# Answer guidance

## Question:

Arthur was a registered dental practitioner but had been suspended from practice by the General Dental Council because of his alcoholism. Nevertheless, he continued to work and one day treated Bisi, filling two of her teeth.

Whilst giving Claudia a dental check-up, he falsely stated that he was compiling medical research on the effects of diet and asked whether he could check her breast size. Claudia agreed and allowed him to measure her.

That night, Arthur met his colleagues at a party thrown by David. Arthur and his girlfriend Davina sneaked into an empty bedroom, and, with her consent, Arthur spanked her with a ruler, causing minor abrasions. They returned to the part and having consumed a large amount of alcohol, Arthur and several friends decided to throw David up in the air for a laugh. They dropped him and David suffered a broken leg. When Bisi and Claudia discovered the truth about Arthur they complained to the police.

Discuss Arthur’s criminal liability.

## Key issues:

* Battery of Bisi and Claudia
* Sexual assault of Claudia
* Battery/assault ABH of Davina; defence of consent
* S20 GBH of David; defence of consent

## Key law

You will find relevant legal rules in:

* Battery: section 8.2
* Assault ABH: s47 OAPA 1861, *Miller*, section 8.3
* S20 GBH: s20 OAPA 1861, *DPP v Smith*, *Parmenter*, section 8.4
* Consent: section 8.6
  + Deception as to right to practice: *Richardson, Tabassum*
  + Deception as to purpose of touching breasts: *Tabassum*
  + Harm for sexual gratification: s71 Domestic Abuse Act 2021, *Brown*
  + Rough horseplay: *Jones, Aitken, Richardson & Irwin*
* Intoxication: chapter 6

## Hint(s):

* Make sure you establish the AR/MR before considering defences. For example, whether Arthur has a defence of consent in relation to Davina depends upon whether Davina’s abrasions amount to ABH.
* If you are unsure whether Arthur is guilty of a particular offence, consider both alternatives. For example, if it is unclear whether Davina’s abrasions amount to ABH then explain his situation/potential defence both if he is guilty of battery and if he is guilty of ABH.