

WILLING VICTIMS

This Tutorial is broken up into stages, which include learning blocks, case studies, and knowledge checkpoints. We recommend you complete this online session in chronological order.

By the end you will be able to:

- Advise whether consent will work as a defence to a charge under the Offences Against the Person Act 1861.
- Critically evaluate the development of the defence.

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Stage 1: Introduction

Welcome to this Tutorial on willing victims. Criminal lawyers spend a lot of their time defending clients who are charged with various offences of assault.

In some cases, the defendant will dispute they committed the actus reus of an offence – they might argue, for example, that theirs is a case of mistaken identity. In others, a defendant might admit that they hit the victim – so the actus reus is established – but deny they had the relevant mens rea for the offence.

In many cases though, the prosecution has clear evidence that the defendant committed the assault and that they had the requisite mens rea. So what does the defendant do then? Often they will have no option but to plead guilty. But, sometimes, the accused will want to rely on the defence of consent.

Willing Victims

Emilio Viano



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