

Chapter 6 Summary: Manslaughter

Moving from the discussion of murder in Chapter 5, Chapter 6 explores the other homicide offences. Our particular focus is manslaughter, both voluntary manslaughter and involuntary manslaughter.

Voluntary manslaughter (Chapter 6.2)

Voluntary manslaughter arises where D commits murder (completes *both* actus reus and mens rea elements) but is able to rely on a partial defence. The partial defences are:

- Loss of self-control: D kills having lost control owing to a fear of serious violence or because of her justifiable sense of being seriously wronged (Coroners and Justice Act 2009, s54);
- Diminished responsibility: D kills whilst suffering from a recognised mental illness that impacted her ability to reason or maintain self-control at the time of the killing (Homicide Act 1957, s2);
- Suicide pact: D kills V in pursuance of an agreement that they will both die together (Homicide Act 1957, s4).

Involuntary manslaughter (Chapter 6.3)

Involuntary manslaughter arises where a defendant completes the actus reus of murder (common among homicide offences), but does not commit murder because she lacks the required mens rea. D commits manslaughter in such a case if her mens rea does come within an involuntary manslaughter offence of:

- Unlawful act manslaughter: D commits a criminal act in dangerous circumstances, and this causes the death of V (key case: *AG Ref No 3 of 1994*);
- Gross negligence manslaughter: D causes V's death through criminal negligence (key case: *Adomako*);
- Reckless manslaughter: D causes V's death, being reckless as to causing death or GBH.

Statutory offences of unlawful killing (Chapter 6.4)

The offences discussed here include corporate killing, driving causing death, infanticide, and the killing of a foetus.

Reform (Chapter 6.5)

A lot has been written on the potential reform of homicide. Major debates include:

- The definition of the partial defences;
- The definition of manslaughter offences;
- The structure and coherence of all homicide offences.

Eye on assessment (Chapter 6.6)

The final part of the chapter provides a roadmap on how to apply homicide offences within a problem question, with particular focus on how to identify the relevant legal rules to apply.