



Bringing the law of homicide into the 21st century

The Law Commission today publishes its recommendations for the law of murder and homicide.

This is the first review of the law of murder and homicide for half a century.

Professor Jeremy Horder, the Commissioner who has been leading the project, said:

“The Law Commission has previously said that the law of murder is in a mess. The law can be unclear, unfair, or too generous to killers. Juries have too few choices between verdicts to reflect how blameworthy the offender really was. This frequently leads to judges having an inadequate basis on which to sentence offenders. Victims’ families also rightly object to the excessive breadth of the different kinds of manslaughter, as compared with the single offence of murder.

“The overwhelming majority of our consultees favoured restructuring the law so as to address these serious and persistent problems. We believe that our recommendations, and in particular our recommendation for clearly defined offences of first degree and second degree murder, will go a long way to putting right these injustices and inadequacies in the law.”

The Home Office will now take over the review of the law and will be consulting in 2007 on broader issues of public policy, such as sentencing.

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. The Law Commission’s consultation on murder was launched on 22 December 2005 and closed on 13 April 2006. More details are available at <http://www.lawcom.gov.uk/murder.htm>

3. For all press queries please contact:

Correna Callender, Communications Manager
or Dan Leighton

020 7453 1273
020 7453 1235

e-mail: communications@lawcommission.gsi.gov.uk

HOW THE HOMICIDE OFFENCES ARE STRUCTURED

Causing death...

(Current law)

MURDER

...with an intention to kill

...with an intention to do really serious harm

MANSLAUGHTER (voluntary)

...with the fault element for murder, but with a partial defence – either provocation, diminished responsibility or in pursuance of a suicide pact

MANSLAUGHTER (involuntary)

...with foresight of a risk of death or serious harm

...by gross negligence as to the risk of death

...by committing a criminal and dangerous act

OTHER SPECIFIC HOMICIDE OFFENCES

eg infanticide; causing death by dangerous driving

(Recommended structure)

FIRST DEGREE MURDER

...with an intention to kill

...with an intention to cause serious injury whilst being aware of a serious risk of causing death

SECOND DEGREE MURDER

...with an intention to do serious injury

...with an intention to cause some injury, or the fear of some injury or a risk of some injury whilst being aware of a serious risk of causing death

...with the fault element for first degree murder, but with a partial defence – either (reformulated) provocation, (reformulated) diminished responsibility or in pursuance of a suicide pact

MANSLAUGHTER

...by gross negligence as to the risk of death

...by a criminal act that the defendant intends to cause some injury or is aware involves a serious risk of causing some injury

OTHER SPECIFIC HOMICIDE OFFENCES

eg infanticide; causing death by dangerous driving