






## INTOXICATION REVISION WORKSHEET

The following icons are used in this worksheet to indicate:

-  Fill-in the blanks;
  -  Give a case name or statute;
  -  Delete the incorrect answer(s);
  -  A short answer question; and
  -  True or false; or guilty or not guilty.
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### DEFINITION

- ◆ Giving authority, will merely being drunk be a defence?

### 1. WHEN IS INTOXICATION A DEFENCE?

✂ The House of Lords ruled in *Lipman/Majewski/Kingston/Hardie/Gallagher*, following their decision in *DPP v Beard*, that self-induced intoxication can only be raised as a defence to crimes of basic/specific/serious intent but not to crimes of minor/specific/basic intent.

- ◆ Can you name two offences for which intoxication will be available as a defence?
  
- ◆ Can you name two offences for which intoxication will not be available as a defence?

### 2. INTOXICATION BY DRUGS

A person can become intoxicated by drugs as well as by alcohol (and both together!). The same rule applies, according to *Lipman/Kingston/Majewski/Hardie/Gallagher*:

### 3. BURDEN OF PROOF

✎ The burden of proof is on the \_\_\_\_\_ to provide some evidence of intoxication. The onus will then be on the prosecution to establish beyond reasonable doubt that the defendant still had the necessary *mens rea*.

### 4. EFFECT

◇ Giving examples, what are the two possible effects of intoxication?

### 5. SOPORIFIC EFFECT

Where a drug, which normally has a soporific (drowsy or sleepy) effect, leads to a defendant committing a crime, the usual rules will not apply according to *Lipman/Majewski/Hardie/Kingston/Gallagher*.

In the leading case on this area, the defendant took seven old valium tablets and set fire to a flat, not remembering anything.

◇ What did the Court of Appeal say that the trial judge should have done?

◇ What should the jury decide?

### 6. "DUTCH COURAGE" INTOXICATION

◇ What is this?

✂ The leading case is *Kingston/Lipman/Majewski/Hardie/Gallagher*.

◇ Why will it not be a defence?

## 7. INVOLUNTARY INTOXICATION

◇ Giving authority, will under-estimating the strength or amount of alcohol consumed or its effect amount to involuntary intoxication?

◇ What will be a genuine case of involuntary intoxication?

✂ The leading case is *Lipman/Majewski/Hardie/Gallagher/Kingston*

◇ What did the House of Lords rule in this case?

## 8. INTOXICATION AND SELF-DEFENCE

See Self-Defence worksheet.

## 9. INTOXICATION AND MISTAKE

See Mistake worksheet.