.



Challenge Questions

1. What is vicarious liability and who is usually held liable?

2. What are the two elements that must be proven to establish vicarious liability according to Barclays Bank plc v Various Claimants (2020)?

3. Explain the difference between the control test and the integration test used to determine employment status.

4. Why was the employer liable in Rose v Plenty (1976)?

5. What is meant by a "frolic of their own" and which case illustrates this principle?

6. What is the close connection test and how was it applied in Mohamud v Morrisons (2016)?

Vicarious Liability

Scenario Time

- Read each scenario and use your knowledge to apply the test for vicarious liability and conclude liability.

Scenario 1:

A courier company employs Ali as a delivery driver. One afternoon, Ali finishes his deliveries early but decides to take a long detour to visit a friend across town for personal reasons. On the way, he drives carelessly and collides with a cyclist, causing injury. The company argues Ali was not carrying out any delivery work at the time.

Tort Committed:	
1. Employment Status Test <i>Is there a relationship of employment / akin to employment?</i>	
2. Close Connection Test <i>Is the tort closely connected to the employment duties so liability would be fair and just?</i>	
Conclusion:	

Scenario 2:

A nightclub employs Sam as a bouncer. His job is to check IDs and remove troublemakers. One night, a customer refuses to leave after being refused entry. Sam follows the customer outside and punches them, causing serious injury.

Tort Committed:	
1. Employment Status Test <i>Is there a relationship of employment / akin to employment?</i>	
2. Close Connection Test <i>Is the tort closely connected to the employment duties so liability would be fair and just?</i>	
Conclusion:	

Vicarious Liability

Scenario 3:

A school hires Dr Lewis to give a keynote speech at a teachers' conference on behaviour management. Dr Lewis is not employed by the school. He runs his own consultancy business, works part-time as a university lecturer, and also provides training for several private education companies. During the conference, Dr Lewis behaves inappropriately towards a member of staff.

Tort Committed:	
1. Employment Status Test <i>Is there a relationship of employment / akin to employment?</i>	
2. Close Connection Test <i>Is the tort closely connected to the employment duties so liability would be fair and just?</i>	
Conclusion:	

Scenario 4:

A local authority runs a structured youth mentoring programme for at-risk teenagers. The mentors are not paid and can choose their own hours and availability. However, they are recruited, given training, and placed under general supervision by the local authority. One mentor, Emma, regularly works with vulnerable young people. During her involvement, she abuses her position of trust and causes harm to a child in her care.

Tort Committed:	
1. Employment Status Test <i>Is there a relationship of employment / akin to employment?</i>	
2. Close Connection Test <i>Is the tort closely connected to the employment duties so liability would be fair and just?</i>	
Conclusion:	