

GCE

LAW: Necessity defence of self defence

SUGGESTED IDEAS FOR TEACHING/LEARNING



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Teacher /Lecturer:	
Unit:	A Level Units 3 and 4
Ref. to specification:	Criminal Law
Suggested time allocation:	2 – 4 hours

Course:	A LAW
Topic:	Defences
Session:	SELF-DEFENCE

Aims & Objectives: At the end of these sessions the student will be able to:

- **Explain** the defence of self-defence and how it can be applied
- **Define** the relevant terms of 'necessary' and 'reasonable' force
- **Discuss** the controversy surrounding the use of excessive force with reference to the cases of Martin and Clegg
- **Evaluate** the defence and its problems

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce the subject of self-defence with reference to the aims and objectives set out above.
- Explain the public and private defence with use of the PowerPoint presentation – questions and answers throughout – questions and answers throughout.
- Explain to students that the force used must be 'reasonable' and ask them to suggest what they think 'reasonable' force might be with some examples, explain s.76 of the Criminal Justice and Immigration Act 2008.
- Explain, with use of the presentation the requirements that the actions taken by the defendant were necessary and that the force used must be reasonable – questions and answers throughout.
- Discuss the issue of excessive force, focusing on the fact that the defence will not be available in these circumstances.
- Discuss householder cases - S.43 of the Crime and Courts Act 2013 has amended s 76 of the Criminal Justice and Immigration Act 2008 to allow for a wider defence to householders where an intruder enters their property.
- Give the students handouts to read through the articles of the Clegg (1995) and Martin (2001) cases.
- Divide the students into small groups and ask them to consider the defence of self -defence and arguments for and against whether these two defendants should have had access to the defence.
- Supervise feedback discussion to the whole group.
- Discuss the problems with the defence.
- Set homework question for consolidation.

Student Activities:

- Participate in opening discussion in answer to questions about self-defence.
- Make notes, ask and answer questions throughout presentations.
- Participate in discussion about reasonable force and householder cases.
- Read through handouts on Clegg and Martin cases and participate in small group work to discuss the cases.
- Participate in team work at the end of the session to provide points of law learnt during the session as a consolidation exercise.

Suggested links / resources:

- Use of whiteboard/IWB or PowerPoint for aims and objectives.
- Use of PowerPoint presentations throughout.
- Handouts of cases.
- Any good A Level law textbooks.
- Links to website for Clegg and Martin cases.

Assessment

During the lesson	Students will be continually assessed in their note taking, participation in asking and answering questions during presentations and in group or team work.
Subsequent to lesson	Students will be given an essay question to consolidate their learning.