



# NEWS FROM THE LAW COMMISSION

2 July 2003

STRICT EMBARGO  
EMBARGOED UNTIL 0001HRS THURSDAY 3 JULY 2003

## **Partial Defences to Murder With Particular Reference to Cases of Domestic Violence**

**The Law Commission is to review the law**

### **The Present Position**

Under the present law in England and Wales

- ◆ **diminished responsibility and**
- ◆ **provocation**

are partial defences to murder, because they result in a conviction for manslaughter, rather than murder, if successfully pleaded.

### **A Review of the Present Position**

The Home Office has asked the Law Commission to review the operation of **diminished responsibility** and **provocation**. In our review we will be considering whether

- they should continue to be partial defences to murder;
- if so, whether they should remain separate or be combined;
- if separate, what reforms are needed;
- if combined, how the defence should be formulated.

In addition, we will be considering whether there should be a new partial defence to murder where a person

- ◆ **kills in circumstances in which the current defence of self-defence is not available because the force used was excessive.**

Our review will be considering the partial defences in the overall context of murder but with **particular** reference to murders committed in the context of domestic violence.

In our review we will **NOT** be considering either

- ◆ **killing as a result of a suicide pact or**
- ◆ **infanticide.**

We will review the law in England and Wales and compare the position in other common law jurisdictions. We will then issue a Consultation Paper. It will be published on our website by the end of October 2003. Hard copies will be available in November. The Consultation Paper will set out the range of options for reform. It will not set out any preferred choice.

There will then follow a period for consultation. The Commission will then formulate its recommendations for reform, taking account both of the responses which it receives and of the results of empirical research which is being undertaken. The Commission hopes to publish its final Report and recommendations in Spring 2004.

## Comments

The Commission is anxious that any individual or organisation should feel free to send in comments at the earliest opportunity. **Accordingly, the Commission invites the submission of views and evidence now.** Making a submission before the Consultation Paper would not of course prevent a further submission in response to the Consultation Paper. Comments can be sent by email or by post.



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