

Questions and points of law to assist your local Police Force in the decision to close down local vaccination centers and school vaccination programs.

You do not have to be a direct victim or relative of a victim when reporting the criminal activities of a school or vaccination center to the police, although they are not duty bound to give you follow up information unless you are related to the crime. That being said, if you were to report a burglary in your street or the activity of a local drug den, as well as information regarding the investigation being of broader public concern, you are also indirectly a victim by being subject to criminal activity occurring in your neighbourhood making it an unsafe place to live. Children have been witnessed collapsing and even dying on their way to or from school, most likely due to the vaccination. This would be extremely distressing for the average person to witness, and you should not have to be at risk of witnessing this any more than children should be put at significant risk of dying from a vaccination administered by their school.

There are very reasonable and tangible grounds to suspect crime is being committed by these activities. There is clear evidence of the substance administered being toxic and noxious and very reasonable grounds to infer that fraud has been committed. Had most people been made fully aware of the risks of harm from vaccination, of the safe and effective alternative treatments and the real risk of harm from the alleged (and yet still unisolated or identified) Covid 19 virus, it is fair to assume that the majority of victims would not have consented to being injected with the experimental and unapproved drug. Consent gained by deception therefore is null and void and is an act of fraud (even when only attempted unsuccessfully). Lack of consent implies, at least, common assault (a victim does not have to be aware or cognisant of having been assaulted for an offense to have occurred, as might be the case with certain incidents of child abuse, date rape or intrusive crimes such as 'upskirting') and potentially actual or grievous bodily harm (see below).

THE FRAUD ACT (2006)

Sections 2&3: False representation and failure to disclose information.

Child welfare, and therefore due diligence in regards to the welfare of children, is a prerequisite of working in education. As an administrator of experimental medicines which are, by definition, life changing (for better or worse) due diligence, must also be a prerequisite of anybody administering vaccines in GP surgeries, vaccine centers or other locations.

Lack of due diligence is no defence. There is very little doubt then, that fraud has been committed in gaining consent from a large number of those who have willingly, but unwittingly, received the alleged Covid 19 vaccination; fraud by failing to disclose information; fraud by false representation and fraud by abuse of position either as a teacher and role model in a position of trust or in the case of the latter as person authorised to advise on and administer the vaccine.

It needs to be established what information has been given to children in each school (and the wider public in vaccination centers) and whether or not that information was untrue or misleading; Did it include the JCVI recommendations for the vaccination of children?; Did it contain information on the number of fatalities and serious injuries reported through the Yellow Card system (and the fact that those are acknowledged with the data itself as only accounting for an estimated 1-10% of actual fatalities and injuries)? Did it contain accurate information or data on the likelihood of passing on Covid to vulnerable family members through asymptomatic transmission? Did it highlight the number of safe, tested and effective alternatives to vaccination?

IMPORTANT POINTS:

- The fraud does not have to be carried out successfully, ie a **failure to gain consent by fraud is still an act of fraud.**
- The fraud does not have to carry intent to permanently deprive.
- It's enough to know that the representation given **might** be untrue or misleading
- Whilst there is only the necessity to **cause the risk of a loss** to the victim, the **gains or incentives that schools have stood to make needs investigation.**
- **Loss does not have to be tangible.** Loss of health, fitness, cognitive ability or the ability to function as prior to the offense being committed are forms of loss.
- It is self evident that **schools have failed in their duty to disclose information and with the dishonest intention of gaining an increase in vaccine take up.**
- It is also the case that a number of schools have been sending letters home stating explicitly that vaccinations will not take place without parental consent before telling the children that parental consent is not required, thus misleading parents away from giving guidance to their own children and abusing the rules for Gillick competence.

Section 6&7: Possessing, making or supplying articles for use in fraud.

Vaccination equipment itself consists, of course, of articles used in the carrying out of the fraud.

Apart from this we have seen numerous examples of unbalanced and misleading propaganda material either in the possession of or made by the schools themselves. We have seen examples in PSHE classes and English guided reading texts that require children to take a very one sided view on the arguments for and against the alleged Covid 19 vaccination including highly emotive language **potentially in breach of both Section 29 of the Public Order Act (1998) and The Racial and Religious Hatred Act (2006)**, also involving **malicious communication and encouraging the use of 'Fighting Words' * in the school environment.**

As such, work and material being produced in and for the classroom throughout the alleged Covid 19 pandemic must be thoroughly investigated.

The term 'Anti Vaxxer' , in particular, for people who hold a belief in their personal freedom of choice or in an express desire to keep their own bodies free of chemical, technological and/or DNA level intervention, is a particularly inaccurate, inflammatory and hate-inciting term that is being abused by the Prime Minister, Mass Media and School Teachers alike, in contravention of respect for people's religious and philosophical beliefs as defined by Section 10 of The Equalities Act (2010).

*** Fighting words;** n. words intentionally directed toward another person which are so nasty and full of malice as to cause the hearer to suffer emotional distress or incite him/her to immediately retaliate physically (hit, stab, shoot, etc.) While such words are not an excuse or defense for a retaliatory assault and battery, if they are threatening they can form the basis for a lawsuit for assault. (can be used in mitigation but not defense, according to Black's Law).

THE OFFENCES AGAINST THE PERSON ACT (1861)

In order to prove injury under **SECTION 20** it would be necessary to provide evidence of a victim who has been injured (however minor) or killed by a particular School, GP or vaccination center.

Assault under SECTIONS 42,43 & 47, however, are evident in the actions of vaccine administrators. **Common assault relies on lack of consent, which is surely applicable if the consent itself is gained by fraud.** It also relies upon the **reckless application of unlawful force**, but whilst the force used has not been physical, **force has been coercive in schools** (and even blackmail used in places of employment), with a great deal of psychological pressure having been inflicted by; sustaining fear level through the use of covid restrictions in school, even whilst they have been lifted in the outside world; implications made or even explicit advice given (with no evidence) that a negative vaccine status will jeopardise future life prospects; the imposition of guilt and responsibility for the health of their peers and of other members of society.

Time and evidence have proven that these methods and protocols have been purely arbitrary for the purpose of anything other than to apply unlawful psychological force. Due diligence by those responsible would have made them aware of this.

See the highlighted sections for details relating to ABH & GBH charges.

SECTION 23, Administering poison or noxious thing as to endanger life or inflict GBH. A poison or noxious thing can be defined as anything from a cup of urine, to a corrosive chemical, as such the alleged Covid 19 Vaccines have more than proven their worth as toxic and noxious.

IMPORTANT POINTS:

- GBH requires only that the the defendant **foresaw that it *might* cause some harm** to their victim.
- Whilst the wound inflicted by a needle is a very minor break in the continuity of the surface of the skin, **the severity of the wound results from the toxins which have been administered through the skin membrane.**

It might be the case that the police argue that without a victim of the assault, there is no crime to investigate. The injection needle, however, when used to administer the alleged Covid 19 vaccines has proven unequivocally to be a deadly and harmful weapon.

If a person were to walk your local high street, brandishing a baseball bat as a weapon, would the police wait until there was an actual victim of the man with the bat before apprehending and arresting him and seizing the weapon? - Probably not.

SECTION 38, Assault with intent to commit felony, or on peace officers echoes other legislation that if anybody should use force against a person for the sake of preventing the arrest of a person committing a crime, they could be guilty of assault. **This also applies to any police officer that were to use force to prevent us from apprehending a person committing a crime, as per our civic duty under SECTION 2 of The Criminal Justice Act (1998).** Whereby misconduct in public office, misfeasance in public office and perverting or obstructing the course of justice could be amongst the other offences that such an officer would be committing.

The most important question for our local police forces is how do they intend to deal with this issue, should we be compelled to act due to their own failure to do so? Will they stand in contravention of these laws? Or will they carry out their lawful duty?

Fraud Act 2006, The

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Introduction

The Fraud Act 2006 (the Act) came into force on 15 January 2007 and applies in England, Wales and Northern Ireland.

Charging Practice

Overlap with theft and other offences

In many cases fraud will also be theft. Prosecutors should bear in mind:

- Theft carries a lower minimum sentence;
- The *actus reus* requirement for fraud is far less;
- The credit/debit status of any bank accounts debited is irrelevant to the Fraud Act offences. All that is in issue is the Defendant's right to use the account;

- It is not necessary to prove or demonstrate any consequences of fraud (though they will clearly be material to sentence, compensation and confiscation). "Preddy" type difficulties will not arise (where the property obtained had not belonged to another);
- Fraud Act offences do not require an intent permanently to deprive;
- A charge should describe what actually happened and reflect the true criminality; and
- The indictment should be as simple as reasonably possible.

In some cases there will be other possible offences such as False Accounting (section 17 Theft Act 1968), Making off Without Payment (section 3 Theft Act 1978), Obtaining Services Dishonestly (Section 11 Fraud Act 2006), offences under the Computer Misuse Act 1990, Forgery and Counterfeiting Act 1981, the Identity Cards Act 2006, the Proceeds of Crime Act 2002 or the Financial Services and Markets Act 2000.

Prosecutors must decide which offence properly reflects the criminality concerned.

Drafting the charge

The focus of the charge is the false representation. In most cases this will be the same as the deception under the old Theft Act offences. Prosecutors must analyse what the representation was and importantly when it was made, as simply as possible, for example:

The Offences

Section 1 creates a general offence of fraud and introduces three ways of committing it set out in Sections 2, 3 and 4.

- Fraud by false representation (Section 2);
- Fraud by failure to disclose information when there is a legal duty to do so (Section 3); and
- Fraud by abuse of position (Section 4).

In each case:

- the defendant's conduct must be dishonest;
- his/her intention must be to make a gain; or cause a loss or the risk of a loss to another.
- No gain or loss needs actually to have been made.
- The maximum sentence is 10 years' imprisonment.

Fraud by false representation (Section 2)

The defendant:

- made a false representation
- dishonestly
- knowing that the representation was or might be untrue or misleading
- with intent to make a gain for himself or another, to cause loss to another or to expose another to risk of loss.

The offence is entirely focused on the conduct of the defendant.

Fraud by failing to disclose information (Section 3)

The defendant:

- failed to disclose information to another person
- when he was under a legal duty to disclose that information
- dishonestly intending, by that failure, to make a gain or cause a loss.

Drafting the charge

The focus will be on:

- the prosecution assertion that there was a legal duty to disclose information;
- the precise relationship that gave rise to that duty;
- the information that it is alleged that the defendant failed to disclose;

Whether the facts as alleged are capable of giving rise to a legal duty will be a matter for the judge; whether on the facts alleged, the relationship giving rise to that duty existed will be a matter for the jury. For example, was there a solicitor/client relationship or an agent/principal relationship?

It will be necessary to recite all three elements in the particulars of the charge or indictment which must be very precisely drawn.

Any gain or loss that occurred should not appear in the charge or on the indictment. The matter will, however, be relevant to sentence, compensation and confiscation.

Fraud by abuse of position (Section 4)

The defendant:

- occupies a position in which he was expected to safeguard, or not to act against, the financial interests of another person
- abused that position
- dishonestly
- intending by that abuse to make a gain/cause a loss

The abuse may consist of an omission rather than an act.

Like the other two Section 1 offences, Section 4 is entirely offender focused. It is complete once the Defendant carries out the act that is the abuse of his position. It is immaterial whether or not he is successful in his enterprise and whether or not any gain or loss is actually made.

Drafting the charge

The focus will be on the nature of the relationship and of the specific abuse. If there is more than one instance or variety of abuse, additional charges will be required.

The nature of the relationship and of the abusive conduct alleged must be recited in the particulars of the charge or indictment.

Any gain or loss that occurred should not appear in the charge or on the indictment. The matter will, however, be relevant to sentence, compensation and confiscation.

Possession of articles for use in fraud (Section 6)

The defendant:

- had possession or control of;
- an article;
- for use in the course of or in connection with any fraud.

The wording draws on Section 25 of the Theft Act 1968. The proof required is that the Defendant had the article for the purpose or with the intention that it be used in the course of or in connection with an offence.

A general intention that he or another will commit fraud (meaning an offence under Sections 1-4 of the Act) will suffice. In *R v Ellames* 60 Cr App R. 7 (CA) the Court of Appeal said:

"In our view, to establish an offence under Section 25 (1) the prosecution must prove that the Defendant was in possession of the article, and intended the article to be used in the course of or in connection with some future burglary, theft or cheat. But it is not necessary to prove that he intended it to be used in the course of or in connection with any specific burglary, theft or cheat; it is enough to prove a general intention to use it for some burglary, theft or cheat; we think that this view is supported by the use of the word "any" in Section 25 (1). Nor, in our view, is it necessary to provide that the defendant intended to use it himself; it will be enough to prove that he had it with him with the intention that it should be used by someone else."

Section 6 will apply in any case where "Going equipped to cheat" would previously have been charged.

The principal distinction between Section 25 and Section 6 is that Section 6 does not require the defendant to be away from his place of abode.

There is no defence of "reasonable excuse". Those who are, in particular, properly in possession of or involved in the development of computer software or other items for use to test the security of computer or security systems must rely on their lack of intention that the items or programmes are "for use in the course of or in connection with any fraud." Prosecutors will be alert to such circumstances and the possible abuses.

Making or supplying articles for use in frauds (Section 7)

The defendant:

- makes, adapts, supplies or offers to supply any article;
- for use in the course of or in connection with fraud;
- knowing that it is designed or adapted for use in the course of or in connection with fraud (Section 7 (1) (a)) or
- intending it to be used to commit or assist in the commission of fraud (Section 7 (1) (b)).

"Knowledge" in Section 7 (1) (a) is a strict *mens rea* requirement. The House of Lords in *Montila* [2004] UKHL 50 said:

"A person may have reasonable grounds to suspect that property is one thing (A) when in fact it is something different (B). But that is not so when the question is what a person knows. A person cannot know that something is A when in fact it is B. The proposition that a person knows that something is A is based on the premise that it is true that it is A. The fact that the property is A provides the starting point. Then there is the question whether the person knows that the property is A."

In practice, the use to which the article can be put is likely to provide sufficient evidence of the defendant's state of mind. For example, articles such as:

- the kits that are attached to ATM machines to capture card details;
- forged credit cards or the equipment for making them;
- lists of credit card numbers;
- counterfeit goods presented as genuine;
- do not have an innocent purpose that readily springs to mind.

A person who makes an article specifically for use in fraud, for example, a software programme to create a phishing website or send phishing email, may be ambivalent about whether the person to whom it is supplied actually uses it for fraud. He will fall foul of Section 7 (1) (a) but will not have the necessary intention for Section 7 (1) (b).

The manufacturer of articles that are capable of being used in or in connection with fraud but have other innocent uses will not fall foul of this section unless he intends that it should be used in a dishonest way (Section 7 (1) (b)). The makers of credit card readers are one example. The readers have an innocent purpose they are commonly used by traders who "store up" the details of all the transactions carried out during a day and submit them all together at the end of the day. The card reader merely verifies the validity of the card at the point when it is read and stores all the necessary information about the transaction. The other, dishonest use is by sale staff who use the readers to "skim" credit card details either for use or sale. The dishonest manufacturer who intended a dishonest use would be guilty of Section 7 (1) (b) offence.

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Offences against the Person Act 1861

UK Public General Acts ▶ 1861 c. 100 (Regnal. 24_and_25_Vict) ▶ Table of contents

What Version

- Latest available (Revised)
- Original (As enacted)

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Changes to legislation: There are currently no known outstanding effects for the Offences against the Person Act 1861.

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Acts causing or tending to cause Danger to Life or Bodily Harm

- 17. Impeding a person endeavouring to save himself from shipwreck.
- 18. Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm.
- 19.
- 20. Inflicting bodily injury, with or without weapon.
- 21. Attempting to choke, &c. in order to commit any indictable offence.
- 22. Using chloroform, &c. to commit any indictable offence.
- 23. Maliciously administering poison, &c. so as to endanger life or inflict grievous bodily harm.
- 24. Maliciously administering poison, &c. with intent to injure, aggrieve, or annoy any other person.
- 25. If the jury be not satisfied that any person charged is guilty of felony, but guilty of misdemeanor they may find him guilty accordingly.

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- 36. Obstructing or assaulting a clergyman or other minister in the discharge of his duties.
- 37. Assaulting a magistrate, &c. on account of his preserving wreck.
- 38. Assault with intent to commit felony, or on peace officers, &c.
- 39. Assaults with intent to obstruct the sale of grain, or its free passage.
- 40. Assaults on seamen, &c.
- 41. Assaults
- 42. Persons committing any common assault or battery may be imprisoned or compelled by two magistrates to pay fine and costs not exceeding 5 l.
- 43. Persons convicted of aggravated assaults on females and boys under fourteen years of age may be imprisoned or fined.
- 44. If the magistrates dismiss the complaint, they shall make out a certificate to that effect.
- 45. Certificate or conviction shall be a bar to any other proceedings.
- 46. Assaults
- 47. Assault occasioning bodily harm.
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Child-stealing

- 56. Child-stealing.

38 **X1 Assault with intent to commit felony, or on peace officers, &c.**
 Whosoever . . . **F1** shall assault any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, . . . **F2**

47 **Assault occasioning bodily harm. E+W**
 Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable **F1** . . . to be kept in penal servitude **F1** . . . ; **F2** . . . **F3** . . .

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Common Assault – s.39 Criminal Justice Act 1988

An assault is any act (and not mere omission to act) by which a person intentionally or recklessly causes another to suffer or apprehend immediate unlawful violence.

The term assault is often used to include a battery, which is committed by the intentional or reckless application of unlawful force to another person. Where there is a battery, the defendant should be charged with ‘assault by beating’: *DPP v Little* [1992] QB 645. Provided there has been an intentional or reckless application of unlawful force the offence will have been committed, however slight the force.

Assault, as distinct from battery, can be committed by an act indicating an intention to use unlawful violence against the person of another – for example, an aimed punch that fails to connect. In *Misalati* [2017] EWCA 2226 the appellant spat towards the complainant. The appeal court confirmed that although there was no actual violence, spitting is an assault whether it makes contact with the victim or causes fear of immediate unlawful physical contact.

Guidance on potential defences is set out in the separate legal guidance [Self-defence and the Prevention of Crime](#). A person may use such force as is reasonable in the circumstances for the purposes of:

- self-defence
- defence of another
- defence of property
- prevention of crime; or
- lawful arrest.

An element of the offence of common assault is lack of consent so that the prosecution may (where it is a live issue) have to establish that the offence was committed without consent. However, a lack of consent can be inferred from evidence other than the direct evidence of the victim – *CPS v Shabbir* [2009] EWHC 2754 (Admin). Most of the physical contacts of ordinary life are not actionable because they are impliedly consented to by all who move in society and so expose themselves to the risk of bodily contact: *Collins v Wilcock* [1984] 1 WLR 1172.

Common assault is a summary offence. However, if the requirements of [section 40](#) of the Criminal Justice Act 1988 are met it can be included as a count on an indictment.

Assault occasioning Actual Bodily Harm (ABH) – s.47 OAPA 1861

The offence is committed when a person intentionally or recklessly assaults another, thereby causing Actual Bodily Harm. It must be proved that the assault (which includes “battery”) “occasioned” or caused the bodily harm. Bodily harm has its ordinary meaning and includes any hurt calculated to interfere with the health or comfort of the victim: such hurt need not be permanent, but must be more than transient and trifling: (*R v Donovan* [1934] 2 KB 498).

The House of Lords in *DPP v Parmenter* [1992] 1 AC 699 held that the *mens rea* of this offence is the same as that for battery; all that need be proved further is that actual bodily harm in fact followed.

There is some ambiguity as to the ambit of this offence. In *DPP v Smith* [2006] EWHC 94 (Admin) the court determined that the offence of ABH had been committed but acknowledged that common assault could have been prosecuted. The appellant used kitchen scissors to cut off the complainant’s ponytail and some hair off the top of her head without her consent. Harm may therefore include the substantial cutting of a person’s hair. The court stated that in ordinary language, “harm” is not limited to “injury” but extended to hurt or damage, and that “bodily”, whether used as an adjective or an adverb, is “concerned with the body” and not limited to skin, flesh and bones. “Actual”, as defined in the authorities, means that the bodily harm should not be as trivial or trifling as to be effectively without significance. Evidence of external bodily injury, or a bruise or break to the skin, is not a necessary ingredient, and neither is physical pain consequent upon the assault.

The House of Lords held in *Brown (Anthony Joseph)* [1994] 1 AC 212 that in the absence of good reason, the victim's consent is no defence to a charge under the Offences against the Person Act 1861. A number of cases have held what constitutes good reason, and what does not.

Psychological harm that involves more than mere emotions such as fear, distress or panic can amount to ABH. However psychological injury not amounting to recognizable psychiatric illness does not fall within the ambit of bodily harm for the purposes of the 1861 Act: *R v D* [2006] EWCA Crim 1139. In *R v Chan-Fook* [1993] EWCA Crim 1 the court held that the phrase "actual bodily harm" can include psychiatric injury where this is proved by medical evidence but it did not include emotions, such as fear or panic, nor states of mind that were not themselves evidence of some identifiable clinical condition. Any allegation of actual bodily harm based on psychiatric injury, which was not admitted by the defence, should be supported by appropriate expert evidence. In the absence of such evidence, the question of whether an assault had occasioned psychiatric injury should not be left to the jury and there should be no reference to the victim's mental state following the assault unless it was relevant to some other aspect of the case.

Unlawful wounding/inflicting GBH – s.20 and wounding/causing GBH with intent – s.18

The words "grievous bodily harm" bear their ordinary meaning of "really serious" harm: *DPP v Smith* [1960] 3 W.L.R. 546. *Golding* [2014] EWCA Crim 889 indicates that harm does not have to be either permanent or dangerous and that ultimately, the assessment of harm done is a matter for the jury, applying contemporary social standards. Further, there is no necessity for an assault to have been committed before there could be an infliction of GBH: *Golding*.

Bollom [2003] EWCA Crim 2846 is of assistance to prosecutors when determining the appropriate charge. It clarifies that injuries should be assessed with reference to the particular complainant. That person's age, health or any other particular factors all fall for consideration. The court said, "To use this case as an example, these injuries on a 6 foot adult in the fullness of health would be less serious than on, for instance, an elderly or unwell person, on someone who was physically or psychiatrically vulnerable or, as here, on a very young child. In deciding whether injuries are grievous, an assessment has to be made of, amongst other things, the effect of the harm on the particular individual. We have no doubt that in determining the gravity of these injuries, it was necessary to consider them in their real context."

The guidance in cases such as *Golding* and *Bollom* should be applied when determining whether the injury amounts to ABH or GBH. Once again, the level of injury should usually indicate the appropriate level of charge but there may be some truly borderline cases where the factors above (outlined in relation to battery and ABH) are also relevant. Life-changing injuries should be charged as GBH. Just as the need for medical treatment may indicate ABH injuries, significant or sustained medical treatment (for instance, intensive care or a blood transfusion) may indicate GBH injuries, even if a full or relatively full recovery follows.

A "wound" means a break in the continuity of the whole skin – *JJC (A Minor) v Eisenhower* [1983] 3 WLR 537. The definition of wounding may encompass injuries that are relatively minor in nature, for example a small cut or laceration.

The "wounding" form of these offences should be reserved for those wounds considered to be really serious. However, it is appropriate to charge these offences when a wound is caused by a knife or other weapon, to reflect the seriousness.

An indictment alleging section 20 or section 18 should:

The distinction between s18 and s20 the two offences is one of *mens rea*:

- The prosecution must prove under section 20 that either the defendant intended, or actually foresaw, that the act might cause some harm. It is not necessary to prove that the defendant either intended or foresaw that the unlawful act might cause physical harm of the gravity described in section 20. It is enough that the defendant foresaw some physical harm to some person, albeit of a minor character might result: *R v Savage; DPP v Parmenter* [1992] 1 AC 699.
- The prosecution must prove under section 18 that the defendant intended to wound and/or cause grievous bodily harm, and nothing less than an intention to produce that result, which in fact materialised, will suffice. A person 'intends' to cause a result if he/she consciously acts in order to bring it about. Factors that may indicate specific intent include a repeated or planned attack, deliberate selection of a weapon or adaptation of an article to cause injury, such as breaking a glass before an attack, making prior threats or using an offensive weapon against, or kicking, the victim's head. The gravity of the injury may be the same for section 20 or 18 although the gravity may indicate the intention of the defendant.

The maximum sentence for section 20 is five years' imprisonment. For section 18 it is life imprisonment. Intent may often be a trial issue where section 18 is charged, and will often rely on inference, but proof by inference is proof nonetheless, and where there is sufficient evidence for a jury to be sure of this intention this should be left to a jury.

An offence contrary to section 18 may also be committed where the victim is wounded or caused grievous bodily harm in the course of the defendant resisting or preventing the lawful apprehension of any person. This offence may be used where the injuries amount to grievous bodily harm or injury but where the intention to resist or prevent a lawful apprehension is clearer than the intent to cause a wound or grievous bodily harm.

Other OAPA 1861 Offences

Whilst the Charging Standard provides guidance on a range of frequently experienced offences against the person, there are also other offences that may be relevant, including the following:

- Attempting to choke, suffocate or strangle with intent to enable the commission of an indictable offence, contrary to [s.21 OAPA 1861](#)
- Causing to be taken or administering a drug with intent to enable the commission of an indictable offence, contrary to [s.22 OAPA 1861](#)
- Administering poison or noxious thing thereby endangering life or inflicting GBH, contrary to [s.23 OAPA 1861](#).
- Administering poison or noxious thing with intent to injure, aggrieve or annoy, contrary to [s.24 OAPA 1861](#). *R v Veysey*[2019] EWCA Crim 1332 provides guidance on charging and on what may amount to a “noxious substance”. Where an issue arises as to whether a substance is a noxious thing for the purpose of section 24 of the 1861 Act, it will be for the judge to rule as a matter of law whether the substance concerned, in the quantity and manner in which it is shown by the evidence to have been administered, could properly be found by the jury to be injurious, hurtful, harmful or unwholesome. If it can be properly so regarded, it will be a matter for the jury whether they are satisfied that it was a noxious thing within that definition. In *Veysey’s* case, the judge below had been entitled to find that a cupful of human urine, from an unknown source, thrown at the face of a victim was capable of being regarded as noxious. Actual or potential injury / harm is likely to indicate that a substance is noxious but that is not an exhaustive definition and it may extend on the facts to any hurtful or unwholesome substance.
- Causing bodily injury by explosives, contrary to [s.28 OAPA 1861](#). Unlike offences under the Explosive Substances Act 1883, causing bodily injury contrary to [s.28 OAPA 1861](#) does not require the consent of the Attorney General. For guidance as to the Explosive Substances Act, refer to [Explosives](#), in the Legal Guidance.

Criminal Law Act 1967

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Changes to legislation: There are currently no known outstanding effects for the Criminal Law Act 1967, Part I.

PART I

FELONY AND MISDEMEANOUR

Extent Information

E1 Subject to s. 11(2)-(4) this Part shall not extend to Scotland or Northern Ireland see s. 11(1)

1 Abolition of distinction between felony and misdemeanour.

- (1) All distinctions between felony and misdemeanour are hereby abolished.
- (2) Subject to the provisions of this Act, on all matters on which a distinction has previously been made between felony and misdemeanour, including mode of trial, the law and practice in relation to all offences cognisable under the law of England and Wales (including piracy) shall be the law and practice applicable at the commencement of this Act in relation to misdemeanour.

[F12 Arrest without warrant.

- (1) The powers of summary arrest conferred by the following subsections shall apply to offences for which the sentence is fixed by law or for which a person (not previously convicted) may under or by virtue of any enactment be sentenced to imprisonment for a term of five years [F2 (or might be so sentenced but for the restrictions imposed by [F3 section 33 of the Magistrates' Courts Act 1980))] and to attempts to commit any such offence; and in this Act, including any amendment made by this Act in any other enactment, "arrestable offence" means any such offence or attempt.

[F4 The said restrictions are those which apply where, in pursuance of [F5 subsection (2) of section 22 of the said Act of 1980] (certain offences to be tried summarily if value involved is small) a magistrates' court summarily convicts a person of a scheduled offence within the meaning of [F6 the said section 22].]

- (2) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing an arrestable offence.
- (3) Where an arrestable offence has been committed, any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of the offence.
- (4) Where a constable, with reasonable cause, suspects that an arrestable offence has been committed, he may arrest without warrant anyone whom he, with reasonable cause, suspects to be guilty of the offence.
- (5) A constable may arrest without warrant any person who is, or whom he, with reasonable cause, suspects to be, about to commit an arrestable offence.