



BRINGING THE LAW OF MURDER INTO THE 21ST CENTURY

The Law Commission has published provisional proposals on the reform of the law on murder. The current law on murder is a mess, but today witnesses the first step in resolving many of the recognised problems. The Commission sees it as absolutely crucial that a wide range of views are received, and welcomes comments from anybody who is interested or would like to comment.

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

The law is not what the public thinks it is. It is confusing and unfair, and the judiciary have to adapt it to meet the needs of the 21st Century on a case-by-case basis. In undertaking this review we have not ruled anything out. We have recognised the need to re-structure the nature of murder offences, and our provisional proposals offer a ladder of offences, reflecting different degrees of culpability. I hope that people from all walks of life will take the time to read our proposals, and respond to the questions in the consultation paper.

The Law Commission is consulting on the structure of homicide offences, and the introduction of different degrees of culpability. We are provisionally proposing that there should be three tiers of homicide (see attached table):

- In the top tier would be cases where there is an intention to kill. This is the worst category and would retain the mandatory life sentence.
- In the second tier would be cases of killing through reckless indifference to causing death and intention to do serious harm but not to kill. This tier would also include revised versions of provocation, diminished responsibility and duress. The sentence would depend on the details of the case.
- In the third tier (manslaughter) would be cases of killing by gross negligence or intention to cause harm but not serious harm.

We very much hope that a broad range of people will take the time to read the consultation paper, and respond on our proposals.

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. Today's consultation follows a report in August 2004 on Partial Defences to Murder (LC290) which recommended that a full review on the law of murder take place. The present consultation builds on recommendations made in that earlier report.
3. The Law Commission has produced two versions of the consultation paper. A full consultation paper has been written with lawyers and specialists in mind. In addition, a shorter overview paper is available, which outlines the key points and asks crucial questions about the proposals.
4. The consultation period will close on 13 April 2006. Final recommendations will be published in August 2006, and these will feed into a wider Government consultation on the public policy issues.
5. Electronic copies of the Overview and full Consultation Paper are available from: <http://www.lawcom.gov.uk/murder.htm>
6. The attached table illustrates the difference between the law as it stands and the Law Commission's proposed structure.
7. The Law Commission has worked with an advisory group throughout the pre-consultation process who have been invaluable in consolidating our views. A list of individuals and organisations who have fed in thoughts on the murder review is available from Appendix I of the full Consultation Paper.
8. For all press queries please contact:
Jessica Litten tel: 020 7453 1273
Communications Manager

Dan Leighton tel: 020 7453 1273
Editor

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

HOW THE HOMICIDE OFFENCES ARE STRUCTURED

Causing death...

| Current law | Proposed structure |
|---|---|
| <p>MURDER ...with an intention to kill</p> <p>...with an intention to do serious harm</p> | <p>FIRST TIER MURDER ...with an intention to kill</p> |
| <p>MANSLAUGHTER (voluntary) ...with an intention to kill, but with provocation</p> <p>...with an intention to kill, but with diminished responsibility</p> <p>...with an intention to kill, in pursuance of a suicide pact</p> <p>...with an intention to do serious harm, but with provocation</p> <p>...with an intention to do serious harm, but with diminished responsibility</p> <p>(involuntary) ...with foresight of an unjustifiable risk of death or serious harm, where the risk is in fact unjustifiable (but <i>may</i> in fact be greater than that perceived) (reckless manslaughter)</p> <p>...by gross negligence as to the risk of death</p> <p>...by committing a criminal and dangerous act</p> | <p>SECOND TIER MURDER ...with an intention to do serious harm</p> <p>...with an intention to kill, but with (reformulated) provocation</p> <p>...with an intention to kill, but with (reformulated) diminished responsibility (incorporating what was previously killing in pursuance of a suicide pact)</p> <p>...with an intention to kill, but under duress</p> <p>...with reckless indifference as to causing death</p> |
| <p>OTHER SPECIFIC HOMICIDE OFFENCES eg infanticide; causing death by dangerous driving</p> | <p>MANSLAUGHTER</p> <p>...by gross negligence as to the risk of death</p> <p>...by committing a criminal act, intending to cause harm, or being reckless as to causing harm</p> <p>OTHER SPECIFIC HOMICIDE OFFENCES eg infanticide; causing death by dangerous driving</p> |