



Criminal liability when intoxicated – a clear way forward

Many crimes are committed when the offender is under the influence of alcohol or other drugs. The law relating to criminal liability when an alleged offender (“D”) is intoxicated is unclear and difficult to apply.

Currently, offences which require proof of a culpable state of mind are categorised as either “offences of specific intent” or “offences of basic intent”. D’s state of self-induced intoxication is relevant to the determination of his or her liability if the offence charged is one of specific intent; but if D is charged with an offence of basic intent it is not. Unfortunately, it is not always clear which culpable states of mind must always be proved, which means there may be uncertainty over the relevance of D’s self-induced intoxication. The labels themselves are confusing, moreover, as there is often no “intent” as such which needs to be proved.

In addition, although the current law is clear on the relevance of *involuntary* intoxication to criminal liability, what actually counts as involuntary intoxication is not so clear.

In *Intoxication and Criminal Liability*, published today, the Law Commission sets out recommendations for change, making the law more comprehensible, logical and consistent.

Professor Jeremy Horder, the Commissioner leading the project, said:

“The present rules governing the extent to which the offender’s intoxicated state may be relied on to avoid liability are inadequate. Our recommendations would remove the unsatisfactory distinction between basic intent and specific intent and provide a definitive list of states of mind to which self-induced intoxication is relevant.

We also clearly identify situations in which the offender’s intoxication would be regarded as involuntary rather than self-induced and establish a rule setting out the relevance of the offender’s intoxicated state under these circumstances.

Our recommendations would make the law much more efficient and easier to apply”.

The Commission’s report is presented to Parliament today and contains a draft Bill.

Notes for Editors

1. The Law Commission is a non-political independent body, set up by Parliament in 1965 to keep all the law of England and Wales under review, and to recommend reform where it is needed.
2. For further details on this project visit <http://www.lawcom.gov.uk/intoxication.htm>
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